

## **REQUEST FOR STATEMENT OF INTEREST**

**February 8, 2010**

**Reissued: May 10, 2010**

### **I. INTRODUCTION/BACKGROUND:**

The New York Liquidation Bureau (the "Bureau") is a unique entity. Receiving no funding from taxpayers, the 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 (the "Receiver"). The Bureau acts on his behalf in the discharging of his statutorily defined duties to protect the interests of policyholders and creditors of insurance companies that have been placed into receivership ("Estates"). The Bureau's ultimate objective is to maximize the assets and resolve the liabilities of such companies in an effort to return rehabilitated companies to the marketplace or to distribute the assets of liquidating companies to their creditors. A current list of Estates may be found at <http://www.nylb.org/Estates.htm>.

The Bureau also is responsible for the administration and adjudication 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 (collectively, the "New York Security Funds"). The Bureau retains the services of outside attorneys, law firms and litigation support professionals in the adjudication of these matters.

The Bureau encourages participation by qualified, certified minority and women owned business enterprises ("MWBE's") and vendors with a demonstrated commitment to diversity in the workplace. The selected vendor will be performing services solely on behalf of the Superintendent of Insurance in his capacity as Receiver, not in his capacity regulator of the New York State insurance industry.

### **II. CREATION OF MEDICARE SET-ASIDE VENDOR PANEL:**

The Bureau is developing a Medicare Set-Aside vendor panel (the "Panel"). The Bureau is interested in retaining experienced vendors to:

- A. Evaluate files referred by the Bureau for which a Medicare Set-Aside trust account ("MSA") has been determined to be necessary;
- B. Calculate an appropriate funding amount for such MSA and obtain approval of the Center for Medicare and Medicaid Services ("CMS") where required;
- C. Assist in the creation of such account, arrange for the funding of same from the proceeds of the settlement, and prepare documentation relating to same where necessary;

D. Provide copies of all relevant documentation to the Bureau for its file, in electronic or hard copy format, as directed by the Bureau.

### **III. INSTRUCTIONS:**

The Bureau invites all qualified vendors to submit a statement of interest (“Statement 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 adhere to the requirements outlined in this Request for Statement of Interest (the “RSI”). The Bureau may, in its sole discretion, modify, rescind or provide an addendum to this RSI, require vendors submitting Statements of Interest to revise their Statements of Interest or supply additional information in response, and/or invite any vendor to appear for an interview

Statements of Interest must be formatted in 12-point or larger font. The Bureau prefers that Statements of Interest be submitted electronically in PDF format with a valid electronic signature. All vendors submitting paper copies of their Statement of Interest must submit one original and four copies of the Statements of Interest. All Statements of Interest must be signed and dated by an officer of the vendor. In submitting signed Statements of Interest, vendors certify that the information in the Statements of Interest is materially complete, truthful and accurate.

Except as provided in this RSI and as otherwise necessary for the conduct of a business relationship previously established with the Bureau, vendors submitting Statements of Interest, including their attorneys, may not communicate with Bureau personnel who are involved in the review, evaluation or selection of vendors. Vendors (including their attorneys) may not directly or through an intermediary attempt to influence the process of evaluating and selecting vendors for the Panel except through the submission of Statements of Interest and any subsequent interview. The Bureau will disqualify vendors who engage in prohibited communications of a material nature, as determined by the Bureau.

The Statement of Interest shall address and, at a minimum, provide the following:

#### **A. Vendor’s General Information -**

1. Set forth the vendor’s name.
2. Set forth the address of the vendor’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 the vendor’s general telephone and fax numbers.

5. Set forth the vendor's tax identification number and certificate of authority to do business in the State of New York.

6. List the names of the vendor's parent companies, subsidiaries or affiliates.

**B. Vendor's Background Information -**

1. A general overview of the history of the vendor, the number of years in business, the prior names used by the vendor within the past 10 years, the prior addresses of the vendor within the past 10 years, etc. (please include the address of the vendor's website, if applicable);

2. Vendor's company structure and size (including the names of all owners and the total number of all staff);

3. To the extent available, provide the number of cases in which vendor has provided such services for plaintiff and defense firms within the past 5 years.

4. Provide a list of all governmental or quasi-governmental agencies vendor has provided this type of services to within the past 5 years.

5. Provide a list of all other vendors with whom you have a working or contractual relationship to assist in providing the services specified, i.e., brokers, banking institutions, etc.

6. Proposed rates for provision of these services and, if payable by a third party, by whom payable.

**C. Reputation and Integrity –**

1. A brief statement if the vendor have been the subject of any investigation by any governmental authority within the last five years;

2. A brief statement if a judge or law firm has questioned the vendor's billing practices within the last ten years;

3. For every judgment entered against the vendor 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.

4. State whether the vendor has ever been disciplined, fined or sanctioned by any professional or governmental organization, disciplinary or ethics panel. Provide a detailed description of the underlying complaint and a summary of the findings.

5. Past experience and history with NYLB (*e.g.*, success stories, reports, billing history, etc.); and
6. Potential conflicts of interest (*e.g.*, plaintiff's work, insurance company affiliations, family members are NYLB employees, firm employees were previously employed by NYLB, etc.).

**D. EEO/Diversity/MWBE Status –**

1. Set forth facts sufficient to demonstrate that the vendor 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. The vendor may attach hard copies of any equal employment opportunity policy statements or other relevant official firm documents.
2. Is the vendor certified as an MWBE with the New York State Department of Economic Development? If yes, please provide a copy of your certification. If no, please list any other jurisdictions and/or certifying bodies that have deemed the vendor to be minority or women owned. Please provide a copy of any such certification.
3. If the vendor has applied for, but has not, as of the date of this RSI, been certified as a MWBE by the New York State Department of Economic Development, please submit proof of a pending application, including the filing date thereof.
4. Please provide any additional information that may demonstrate the vendor's commitment to equal employment opportunity and diversity in the workplace.

**E. Potential Conflict of Interest -**

1. List all known employees of the vendor or any parents, subsidiaries or affiliates of the vendor 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 the vendor or any parents, subsidiaries or affiliates of the vendor who were previously employed by the Bureau.
3. List all known Bureau employees previously employed by the vendor or any parents, subsidiaries or affiliates of the vendor.
4. Set forth whether the vendor or any parents, subsidiaries or affiliates of the vendor has been involved in litigation against the Receiver, the Bureau and/or its Estates within the last 10 year 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 the vendor is currently performing work.

6. Set forth a brief statement regarding whether the vendor has previously provided services to the Bureau, including whether the vendor has any financial interest in any organization that has contracted to provide services to the Bureau.

**Deadline for Statement of Interest:** One (1) original and four (4) copies of the Statement of Interest must be received by the Chief Compliance Officer at the address listed below, **no later than 5:00 p.m., Eastern Standard Time, on Friday, May 28, 2010** unless such deadline is extended in writing by and at the sole discretion of the Bureau. The Statement of Interest must be signed by a officer of the vendor and properly notarized. The defined terms used herein shall apply to all other documents submitted in connection with the Statement of Interest.

All inquiries and submissions must be addressed to:

New York Liquidation Bureau  
123 William Street  
New York, NY 10038-3889  
Attn: Tarik Ajami, Chief Compliance Officer  
MSA panel RSI

#### **IV. ADDITIONAL TERMS & INFORMATION:**

This RSI shall not result in any party hereto having any obligation whatsoever to negotiate or consummate any agreement or enter into any transaction. The information contained herein shall be used for the sole purpose of responding to this RSI. The Bureau is not under any obligation to pay the costs, in whole or in part, incurred during the preparation of a Statement of Interest.

The Bureau may, in its sole discretion, reject a Statement of Interest if (a) any portion of the Statement of Interest or its supporting documents are found to be materially false or inaccurate or (b) the vendor fails to return the supporting documents in a timely manner.

The Bureau reserves the right to accept or reject, in its sole discretion any or all Statements of Interest, to utilize any or all ideas expressed within the Statements of Interest, and to adopt any or all parts of the Statements of Interest submitted. All Statements of Interest shall become the property of the Bureau.

The Bureau reserves the right to negotiate in its sole discretion with any or all vendors submitting Statements of Interest. The Bureau may in its sole discretion: (a) request additional information or clarification from those vendors submitting Statements of Interest and (b) invite any prospective vendor to appear for a more in-depth interview

should the Bureau determine it to be in the Bureau's best interest; (c) solicit Statements of Interest from vendors who have not yet submitted a Statement of Interest.

The Bureau may modify the RSI in writing or provide an addendum to the RSI and allow firms to revise their responses or supply additional information.

Selection of vendors and notifications of the selection will be made in writing to all vendors that submit a timely and complete Statement of Interest.