



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

DIVISION OF ADMINISTRATION  
BUDGET AND FISCAL MANAGEMENT BUREAU

**BID QUESTIONS/INQUIRIES AND REPOSSES MEMORANDUM  
(Addendum #1)**

**DATE:** December 2, 2013

**PLEASE ADDRESS INQUIRIES TO:**

Pamela A. Harrington, *Contract Management Specialist 1*  
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**BID NO.:** 13-003

**TITLE:** Process Services

**BID DUE DATE:** December 10, 2013 by 2:00 pm

**CONTRACT TERM:** January 1, 2014 to December 31, 2018

**SUBJECT:** Responses to Questions/Inquiries

**ALL PROSPECTIVE BIDDERS**

In reference to the above bid solicitation, the following questions/inquiries were submitted, thus we are providing answers to each question below and have attached a **revised Proposal Quote Form** for all prospective bidders to utilize:

**QUESTION:** Bidder Scope of Services Section 5.1 D. In regards to service of a Summons and Complaint does the OAG ever require personal in hand delivery?

**ANSWER:** **Yes, there are instances when a Summons and Complaint may require personal in hand delivery. Other documents may also need to be served, personal in hand, including but not limited to Orders to show Cause and Motions to renew Judgment.**

**QUESTION:** Special Fee Requirements Section 5.3 B. If an additional address is discovered and service is effectuated will my firm be compensated for both addresses? Furthermore, does the OAG require DMV and Postal searches for all process service performed?

**ANSWER:** **No, there will not be compensation for both addresses if service was attempted but not effectuated at the first address. Effectuating service at a valid address is considered due diligence which is part of the process of effectuating service. Therefore, it would be considered one service and payment will be issued once for the service that is effectuated. No, the OAG does not require DMV and Postal searches. However, if the OAG has obtained this information (Postal Search, DMV, or Lexis printout) and it is within 90 days from the papers being sent to the contractor, the OAG typically provides copies of these documents to the contractor to assist in the service of process. In instances when service is made by "Nail and Mail" and the basis of the process server's due diligence and belief that**

**the individual resides at the location that service was effectuated is based on a DMV or Postal search, then a copy should accompany the Affidavit of Service.**

QUESTION: Reporting Requirements Section 5.5. Is there a template provided, or is my firm's software printout acceptable (based on the OAGs review). May we design our own template?

ANSWER: **A template is not provided but a contractor may design its own template as long as all required information is provided as described in Section 5.5 and the report is clear and does not need to be interpreted.**

QUESTION: Subcontracting Section 7.7. Generally speaking, it is customary that Process Service Agencies in New York State utilize Independent Contractors to serve process server on their behalf. Is a contract required between my firm and the current Independent Contractors that we utilize? If awarded the contract, my office will not subcontract with another Process Service Agency to serve process on our behalf.

ANSWER: **It is not required; however, it is advisable the Contractor require all Subcontractors, prior to commencement of any work performed for the Contractor to secure and keep in force a bona fide written agreement to ensure proper performance of the Subcontractor as the Contractor is fully responsible to the OAG for its Subcontractors. Any cost to or associated with subcontracting is the obligation of the Contractor; the OAG's responsibility is to the Awarded Contractor only.**

QUESTION: In section 5, BIDDER SCOPE OF SERVICES, Section G-Affidavit of Service;  
(a) Regarding the Affidavits of Service, is there an expected timeframe from the service completion date to the time they are to be returned to the OAG. (b) Will filing of the Affidavit of Service be required?

ANSWER: (a) **Affidavit of Service should be completed and returned to the OAG as soon as service is completed. This is expected so that there is sufficient time to file the affidavits as prescribed by the CPLR or other statute. As described in Section 5.2 Time Requirements, if the documents are not provided in a timely manner and results in the action being discontinued and a new action commenced, no fee will be due to the contractor and a re-start fee of \$15.00 will be credited to the OAG.**  
(b) **As per Section 5.1 (G) NOTE, some offices may require that the affidavits of services be filed with the County Clerk. For example, the majority of affidavits of service for our Stony Brook IFR require that the documents be filed by the Process Server. There may also be an occasional request by the OAG to file documents in other counties.**

QUESTION: In section 5, BIDDER SCOPE OF SERVICES, (a) How will the assignments be sent to the Process Serving Agency? Electronically? Mailed? (b) Will there be a requirement to retrieve / pickup requests for service from your agency?

ANSWER: (a) **Currently all assignments are sent through the mail.**  
(b) **This may apply if the OAG needs the Process Server to provide rush service as described in Section 5.3 A.**

QUESTION: In section 5, BIDDER SCOPE OF SERVICES. (a) If an address provided is found to be invalid or service cannot be completed the service fee is still billable, correct? (b) Are any additional services requested (Postal Change of Address, Skip Trace, etc.)?

ANSWER: (a) **No, there is no fee due to the contractor if service is not effectuated. See Section 5.2 Time Requirements.**  
(b) **Please see Section 5.3 B.**

QUESTION: On the Proposal Response Cover Form, it is indicated "Receipt of Bid Addendum #s". At this time I believe there are no addendums provided. Can you confirm? If addendums were provided could you indicate same?

ANSWER: **This is the first and only addendum that has been issued by the OAG. Please acknowledge receipt of this addendum by placing the # 1 on the Proposal Response Cover and signing the adjacent box.**

QUESTION: On the Proposal Quote Forms Page, Special Fees such as follows are requested. Can you define the following: (1) "REGULAR" – for each area please indicate what the time-frame allotment is for this service. (2) "RUSH" – for each area please indicate what the time-frame allotment is for this service.

ANSWER: (1) "Regular" should be defined as anything that does not fall into the category of "RUSH". The time allotment will vary dependent on the prescribed time limits allowed by statute.  
(2) "Rush" should be defined as described in Section 5.3 A. If the OAG requires that the documents be served within 24-72 hours from receipt by the contractor, this would be considered rush service. This will be determined by using the prescribed time limits allowed by statute.

QUESTION: Section 5, paragraphs D and E -- Are you requiring four attempts before allowing substituted service?

ANSWER: No, the OAG does not require four attempts before allowing substituted service but does require four attempts before nail and mail service.

QUESTION: Section 5, paragraph G and Section 6.6 -- Are you referring to the same invoice in both sections or does Section 6.6 refer to a monthly statement? And are standard vouchers no longer required?

ANSWER: We are referring to the same invoice. Standard vouchers are not required for contracted services. "Billings must be made no more frequently than once a month based on services provided" should be deleted in its entirety as invoices should be submitted as services are completed.

QUESTION: Section 5.4 What is the approximate volume of papers being served in Canada? Do you really want only one flat fee quote for services outside of New York State. There is a big cost difference for services outside of the country compared to the continental US.

ANSWER: Approximate volume would be 5 for Canada. Please see attached revised Proposal Quote Form for services outside the continental United States.

QUESTION: Section 5.5 Please clarify "quarterly status reports, due by the 16th of each month" -- wouldn't that be monthly reports?

ANSWER: The Contractor shall furnish quarterly status reports, due by the 16<sup>th</sup> of April, July, October and January. However, this may change based on the commencement of the resulting contract(s).

QUESTION: The IFB requires that all affidavits be typed. When out of state servers are utilized in rural locations, except for boilerplates information which our office fills in, the affidavit will be returned hand written. Previous experience has proven that these sub-contractors lack the ability to type or computer produce affidavits. Please comment.

ANSWER: The OAG requires that all Affidavits of Service be typewritten or machine printed. See section 5.1.G (NOTE).

QUESTION: Would it be possible to get a copy of the previous bid results.

ANSWER: A list of our current vendors, their rates and counties they were awarded are attached.

QUESTION: Can you advise what the previous rates for 2013 were paid for same in regard to remitting bid?

ANSWER: A list of our current vendors, their rates and counties they were awarded are attached.