



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION  
BUDGET AND FISCAL MANAGEMENT BUREAU

## Purchasing Memorandum

DATE: 8/29/2024

**PLEASE ADDRESS INQUIRIES TO:**

James Busta, *Contract Management Specialist Trainee 2*  
Telephone Number: (518) 776-2112  
E-Mail: [purchase@ag.ny.gov](mailto:purchase@ag.ny.gov)

REQUEST FOR PROPOSAL NO.: 24-005

TITLE: Process Services

IFB DUE DATE: August 28, 2024

PERIOD: December 1, 2024 – November 30, 2029

SUBJECT: Answers to Questions/Inquiries

**TO: ALL PROSPECTIVE APPLICANTS**

In reference to the above Request for Proposal, the following questions/inquiries were submitted for IFB 24-005. We are hereby providing answers to each question below:

1. QUESTION: **\*\*Work Delivery\*\***: Will the assignments be sent to us via email, or will they need to be picked up in person?
  - a. ANSWER: **Assignments sent via email is the preferred method but can be sent by mail if requested. Assignments containing subpoena checks or high-volume documents will be sent by mail.**
2. QUESTION: **\*\*File Size\*\***: Could you provide an estimate of the typical size of the files we will be handling, specifically the number of pages per file?
  - a. ANSWER: **The typical file size is 6 to 10 pages.**
3. QUESTION: **\*\*Volume Clarification\*\***: The numbers listed in the bid request—are these figures annual or total for the entire contract period?
  - a. ANSWER: **Total for the contract period.**
4. QUESTION: **\*\*Deadlines and Attempt Times\*\***: Could you clarify how strict the deadlines and specific times for attempts are? What would be the deadlines if no date is indicated?
  - a. ANSWER: **Deadlines for service, if not indicated otherwise, are 120 days from service document file date. The first attempt at service must be performed within five (5) business days of the date the Contractor receives a summons to be served within the Contractor's in-state region, and within seven (7.) business days for a summons requiring out-of-state service. Four (4) attempts at in-hand service are required and must include a minimum of one (1) attempt after 7:00 pm on a weekday or on a non-religious observed weekend, except Sunday. For each Successful Service the completed Affidavit of Service shall be mailed to the OAG Bureau that requested the service on or before the seventh (7th) business day after the date of Successful Service.**



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION  
BUDGET AND FISCAL MANAGEMENT BUREAU

**Contractor must respond to all the Department of Law's questions and requests for updates about the progress of service for any case within 24 hours.**

**If the Contractor is unable to serve a summons submitted to the Contractor with a "serve-by" date, the Contractor shall mail the Summons and Affidavit of Due Diligence to the Bureau that requested service no later than five (5) business days for in state, or seven (7) business days for out of state, following completion of the Contractor's due diligence attempts at service, or prior to the "serve-by" date, whichever comes first.**

5. QUESTION: **\*\*Skip Tracing\*\***: Can you specify the requirements?
  - a. ANSWER: **Skip tracing may be necessary if service address provided by OAG is not valid. If a separate and/or additional fee is being charged for skip tracing, the contractor must request and receive authorization from the OAG prior to the skip tracing. DMV searches and Postmaster letters are not considered skip tracing; they are considered a cost of doing business and are assumed to be included in the fee for service.**
6. QUESTION: **\*\*Social Media Services\*\***: The bid mentions possible social media services. Could you elaborate on what is expected for this?
  - a. ANSWER: **Social Media Service is a form of service effected through a defendant's social media account, such as Facebook. Such service would only be requested if there is a court order directing it. The specific terms of such a court order will necessarily vary.**
7. QUESTION: How do we deliver the affidavits? Can we email them, or do you need originals?
  - a. ANSWER: **Email is the preferred method of affidavit delivery. Originals are not needed unless otherwise noted.**
8. QUESTION: Per Section 2.2, please clarify the paragraph from page 3 which starts with "The five hospital-based units are engaged in the collection of delinquent patient accounts, ... "as it is our understanding that the NY Governor has stopped all patient and medical debt collections since December 2023. Is the expectation that these will return at the end of 2024 when the new contract starts?
  - a. ANSWER: **This is not correct, however, two of the five state hospitals (Roswell Park and SUNY Upstate, in Syracuse) have implemented indefinite "pauses" on new medical debt suits. The hospitals in West Haverstraw, Brooklyn, and Stony Brook continue to litigate as necessary.**
9. QUESTION: Per Section 5.3, please clarify further "The Contractor will not be paid multiple fees for repeated attempts to serve the same summons". If a process server is given 1 address and it is vacant. Then the state provides another address or the server finds a new possible address, that turns out to be an old address. Please clarify if only 1 fee of 25% of the service will be paid for attempting multiple addresses for the same summons as this impacts the total cost of service. Understanding the state's approach to reducing non-services will help us accurately estimate the costs associated with this contract.
  - a. ANSWER: **The fee of 25% of successful service rate for that service region can be billed for each separate address attempted if attempt to obtain a new address from the current residents, neighbors, or apartment managers, or by other means has been made and is documented on the Affirmation/Affidavit of Due Diligence.**
10. QUESTION: Per Section 5.3.4, please clarify the definition of 'non-services' and the associated reimbursement rates of 25% of the Successful Service Fee. Specifically, how cases where service is unsuccessful due to factors outside the process server's control (e.g., deceased individuals, closed businesses, vacant properties or old addresses) are handled. Particularly, we are interested in understanding the state's strategies to minimize the frequency of such cases, as these can significantly impact the overall cost of service delivery as the 25% of the service fee does not cover the expenses for confirming that a person is deceased or has moved.



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION  
BUDGET AND FISCAL MANAGEMENT BUREAU

- a. **ANSWER: The term “bad address non-serve,” used herein shall refer to a summons service that cannot be successfully served at the address provided by the OAG, after due diligence was exercised in the Contractor’s attempts to serve the summons, and the Contractor subsequently obtained proof that the person to be served did not reside at such address, or was not employed at such address at the time of service, and the Contractor thereafter attempts to obtain a new address.**

**25% of the successful service rate for that service region may be invoiced by the process server if attempt to obtain a new address from the current residents, neighbors, or apartment managers, or by other means has been made and is documented on the Affirmation/Affidavit of Due Diligence.**

**DMV searches, Postmaster letters and/or Lexis searches are performed for each individual being served by OAG collectors and legal assistants. Deceased individuals and vacant properties are often ruled out during these searches. However, if service is unsuccessful due to one of these factors outside of the process server’s control, an invoice can be submitted for 25% of the successful service rate for that service region if reasons for non-service are indicated of the Affirmation/Affidavit of Due Diligence.**

11. QUESTION: Per Section 1.1, Service of Citations, require IN HAND ONLY services (308.1), no sub service (308.2.4), is there a different fee for these services?
- a. **ANSWER: Fees for in hand only services will remain the same as other successful service rates for that service region.**
12. QUESTION: Per Section 5.1.7, will the offices allow emailed copies of affidavits and invoices as opposed to mailing?
- a. **ANSWER: Yes, the OAG will allow emailed copies of affidavits and invoices.**
13. QUESTION: Per Section 5.3.4, if unable to obtain an address & service is unsuccessful, will the contractor be paid in full?
- a. **ANSWER: No, if attempt to obtain a new address from the current residents, neighbors, or apartment managers, or by other means has been made and is documented on the Affirmation/Affidavit of Due Diligence the process server can submit an invoice for 25% of the successful service rate for that service region.**
14. QUESTION: Per Section 5.4.1, Rush Service is to be completed 24-72 hours of receipt. 4 attempts are required for service, if a service is needed to be completed within 5-7 days, would that be considered a rush? If 4 attempts are needed, then an attempt would need to be done within 72 hours.
- a. **ANSWER: In the case of Rush Services, two attempts for service can be made on the same day if completed at different times of day such as morning and afternoon. A Rush Service is a service that needs to be completed 24-72 hours within receipt. A service that needs to be completed within 5-7 business days is not considered a Rush Service.**
15. QUESTION: Per Section 5.4.2, at what point would the office request a skip trace to be performed? Does the contractor have to first get permission to run a skip? Can the contractor perform one once it is confirmed that a serve was unsuccessful?
- a. **ANSWER: Skip tracing would be requested if the OAG is unable to provide a valid address for service. If there is a fee for skip tracing, the contractor needs to get permission before running a skip. If there is no fee for skip tracing the process server can run a skip as deemed necessary once service is confirmed unsuccessful.**
16. QUESTION: Per Section 5.4.4, service of process through Media Service, is there a separate fee or is it part of the quoted rates?
- a. **ANSWER: Service of process through Media Service can be a separate fee and this fee should be listed in the bid submission.**



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES  
ATTORNEY GENERAL

DIVISION OF ADMINISTRATION  
BUDGET AND FISCAL MANAGEMENT BUREAU

17. QUESTION: Per Section 5.6.1, to whom do the reports get sent to? Name of the person and email address?  
a. ANSWER: **The contact person and email will vary per office.**

All other IFB terms and conditions remain the same.

**This Purchasing Memorandum is to be signed, submitted and made a part of your proposal. If you have any questions, do not hesitate to contact the person listed on top of this memorandum.**

VENDOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

SIGNATURE OF BIDDER: \_\_\_\_\_

DATE: \_\_\_\_\_