



**Request for Proposal
Records Management and Storage**

September 1, 2017

Table of Contents

	<u>Page</u>
I. DESCRIPTION OF SERVICES.....	1
II. SITE VISIT.....	1
III. RULES AND INSTRUCTIONS	1
IV. INSURANCE REQUIREMENTS.....	3
V. CONTENTS OF PROPOSAL	4
A. General Information.....	4
B. Expertise	5
C. Quality Assurance.....	5
D. Reputation and Integrity	6
E. Potential Conflicts Of Interest.....	7
F. Fees	7
G. EEO/Diversity/MWBE Status.....	7
VI. EVALUATION AND AWARD.....	8
VII. ADDITIONAL TERMS AND INFORMATION	8

The New York Liquidation Bureau (“NYLB”) performs the duties of the Superintendent of Financial Services of the State of New York (“Superintendent”) in her capacity as court-appointed receiver under New York Insurance Law Article 74 and as administrator of the Property/Casualty Insurance Security, Public Motor Vehicle Liability Funds and Workers’ Compensation Fund under Article 76 of the Insurance Law and Article 6-A of the New York Workers’ Compensation Law, respectively.

The NYLB invites all qualified companies (“Proponents”) to draft and submit, at the Proponent’s expense, a proposal (“Proposal”) in accordance with the requirements outlined in this request for proposal (“RFP”). The selected Proponent, if any, (“Awardee”) will be performing services solely on behalf of the Superintendent as receiver (the “Receiver”) of impaired or insolvent insurance companies, not in her capacity as Regulator.

I. DESCRIPTION OF SERVICES

The NYLB is seeking a records management and storage company to: (i) index, remove, and relocate to a storage facility documents contained in approximately 45,491 standard size boxes and 8,328 legal size boxes that are currently stored at its warehouse (“Warehouse”) in Brooklyn, New York; and (ii) provide inventory, retrieval, refiling and related records management services for such documents. Packing of some of the boxes may be required.

Prospective Proponents who are qualified companies engaged in the business of records management and storage will receive access to all information necessary to formulate a Proposal.

II. SITE VISIT

Interested parties may visit the Warehouse on either September 7, 2017 at 10:00 a.m. or September 8, 2017 at 10:00 a.m. The site visit will include a brief tour of the Warehouse where records are currently stored and a brief description of the expected records to be relocated and inventoried. Request for a site visit should be made by sending an e-mail to jpalumbo@nylb.org no later than September 6, 2017 at 2:00 p.m. Additional details will be provided to parties making an advance reservation. The NYLB reserves the right to limit the total number of attendees at any site visit.

III. RULES AND INSTRUCTIONS

Please carefully review the instructions set forth herein. In order to facilitate a fair evaluation of all Proposals, the NYLB requires that all Proposals maintain a uniform format. Accordingly, all Proposals must strictly adhere to the requirements outlined in this RFP. The NYLB may, in its sole discretion, modify, rescind or provide an addendum to this RFP, may require that Proponents revise their Proposals or supply additional information in response to questions, and/or may invite any Proponent to appear for an interview.

The Proponent must possess, in its own name, all of the necessary licenses, certifications, permits, approvals, and authorizations necessary to perform the services for which the Proponent is contracting and to conduct business in the State of New York, and each of the foregoing shall be in good standing and not subject to any regulatory proceedings which could result in its revocation, suspension, or limitation.

This RFP shall not be construed (1) to create an obligation on the part of the NYLB to enter into a contract with any Proponent submitting a response to this RFP or (2) to serve as the basis of a claim for reimbursement for expenditures related to the development of a Proposal. No binding contractual or other obligation shall be created between the NYLB and any Proponent responding to this RFP unless expressly set forth in a definitive written agreement for records management and storage for which the NYLB and such Proponent desire to contract and such written agreement has been duly executed by an authorized representative of each of the NYLB and such Proponent.

All compliant Proposals will be reviewed by an evaluation committee that will, under the supervision of the NYLB's Compliance Officer, consider Proponents based exclusively on the Proposals submitted and any subsequent interviews with Proponents and/or additional information submitted by Proponents at the request of the NYLB.

Proposals must supply all items of information requested in Section IV below in the exact format set forth below. Material deviations from the required format may result in disqualification of the Proposal. If any item in Section IV does not apply to Proponent, Proponent must specifically indicate that the item is not applicable. Proponents may not satisfy an item of requested information by submitting or referring to a brochure, promotional or descriptive literature, or any other document, unless the request expressly permits such submission or reference.

The cover of each Proposal shall include the name of the Proponent and the subject, matter as follows: RFP for Records Management and Storage. Each Proponent shall submit one original and three copies of its Proposal. Each Proposal must be signed and dated in the name of Proponent and must bear the signature of the person authorized to sign proposals on behalf of Proponent. By submitting a signed Proposal, Proponent certifies that (1) the information in the Proposal is materially complete, truthful and accurate; (2) Proponent has thoroughly reviewed the scope of work sought through this RFP; and (3) Proponent possesses adequate staffing, administrative capacity, and resources (including financial, operational, and information and technology systems) to perform quality and cost-effective work to achieve the scope of work.

Proposals must be sent by mail or e-mail to:

New York Liquidation Bureau
110 William Street
New York, New York 10038
Attn: Richard Rubinstein, Deputy General Counsel
RRubinstein@nylb.org

RFP for Records Management and Storage

Proposals must be received no later than 5:00 p.m., EST, on September 18, 2017, unless such deadline is extended in writing by and at the sole discretion of, the NYLB. Late Proposals will be disqualified from consideration.

Proponents may submit written questions no later than 5:00 p.m., EST, on September 11, 2017, to Joseph Palumbo at jpalumbo@nylb.org with a copy to Richard Rubinstein at rrubinstein@nylb.org. All questions must be received by the date and time stated above. Responses from the NYLB will be communicated by e-mail. Inquiries received after the date and time stated above may be deemed untimely and not answered.

During the process of evaluating Proposals, the NYLB's evaluation committee may request an interview with a Proponent in-person or by telephone or may request written answers to questions. The evaluation committee may request that a Proponent make a presentation of its Proposal to the committee.

Except as provided in this RFP and as otherwise necessary for conducting business operations previously established with the NYLB, Proponents may not communicate with NYLB personnel who are involved in the review, evaluation or selection of Proponents. The NYLB will disqualify Proponents who engage in prohibited communications of a material nature, as determined by the NYLB.

IV. INSURANCE REQUIREMENTS

Proponent must demonstrate that, if selected, it will satisfy insurance requirements as follows:

Proponent will maintain Commercial General Liability insurance with a minimum limit of \$1,000,000 per occurrence and \$2,000,000 annual aggregate, to include coverage: Such liability shall be written on the current edition of ISO occurrence form CG 00 01, or a substitute form providing equivalent coverage and shall cover liability arising from premises operations, independent contractors, products-completed operations, broad form property damage, personal & advertising injury, cross liability coverage, liability assumed in a contract (including the tort liability of another assumed in a contract). Proponent will also maintain Commercial Umbrella liability coverage with limits not less than \$5,000,000.

Proponent will maintain Business Automobile Liability Insurance with a minimum limit of \$1,000,000: Such insurance shall cover liability arising out of any automobile used in connection with performance under the Contract, including owned, leased, hired and non-owned automobiles bearing or, under the circumstances under which they are being used, required by the Motor Vehicles Laws of the State of New York to bear, license plates.

Additional Named Insureds Requirement and Definition: Proponent's commercial general liability and commercial automobile insurance policies shall name the following as Additional Named Insureds:

“New York Liquidation Bureau, its officers, representatives, agents, employees, and interns, the Superintendent of Financial Services, and her predecessors in office, as Receiver of all insurance companies under her statutory supervision pursuant to New York Insurance Law Article 74.”

Proponent will maintain professional liability/errors and omissions insurance with a minimum limit of \$5,000,000 per occurrence and \$5,000,000 annual aggregate, to include coverage for all errors and omissions which result in financial loss to the vendor, or the NYLB. If written on a “claims-made” basis, the retroactive date must pre-date the inception of the contract or agreement. Coverage shall remain in effect during the term of the contract or agreement and for three years following the expiration.

Proponent will maintain and will require its subcontractor(s), if any, to maintain crime insurance with a minimum limit of liability of \$1,500,000, and Proponent shall include the NYLB as a loss payee.

Proponent will maintain at least the minimum Workers' Compensation Insurance required by New York law for all employees of Proponent and the employees of any subcontractor that directly or indirectly provides services to the NYLB under the contract.

The policies of insurance required to be maintained by Proponent shall be issued by insurance companies which are admitted or licensed insurers in the State of New York and have an A. M. Best rating of not less than "A-", and are in a size category which is not lower than "VIII."

It is the sole obligation of Proponent to insure any tools and equipment belonging to Proponent, its subcontractors, or agents for loss during the performance of any services required under the contract.

For all liability policies and the workers' compensation insurance required herein, Proponent shall cause to be included in its policies insuring against loss, damage or destruction by fire or other insured casualty a waiver of the insurer's right of subrogation against the New York Liquidation Bureau, and the Superintendent of Financial Services and their officers, agents, and employees. A Waiver of Subrogation Endorsement shall be provided upon request. A blanket Waiver of Subrogation Endorsement evidencing such coverage is also acceptable.

V. CONTENTS OF PROPOSAL

Proposals shall set forth the following information:

A. General Information

1. Name of Proponent.
2. Primary Office Address (include County).

3. Other Office Addresses (include Counties).
4. General Telephone and Fax Numbers.
5. Contact Person (include specific contact information).
6. Alternate Contact Person (include specific contact information).
7. List Proponent's tax identification number and Certificate of Authority to do business in the State of New York.
8. List all relevant licenses held by Proponent in New York.
9. A general overview and history of Proponent including, without limitation, the number of years in business, total number of employees, business locations, business focus and brief description of Proponent's organization, including ownership and any operating divisions or working groups.
10. Provide a list of any government or quasi-governmental agencies for which Proponent has provided this type of services within the past five years.
11. Provide a list of all other vendors with whom Proponent has a working or contractual relationship to assist in providing the services specified. Describe how Proponent manages vendors and charges for their services.

B. Expertise

Proponent shall provide a detailed statement of Proponent's qualifications and experience in performing the services, including a summary of recent, comparable projects, along with project dates. Proponent must demonstrate that it has sufficient experience to provide the services.

Proponent shall also provide resumes of all supervisory personnel for approval prior to being assigned to work on this project. Each resume should set forth the staff member's number of years of experience, the position the staff member currently occupies, the length of time the staff member has been employed by Proponent and a detailed description of the staff member's involvement with projects of similar scope.

Proponent shall identify roles and responsibilities for others expected to be actively involved in the NYLB account. Describe online access capabilities available to staff.

C. Quality Assurance

1. Confirm that Proponent will establish and maintain a quality control plan to assure the requirements of the contract are met by Proponent and its subcontractors, if any.
2. Confirm that Proponent will assure that its staff are qualified, properly trained, appropriately instructed and monitored to perform the services required under the contract.
3. Confirm that Proponent will develop a system for monitoring compliance with all services. Please outline the methods of identifying, correcting, and

preventing deficiencies in the quality of service performed before the level of performance becomes unacceptable and disruptive.

D. Reputation and Integrity

1. State Proponent's number of years in business.
2. State all names used by Proponent within the past 10 years.
3. Certify that Proponent and all of the staff who will potentially work on the assignments are in good standing in all jurisdictions in which they have been licensed or certified.
4. Set forth a brief statement regarding the integrity and reputation of Proponent and its employees, including whether in the last ten years Proponent or any of its partners or senior officers have been the subject of any criminal conviction or any final non-appealable civil judgments for financial misconduct, fraud or other malfeasance (including actions or proceedings by governmental authorities).
5. For every judgment entered against Proponent and/or any of its staff as a result of a claim against Proponent and/or any of its staff for professional malpractice, negligence, financial misconduct, fraud or other malfeasance, Proponent shall set forth the date, all monetary relief granted, all injunctive relief granted, and the amount of the monetary judgment that currently remains unsatisfied, if any.
6. Set forth the number of settlements within the last 10 years resulting in a payment of greater than \$25,000 in connection with any claims for professional malpractice, negligence, financial misconduct, fraud or other malfeasance brought against Proponent or any of its staff.
7. If any of Proponent's staff has been convicted of any felony, set forth the relevant facts relating thereto.
8. Provide a brief statement regarding whether Proponent has ever been disciplined, fined or sanctioned by any governmental or regulatory authority, licensing body, trade group or association, or disciplinary or ethics panel(s). Provide a detailed description of the underlying complaint and a summary of the finding.
9. Submit at least three (3) separate references from entities other than the NYLB. For each reference include the following:
 - a. Name of company/agency for which work was performed and a brief description of its business;
 - b. Name, address, phone number, email and fax number of the primary contact person for the company/agency;
 - c. Description of work performed and/or services provided, including description of (i) all deliverables (reports, presentations, etc.) and (ii) all timeframes and deadlines of work performed and/or services provided, noting whether or not these timelines and deadlines were met;
 - d. Period of engagement; the beginning and ending dates of the work performed; and
 - e. Result(s)/outcome(s) for the client.

E. Potential Conflicts Of Interest

1. Provide a list of all known employees of Proponent, or any parents, subsidiaries or affiliates of Proponent, who are related by blood or marriage to any NYLB employee and/or who are living in the same household as any NYLB employee.
2. Provide a list of all known employees of Proponent or any parents, subsidiaries or affiliates of Proponent, who were previously employed by the NYLB.
3. Provide a list of all known NYLB employees previously employed by Proponent or any parents, subsidiaries or affiliates of Proponent.
4. Indicate whether Proponent or any of its parents, subsidiaries or affiliates has been involved in litigation against the Superintendent, the NYLB and/or its estates within the last 10 years as a party, witness or otherwise.
5. List the names of all persons or entities, if any, asserting claims against the NYLB and/or its estates for which Proponent is currently performing work.
6. Provide a brief statement regarding whether Proponent has previously provided services to the NYLB, including whether Proponent has any financial interest in any organization that has contracted to provide services to the NYLB.

F. Fees

Set forth a statement of fees and expenses for the services to be provided, including but not limited to an itemized fee proposal for moving the records from the Warehouse to Proponent's storage facility, as well as for storage, retrieval, refile, permanent withdrawal and permanent destruction of records. Proponents may, at their discretion, discuss alternate pricing models they wish to propose.

G. EEO/Diversity/MWBE Status

1. Proponent shall set forth facts sufficient to demonstrate that Proponent is an equal opportunity employer and complies with all relevant federal, state and municipal equal employment opportunity and non-discrimination laws, regulations and executive orders. Proponent may attach hard copies of any equal employment opportunity policy statements or other relevant official firm documents.
2. Proponent shall indicate if it is certified as a Minority or Women-owned Business Enterprise ("MWBE") with the New York State Department of Economic Development, and if so, shall provide a copy of its certification. If not, Proponent shall list any other jurisdictions and/or certifying bodies that have deemed Proponent to be minority or women owned, and shall provide a copy of any such certification.
3. If Proponent has applied for, but has not, as of the date of this RFP, been awarded certification as an MWBE by the New York State Department of Economic Development, please submit proof of a pending application, and indicate the filing date thereof.
4. Proponent shall provide any additional information that may demonstrate its commitment to equal employment opportunity and diversity in the workplace.

VI. EVALUATION AND AWARD

This RFP does not commit the NYLB to select an Awardee or enter into a contract with any Proponent. The NYLB reserves the right to: (a) rescind or revoke this RFP prior to execution of a contract with the Awardee; and (b) utilize any ideas from the Proposals. The NYLB may: (a) reject a Proposal for any reason, including if it is non-responsive or non-compliant with the requirements set forth in this RFP; or (b) waive minor discrepancies in any Proposal. All materials submitted in response to this RFP become the property of the NYLB and will not be returned.

In selecting Awardees, the NYLB'S evaluation committee will consider, among other factors it deems appropriate, whether the Proponent: (1) has appropriate expertise in the particular services sought under this RFP; (2) has demonstrated that it will commit appropriate staffing and resources to perform the services; and (3) is in good standing in the State of New York and conducts its business in an ethical manner. The evaluation committee's selection of an Awardee is subject to the approval of the Special Deputy Superintendent and the negotiation and execution of a contract acceptable to both parties.

The NYLB is not bound to accept the lowest-priced Proposal. Additionally, the NYLB may decide to proceed with only a portion of the services described in this RFP and therefore select an Awardee for only a portion of the services described in this RFP.

Written notification will be made to successful and unsuccessful Proponents.

VII. ADDITIONAL TERMS AND INFORMATION

The NYLB may revoke the selection of an Awardee for: (1) any misrepresentations in the Awardee's Proposal or (2) Awardee's failure to comply with any of the requirements of this RFP. If the Receiver and Awardee have already executed a contract, the Receiver may cancel the contract according to its terms.

The information contained herein shall be used for the sole purpose of responding to this RFP. The NYLB will not, and is under no obligation to, pay the costs, in whole or in part, incurred by Proponent during the preparation of Proposals. The NYLB disclaims responsibility and liability for any costs related to Proponent's participation in this RFP.