

REQUEST FOR STATEMENT OF INTEREST

October 22, 2008 (Revised January 9, 2009)

I. INTRODUCTION/BACKGROUND:

The New York Liquidation Bureau (“Bureau”) carries out the responsibilities of the Superintendent of Insurance in his capacity as liquidator, rehabilitator, conservator or ancillary receiver of all entities under his receivership pursuant to Articles 74, 75, 76 and 77 of the New York Insurance Law and Article 6A of the Workers’ Compensation Law (“Receiver”). The Bureau acts on the Receiver’s behalf in discharging his duties to protect policyholders and creditors of insurance companies that have been placed into his receivership (“Estates”). The Bureau’s objective is to return rehabilitated companies to the marketplace or to distribute the assets of liquidating companies to creditors by maximizing their assets and resolving their liabilities. A current list of Estates under the Receiver’s receivership may be found at <http://www.nylb.org/Estates.htm>.

The Bureau also is responsible for the administration of claims which meet the criteria for coverage under the Property/Casualty Insurance Security Fund, Public Motor Vehicle Liability Security Fund and Workers’ Compensation Security Fund.

The Bureau’s Legal Division includes three sections: (1) Third Party Litigation; (2) Bureau and Estates Litigation; and (3) General Legal Services. The Third Party Litigation Section represents defendants in actions for liabilities covered by policies of insurance companies now under the receivership of the Receiver, including actions for negligence, professional malpractice and property damage. The Bureau and Estates Litigation Section represents the interests of the Bureau and/or its estates in materially contested matters such as actions brought by or against the Bureau regarding insurance coverage and complex commercial matters. The General Legal Services Section represents the Bureau and/or its estates in all other matters, including negotiating contracts, drafting court reports and plans, resolving coverage issues, advancing legislation and handling special projects.

The Bureau retains the services of outside vendors to assist with the foregoing matters.

II. VENDOR MATTERS AND REQUIREMENTS:

The Bureau is revising its Legal Vendor Panels (“Panels”) and is seeking experienced firms and individuals (collectively, “Vendors”) to provide legal support services (“Services”) in the fields of specialty listed below (“Fields of Specialty”):

A. Court Reporters. The Bureau is looking for experienced, responsible, proficient and responsive Vendors to take and transcribe the testimony (live or previously recorded) of parties and witnesses. The Vendors must have experience with personal injury claims (including automobile, premises and medical malpractice/professional liability claims); property damage claims; workers’ compensation claims; insurance coverage matters; no-fault claims; labor/employment claims; fidelity and surety bond issues; and complex commercial matters. The Vendors must be able to attest to the veracity of the contents of any document prepared for the Bureau and, if necessary, testify at trial or hearings.

B. Interpreters. The Bureau is seeking Vendors that are licensed and/or certified as court-approved interpreters to translate documents, medical records, court and

deposition testimony, etc. These Vendors must have experience with the types of claims and issues listed above in Section II. A.

- C. Calendar Service.** The Bureau requires the assistance of Vendors possessing the capacity and knowledge to timely file legal documents with the appropriate court and to track and advise the Bureau as to upcoming court dates, including motions, conferences, trials and any other matter requiring the preparation and/or submission of documents or the appearance of counsel.
- D. Appellate Printers.** The Bureau is in search of Vendors with the knowledge of all appellate court rules, the expertise and capacity to timely reproduce, bind and file all necessary appellate papers and the ability to timely inform the Bureau of all relevant dates and deadlines.
- E. Copy Services.** The Bureau requires the assistance of Vendors to augment the Bureau's own resources for copy services in a professional, confidential and timely manner. These Vendors must be able to provide, among other things, an assortment of professional binding options and produce high quality color copies.
- F. Messengers/Delivery Services.** The Bureau is seeking licensed and bonded Vendors proficient at timely delivering letters, parcels, packages, etc. in a quick, responsive, confidential and timely manner.
- G. Process Servers.** The Bureau is in search of licensed Vendors proficient at timely serving all manner of process within the appropriate jurisdiction, executing the necessary affidavits and other documents to substantiate the service in the appropriate format for filing with the respective court, and testifying as to the time and manner of service, if necessary.
- H. Advertising Agencies.** The Bureau is looking for Vendors with the knowledge, capacity and connections in the media industry to lay out, print and publish legal notices, etc. in accordance with the Bureau's and court's directives and applicable laws.
- I. Commercial and Complex Litigation Investigators.** The Bureau is seeking Vendors that specialize in preparing and serving subpoenas; retrieving public records and pursuing FOIL requests; locating, interviewing and evaluating lay and expert witnesses; and conducting trial preparation services for commercial and complex litigation. The Vendors must be able to attest and, if necessary, testify at trial or hearings in connection with the veracity of the contents of any report prepared for the Bureau as well as the facts regarding the location, identification and procurement of documents.
- J. Commercial and Complex Litigation Support.** The Bureau requires the assistance of Vendors that specialize in providing litigation support for commercial and/or complex matters, including document and data management, software and internet support, and imaging and printing services.

III. RULES AND INSTRUCTIONS:

The Bureau invites all qualified Vendors to submit a statement of interest (“Statements of Interest”). In order to facilitate a fair evaluation of all Statements of Interest, the Bureau requires that all Statements of Interest maintain a uniform format. Accordingly, all Statements of Interest must strictly adhere to the requirements outlined in this Request for Statements of Interest (“RSI”). The Bureau may, in its sole discretion, modify, rescind or provide an addendum to this RSI, require potential Vendors submitting Statements of Interest (“Applicants”) to revise their Statements of Interest or supply additional information in response, and/or invite any Applicants to appear for an interview.

All compliant Statements of Interest will be reviewed by a committee that will, under the supervision of the Bureau’s Chief Compliance Officer, consider Applicants based exclusively on the Statements of Interest submitted and any subsequent interviews with Applicants and/or additional information submitted by Applicants at the request of the Bureau.

Statements of Interest must specifically supply all items of information requested in Section IV below in the exact format set forth in Section IV. Material deviations from the required format will likely result in disqualification of the Statements of Interest. If any item in Section IV does not apply to Applicants, Applicants must specifically indicate that the item is not applicable. Applicants 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.

Statements of Interest must be formatted in 12-point or larger font. All Applicants shall submit one original and four copies of its Statements of Interest. All Statements of Interest must be signed and dated by the Applicants. In submitting signed Statements of Interest, Applicants certify that the information in the Statements of Interest is materially complete, truthful and accurate.

Applicants shall be bound by the information contained in its Statements of Interest. Statements of Interest may be withdrawn from consideration at any time by written submission to Chief Compliance Officer John Pearson Kelly at the address listed below.

Statements of Interest must be sent via overnight courier or hand delivery to:

New York Liquidation Bureau
123 William Street
New York, New York 10038-3889
Attn: John Pearson Kelly
Chief Compliance Officer
RSI: Legal Vendors

Statements of Interest will now be accepted until further notice and will be evaluated in the order in which they are received.

Applicants may submit written questions at any time via e-mail to John Pearson Kelly, Chief Compliance Office, at jpkelly@nylb.org.

Statements of Interest will remain under seal and will be opened at a closed meeting under the supervision of the Chief Compliance Officer.

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

IV. STATEMENTS OF INTEREST:

The Statements of Interest shall set forth the following information:

A. Field(s) of Specialty for which RSI is submitted.

List the Field(s) of Specialty for which the Applicant is submitting Statement(s) of Interest.

B. Applicant's General Information.

1. Set forth Applicant's name.
2. Set forth address of the Applicant's corporate headquarters and offices, location of office or offices that will provide Services to the Bureau.
3. List a primary and alternate contact person, including such person's specific contact information.
4. List Applicant's general telephone and fax number.
5. Set forth Applicant's tax identification number and certificate of authority to business in the State of New York.
6. List the names of Applicant's parent companies, subsidiaries or affiliates.
7. List all relevant licenses held by Applicant in New York or any other state Applicant is willing to provide Services.
8. Set forth a general overview of the history of the Applicant, including without limitation the number of years in business, total number of employees and brief description of Applicant's organization, including any operating divisions or working groups. Include the address of the Applicant's website, if applicable.
9. For each Field of Specialty chosen, list all additional Services Applicant is willing to provide.
10. For each Field of Specialty chosen, list all counties within New York State where the Applicant is willing to offer Services to the Bureau.

11. Set forth a description of any material changes in Applicant's senior management within the last three years.

C. Reputation and Integrity.

1. Set forth a brief statement regarding the integrity and reputation of Applicant and its employees, including whether in the last ten years Applicant or any of its partners or senior officers has been the subject of any criminal conviction or any final, non-appealable civil judgment for malfeasance (including actions or proceedings by governmental authorities).
2. For every judgment entered against Applicant as a result of a claim of professional malpractice, negligence or other malfeasance, set forth the date, any monetary relief granted, any injunctive relief granted and the amount of the monetary judgment that remains unsatisfied.
3. Set forth a brief statement regarding whether Applicant has been the subject of any investigation by any governmental or regulatory authority, licensing body or trade group or association, including the Better Business Bureau, within the last ten years.
4. Set forth a brief statement regarding whether Applicant 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 findings.

D. Expertise.

For each Field of Specialty chosen:

1. Set forth a statement of Applicant's qualifications and experience in performing the Services required for the Field of Specialty.
2. List all law firms, insurance companies and governmental or quasi-governmental agencies to which Applicant has provided Services within the Field of Specialty within the past five years.
3. Attach resumes of all professional personnel who will be providing substantial Services to the Bureau within the Field of Specialty.

E. Potential Conflicts of Interest.

1. List all known employees of Applicant or any parents, subsidiaries or affiliates of Applicant who are related by blood or marriage to any Bureau employees and/or who are living in the same household as any Bureau employee.
2. List all known employees of Applicant or any parents, subsidiaries or affiliates of Applicant who were previously employed by the Bureau.

3. List all known Bureau employees previously employed by Applicant or any parents, subsidiaries or affiliates of Applicant.
4. Set forth whether Applicant or any parents, subsidiaries or affiliates of Applicant has been involved in litigation against the Receiver, the Bureau 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 Bureau and/or its Estates for whom Applicant is currently performing work.
6. Set forth a brief statement regarding whether Applicant has previously provided Services to the Bureau, including whether Applicant has any financial interest in any organization that has contracted to provide Services to the Bureau.

F. Proposed Fee Schedule.

1. Set forth your fee schedule and prices with as much detail as possible for each individual service provided (*e.g.*, surveillance, process serving, transcripts, etc.).
2. If your prices are job specific (*e.g.*, placing advertisements in different papers results in different costs), set forth examples.

G. Miscellaneous.

1. List three client references for which Applicant provided Services within each chosen Field of Specialty in the last three years.
2. Set forth a brief statement demonstrating that Applicant 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. Applicant may attach hard copies of any equal employment opportunity policy statements or other relevant official firm documents.
3. Set forth any additional pertinent information not already provided in the Statements of Interest.

IV. EVALUATION AND AWARD:

This RSI does not commit the Bureau to select any Applicant (“Awardee”) or enter into a contract with any Applicant. The Bureau reserves the right to: (a) rescind or revoke this RSI prior to execution of a contract with the Awardee; and (b) utilize any ideas from the Statements of Interest. The Bureau may in its sole discretion: (a) reject Statements of Interest if it is non-responsive or non-compliant with the requirements set forth in this RSI; or (b) waive minor discrepancies in any Statement of Interest. All materials submitted in response to this RSI become the property of the Bureau and will not be returned.

In selecting Experts, the Bureau will consider, among other factors it deems appropriate, whether the Applicant: (1) has the appropriate expertise to provide the particular Services sought under

this RSI; (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 Bureau is not bound to accept the lowest-priced Statement of Interest. Additionally, the Bureau may decide to proceed with only a portion of the Services described in this RSI and therefore select an Awardee for only a portion of the Services described in this RSI.

VII. ADDITIONAL TERMS AND INFORMATION:

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

The Bureau is unable to pay Vendors in advance of work being performed.