

**REQUEST FOR STATEMENT OF INTEREST
CLAIMS DIVISION VENDOR PANEL
(Revised October 24, 2008)**

I. BACKGROUND:

The New York Liquidation Bureau (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 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 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 creditors. 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 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. The Bureau, in carrying out its duties, frequently uses the services ("Services") of litigation-support professionals selected from five of its Expert panels. The Bureau retains experts from pre-screened panels of individuals and firms that are highly qualified to perform the relevant Services ("Panels"). The Bureau is reconstituting the Panels and is interested in placing experienced and highly skilled litigation-support firms and individuals ("Experts") on the Panels.

II. DESCRIPTION OF SERVICES:

The Bureau will engage Experts from the Panels for Estate-specific assignments. Assignments will vary in scope and complexity, and may have tight deadlines or require working with incomplete or poorly organized records. The Bureau is seeking Experts for each of the Panels listed below:

- A. Doctors/Health Care Professionals Panel.** The Bureau is seeking to retain individual physicians, health care professionals and medical agencies to provide board-certified or otherwise qualified doctors and/or health care professionals to, among other things: (1) conduct medical examinations of plaintiffs/claimants in connection with personal injury litigation and workers' compensation matters; (2) consult with attorneys both before and during trial; (3) testify at depositions, hearings and trials; (4) review medical records and provide expert opinions regarding the treatment rendered and conformance with applicable standards of care; and/or (5) review, and provide synopses of, medical records.
- B. Investigators Panel.** The Bureau is seeking to retain licensed private investigators to, among other things: (1) conduct investigations into the facts and circumstances of claims; (2) obtain documents, photographs and other types of potential evidence; (3) locate witnesses; (4) obtain witness statements; (5) conduct surveillance; (6) serve subpoenas; (7) conduct activity checks; and/or (8) conduct pre-trial and other investigations, as needed.
- C. Medical Billing Review Panel.** The Bureau is seeking to retain qualified firms to, among other things: (1) review medical bills to ensure conformance with statutory workers' compensation and no-fault scheduled fees; and/ or (2) review billing for duplicative, non-authorized and/or non-related charges.

D. Non-Medical Expert Witnesses Panel. The Bureau is seeking to retain licensed and certified non-medical witnesses (“Expert Witnesses”) and/or agencies providing Expert Witnesses to provide document review, investigation, pre-trial and trial support and testimony in connection with personal injury, property and casualty loss, and workers’ compensation matters. Expert Witnesses required include engineers, safety consultants, accident reconstructionists, economists, vocational rehabilitationists, biomechanical engineers, product specialists, environmental specialists and sports and playground safety specialists.

E. Property Claims Panel. The Bureau is seeking to retain licensed independent adjusters to, among other things: (1) conduct investigations to determine the facts and circumstances leading to policyholder claims with regard to cause and origin; (2) assess cause, origin and damages; (3) evaluate and report on coverage issues, potential exposure and settlement value; (4) assess and recommend reserves and policyholder claims handling; (5) recommend retaining other necessary experts in specialized fields, as needed, to assess policyholder claims; and/or (6) interact with public adjusters and insured’s representatives.

III. RULES AND INSTRUCTIONS:

In order to facilitate a fair evaluation of all statements of interest (“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 Experts submitting Statements of Interest (“Applicant(s)”) 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: Litigation-Support Panels

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 Officer, 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. Panel(s) for which the Statements of Interest is Submitted:

1. List the Panel(s) for which the Applicant is submitting Statements 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 Applicants 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.
9. List all Services Applicant is willing to provide. If the Applicant is a doctor or other medical Expert, state whether the Applicant is willing to provide Independent Medical Examinations ("IME"), IME reports and testimony, Expert opinions and/or testify in medical malpractice actions for defense counsel.
10. 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.

1. Set forth a statement of Applicant's qualifications and experience in performing the required Services, including expertise offered and, if a doctor or other Medical Expert, the field(s) of medicine, provide the number of cases and/or percentage of cases in which Applicant has testified for the plaintiff within the past five years and the number of cases and/or percentage of cases in which Applicant has testified for the defendant within the past five years.
2. List all governmental or quasi-governmental agencies to which Applicant has provided Services within the past five years.
3. Attach resumes of all professional personnel and Experts who will be providing substantial Services to the Bureau.

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. Fees.

1. A statement of fees for the Services to be provided (as described in Section II hereof), including hourly rates and/or flat fees are set forth in Addendum A.

G. Miscellaneous.

1. List three client references for which Applicant provided Services 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.

V. 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; (3) is in good standing in the State of New York and conducts its business in an ethical manner; and (4) is willing to accept the fees set forth in the Bureau's fee schedule. 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.

VI. 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.