



# Executive Order No. 10 Task Force

INCREASING THE UTILIZATION OF MINORITY AND WOMEN-OWNED BUSINESS  
ENTERPRISE (MWBE) IN STATE DEBT OFFERINGS

## *Recommendations Regarding Best Practices in Procurements for Legal Services*

May 11, 2009

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## Overview

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In June 2008 Governor Paterson signed Executive Order No. 10 which established a Task Force to increase the utilization of Minority and Women-Owned Business Enterprise (“MWBE”) underwriters in State debt offerings (“Task Force”). The Task Force was charged with making recommendations with regard to the development and issuance of new solicitations for underwriting services as well as underwriting performance measures to evaluate all investment banks. The Task Force issued its *Underwriter Recommendations* on October 30, 2008.

Having completed the process in relation to underwriters, the Task Force has turned its attention to increasing the utilization of MWBE law firms that serve as legal counsel to the issuers of State supported debt and other public authorities, a majority of whose members are appointed by the Governor (collectively referred to as “State Public Authorities”). Accordingly, the Task Force has developed a set of Recommendations for Best Practices (“Best Practices”) to be utilized in the Request for Proposals (“RFP”) process in an attempt to remove any barriers to participation by qualified MWBE law firms and to utilize other law firms that have sound diversity practices and programs and that provide meaningful opportunities for the advancement of minority and women attorneys.

These Best Practices seek to promote the utilization of law firms that have demonstrated a history of hiring, training, developing, promoting and retaining minority and women attorneys and advocate an aspirational goal for participation of MWBE law firms in the total legal fees paid by State Public Authorities for outside legal services. Such firms will be expected to demonstrate their commitment to diversity by assigning minority and women attorneys to work on transactions for State Public Authorities and by training such staff to assume greater responsibility on these matters.

Furthermore, it is incumbent on State Public Authorities to ensure that the RFPs are widely distributed and made available to as many MWBE and other qualified law firms as possible. The Best Practices recommend, *inter alia*, that the State Public Authority develop a bidder’s mailing list that includes qualified MWBE law firms and engage in direct solicitation of MWBE law firms from that list. The State Public Authority should also reach out to appropriate professional organizations that serve women and minority attorneys so that members of these organizations are apprised of the availability/issuance of the RFP. These Best Practices also recommend that each State Public Authority solicit information intended to assess the effectiveness of each law firm’s diversity practices and programs, as well as the law firm’s track record regarding the hiring and promotion of minority and women attorneys.

The Task Force believes that State Public Authorities will receive an enhanced quality of legal services from law firms that have a diverse workforce. Law firms with a diverse workforce are more likely to have the best talent and spark innovation.<sup>1</sup> Moreover, the retention of law firms with a demonstrated commitment to women and minority partners and associates is consistent with the spirit and intent of Article 15-A of the New York State Executive Law.

It bears noting, however, that there is significant under-representation of women and minorities within the ranks of law firm associates and partners.<sup>2</sup> Minorities in law firms continue to suffer from a lack of access to clients and business networks outside of the firm. Among partners, minorities continue to be clustered at the bottom of the law firm's financial and status pecking order.<sup>3</sup> Accordingly, the diversity of a proposer's workforce, its past and proposed use of subcontracting and/or joint venture arrangements and its utilization plan regarding the use of certified MWBE law firms to perform the services described in RFPs should be important criteria of the State Public Authority's evaluation process.

Executive Order No. 10, by its terms, applies to State Public Authorities. The Task Force, however, believes these Best Practices should also be utilized by State agencies in their procurements for legal services. Therefore, the Task Force encourages State agencies to implement, to the fullest extent permitted by law, the principles and recommendations embodied in these Best Practices.

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<sup>1</sup> See *The Business Case for Diversity*, Chicago Lawyer, July 2006, and *Embracing Diversity: Your Business Depends on It*, Texas Bar Journal, November 2005.

<sup>2</sup> See *Executive Summary, Miles to Go: Progress of Minorities in the Legal Profession*, ABA Commission on Racial and Ethnic Diversity in the Profession, 2004; *Miles to Go in New York: Measuring Racial and Ethnic Diversity Among New York Lawyers*, Report of the New York State Bar Association Committee on Minorities in the Profession, September 2007; and Call to Action White Paper, [www.clocalltoaction.com](http://www.clocalltoaction.com), April 2008.

<sup>3</sup> *Id.*

**MWBE Task Force Recommendations regarding Best Practices in  
Procurements for Legal Services**

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## **Request for Proposals**

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The RFP is a document that, coupled with an advertisement in the New York State Contract Reporter, initiates a competitive procurement process whereby an award is based upon a set of criteria which typically includes technical evaluation of the qualifications of the firm and the fees to be charged for the required services. RFPs are commonly issued by State Public Authorities for the procurement of legal services. RFPs outline the terms and conditions and all applicable information required for submission of a proposal. The selection and award among responsible proposers is based on the evaluation factors set forth in the RFP.

The State Public Authority in each RFP generally sets forth the basis upon which proposals will be evaluated, all of the evaluation factors, including technical merit and price. However, while the RFP contains the general evaluation and selection methodology, the procuring entity may also develop a more detailed evaluation instrument to assist it in objectively evaluating the responses of the proposers against these criteria. The evaluation instrument developed by the State Public Authority can include things such as price, experience, staff availability and ability to perform. It may also include a point system with weighting or ranking of certain criteria.

The purpose of the RFP is to ensure that the State Public Authority engage in a comprehensive/fair solicitation process, a fair evaluation or rating process and an equitable negotiation process. While this process must ensure a level playing field for all law firms, including MWBE law firms, the ultimate goal is to have access to the best service possible and at the most economic levels.

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## I. Outreach

The State Public Authority should, prior to issuance of the RFP, actively reach out to MWBE law firms and other qualified law firms that may be able to provide the legal services required by the State Public Authority.

- A. **Notification of Professional Organizations:** The State Public Authority should provide notice of any RFP for legal services to appropriate professional organizations that serve women and/or minority attorneys so that members of these organizations are apprised of these potential opportunities to work with the State Public Authority and the schedule for issuing the RFP.
- B. **Consult DED Database:** The State Public Authority should consult the New York State Department of Economic Development's ("DED") database and other sources that maintain information regarding certified MWBE law firms in order to provide notice to such firms of any RFP for legal services.
- C. **Maintain Government Database:** Each State Public Authority should maintain a database of MWBE and other law firms that have expressed interest in doing business with the State Public Authority to ensure that these law firms receive direct notice of any RFP for legal services issued by the State Public Authority.

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## II. The Request for Proposals Process

- A. **Statement of Intent:** Every RFP issued by a State Public Authority for the procurement of legal services shall include the following Statement of Intent:  
  
*"It is a goal of the State Public Authority to utilize qualified law firms that have a demonstrated history of hiring, training, developing, promoting and retaining minority and women attorneys and to encourage participation by qualified certified MWBE law firms."*
- B. **Proof of MWBE Status:** Any MWBE law firms responding to the RFP seeking MWBE status for purposes of the RFP process must submit proof that the law firm is certified as an MWBE with DED.

- C. Geographic Participation Goals:** The RFP may establish participation goals for law firms having offices in different geographic locations of the State if appropriate to the nature of the engagement.
- D. Compliance with Article 15-A of the Executive Law:** Each State Public Authority shall require law firms responding to the RFP to submit a utilization plan in accordance with 5 NYCRR Section 143.3,<sup>4</sup> indicating the certified MWBE law firms, if any, the proposer intends to use to perform the services described in the RFP.
- E. Joint Ventures with MWBE Firms:** The RFP should encourage partnering arrangements among responding law firms, thereby giving MWBE law firms the opportunity to partner with other law firms, if feasible. As such, the Task Force recommends as follows:
1. *Submission of Joint Proposals:* The RFP should encourage certified MWBE law firms and other qualified law firms to submit joint proposals in response to the RFP.
  2. *Division of Services and Allocation of Fees:* Any such joint proposal must describe the legal relationship between the law firms submitting the proposal and demonstrate how the law firms propose to provide the legal services required under the RFP and how the fees will be allocated among the law firms.
  3. *Submittal of Forms:* When submitting a joint proposal, all applicable items must be submitted as to all law firms that are participants in the proposal.
  4. *Prior Partnering Arrangements:* Every law firm responding to the RFP shall be required to specifically identify those instances, if any, in which the law firm has worked with MWBE law firms on previous transactions by engaging in joint ventures or other partnering or subcontracting arrangements.
    - Responses should include the nature of the engagement, how such arrangement was structured, and a description of how the services and fees were allocated.

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<sup>4</sup> Part 143 addresses the “Requirements and Procedures regarding Business Participation Opportunities for Certified Minorities and Women on State Contracts.” Section 143.3 provides that “[S]tate agencies shall require contractors to submit utilization plans for achieving goals established for the participation of certified minority and women-owned businesses in relation to a State contract...”

5. Suggestions for Joint Venture Arrangements: Each law firm shall state its willingness, if any, to engage in future partnering, co-counsel or mentoring arrangements with either a law firm of its choosing or with another law firm empanelled by the State Public Authority. Such statement should include, *inter alia*, an explanation of how the law firm would suggest structuring such an arrangement and allocating services and fees among the law firms participating in the partnering, co-counsel or mentoring arrangement.
6. Direct Contracting: The State Public Authority shall reserve the right to contract directly with each individual law firm submitting a joint proposal, when appropriate, and to allocate work in a manner that ensures that partnered MWBE law firms receive appropriate credit and compensation for the services they provide.

**F. Diversity Questionnaire:** Every RFP issued for legal services shall include a *Diversity Questionnaire* as a standard attachment (see Section VI. below).

1. Submission of Diversity Questionnaire: Law firms responding to the RFP shall be required to complete and submit the Diversity Questionnaire set forth in these Best Practices.
2. Purpose of Diversity Questionnaire: The information requested in the Diversity Questionnaire is designed to elicit appropriate information about the law firm in order to verify that its work environment demonstrates a strong commitment to diversity.
3. Types of Information Requested: The required information includes information on the demographics of the proposer's upper level management, recent promotion statistics, and diversity and equal opportunity initiatives.
4. MWBE Firms Not Certified in New York: The RFP shall request each proposer to indicate whether: (i) it is certified as an MWBE firm by any other federal, state or local government and if so attach a copy of such certification; and/or (ii) it has an application pending before DED for certification as an MWBE and if so, the date on which such application was submitted.
5. Certification Requirement: A person authorized to bind the law firm contractually must submit with the law firm's proposal a certification outlining the law firm's continued commitment to its diversity initiatives.

**G. Revise Assessment Criteria to Eliminate Barriers to Entry:**

1. *RFP Criteria:* Criteria in the RFP should take into account not only experience with the State Public Authority or other New York State Public Authorities but all relevant experience that would enable a law firm to successfully provide the required services.
2. *Selection by Size and Geographic Location:* A State Public Authority should not utilize evaluation criteria that might discourage participation by law firms of different sizes and from different geographic areas of the State of New York unless such criteria are in furtherance of the legitimate business purposes of the State Public Authority.

**H. Require Shorter RFP Cycles to Ensure Reasonable Access:** RFPs issued for legal services typically have a five-year cycle. This generally includes a three-year standard contract term with up to two one-year renewals. These Best Practices recommend that State Public Authorities issue RFPs for legal services frequently enough to permit new qualified law firms to have an opportunity to compete for work for the State Public Authority. At the same time, these Best Practices acknowledge that a State Public Authority must have flexibility to utilize a longer RFP cycle for engagements that require limited or infrequent work by members of the panel. Therefore, the Task Force recommends as follows:

State Public Authorities shall undertake RFPs for legal services at least every two years and firms selected under an RFP shall be engaged for an initial period of two years with the opportunity for two six-month extensions in appropriate instances. Notwithstanding the foregoing requirement, a State Public Authority may: (1) for engagements involving work of a limited or infrequent nature, undertake an RFP for such engagements less frequently than every two years but at least every five years; or (2) as an alternative to conducting RFPs every two years, choose to issue an RFP at least every five years provided that not later than the second anniversary thereof, the State Public Authority conducts a supplemental RFP pursuant to which additional qualified law firms may be added to the panel in question.

### III. Evaluation of Responses

**A. Evaluation Criteria:** Proposals should be evaluated based on the following criteria:

1. The law firm's expertise in relevant practice areas;
2. The qualifications of the staff to be assigned to work on engagements for the State Public Authority;
3. The fees proposed to be charged by the law firm;
4. The law firm's diversity and equal employment record, including, as allowed by law: (i) recognition of the law firm's equal employment opportunity and its diversity policies, programs and initiatives; (ii) the diversity of the staff that will be substantially involved in work performed for the State Public Authority; (iii) the law firm's status as a DED certified MWBE; and (iv) the law firm's utilization plan or any partnering or joint venture arrangements proposed by the law firm; and
5. Such other factors as the State Public Authority deems relevant and set forth in the RFP.

**B. Evaluation Committee:**

1. Establish Evaluation Committee: The State Public Authority shall establish an Evaluation Committee to score each proposal in accordance with the evaluation criteria set forth in Section III.A of these Best Practices. At least one member of the Evaluation Committee shall have job responsibilities involving the MWBE and diversity programs of the State Public Authority or must be familiar with these Best Practices.
2. Establish Weighting Factor: The weighting factor assigned to each criterion shall be established by the State Public Authority prior to the receipt of proposals and shall be applied in accordance with procedures established by the State Public Authority to determine the final rankings of the proposers.
3. Negotiation of Fees: The State Public Authority may reserve the right to negotiate fees with any law firm that is otherwise qualified

but which has submitted a fee proposal that the State Public Authority deems too high based upon the other proposals.

4. Documentation: The Evaluation Committee shall be responsible for documenting in writing its evaluation of each law firm, the score assigned to each law firm and its rationale for recommending the law firm to be empanelled by the State Public Authority.
- 

#### **IV. Allocation of Work among Empanelled Law Firms**

- A. **Establishment of MWBE Goal:** Each State Public Authority shall establish an overall aspirational goal for participation by certified MWBE law firms in legal fees paid by the State Public Authority for outside legal services. The Task Force recommends that the aspirational goal be at least 10% of the total amount of legal fees paid by the State Public Authority or such other goal as is determined in accordance with State and federal law, including Section 15-A of the New York State Executive Law, but further recognizes that each State Public Authority must establish its own goal after taking into account the following factors: (1) the number and types of matters for which the State Public Authority expects to use outside legal services; and (2) the ability of the State Public Authority to allocate work among different law firms for these engagements.
- B. **Equitable Allocation of Work:** It shall be the responsibility of the State Public Authority to equitably allocate work among the firms on the panel taking into account the following:
  - Amount of prior work assigned to each law firm on the panel;
  - Expertise of a law firm with respect to a specific engagement or transaction;
  - Each law firm's past performance on other transactions for the State Public Authority;
  - Reasonableness of fees charged by the law firm for its prior work for the issuing State Public Authority or any other governmental entity, including other State Public Authorities; and
  - Fulfillment of the aspirational goal established pursuant to Section IV.A hereof for participation by certified MWBE firms.
- C. **Utilization of Co-Counsel:** The State Public Authority shall endeavor to meet its goals for equitable participation by giving all law firms the

opportunity to acquire familiarity and expertise in the State Public Authority's programs. Each State Public Authority shall, therefore, consider utilizing a co-counsel program or dividing work for specific transactions or programs among different law firms on the panel.

- D. Allocation of Work:** The State Public Authority is responsible for allocating work among co-counsel, reviewing the fees payable to each law firm and helping ensure that each co-counsel receives appropriate acknowledgement, credit and compensation for the work it performs.
  - E. Tracking of Legal Fees:** Each State Public Authority shall track legal fees paid to each law firm on the panel to assist it in assessing whether work is being equitably allocated among the firms, taking into consideration the quality of work being performed, the cost effectiveness of the work and compliance with the aspirational goals established in accordance with these Best Practices. Each State Public Authority shall require firms to include as part of each bill for legal services a statement showing: (1) a breakdown of how much of such fees were charged for services performed by each of the following: equity partners, non-equity partners, counsels and associates; (2) a description of the services performed by each person; and (3) the total fees charged for services performed by women and minority attorneys, respectively.
- 

## **V. Evaluation of Empanelled Law Firms**

Existing RFPs for legal services contemplate a static pool for the duration of the RFP cycle. In order to ensure that the State Public Authority continues to receive the services for which it contracted in accordance with the requirements of the RFP, the Task Force recommends the following:

- A. Periodic Review of Empanelled Law Firms:** Each law firm empanelled by the State Public Authority will be reviewed by the State Public Authority after the completion of each assignment/engagement or periodically as determined by the State Public Authority to assess the quality and cost-effectiveness of their work. The evaluation of each firm shall be documented on a standardized evaluation form attached to these Best Practices.
- B. Content of Review:** The review contemplated in Section V.A above shall include the law firm's adherence to the representations it made regarding its

diversity practices, as well as adherence to its utilization plan, and the actual percentage and allocation of work performed by women and minority attorneys assigned to engagements for the State Public Authority. The State Public Authority may request such information from each firm as it deems necessary to perform such periodic review.

- C. Removal of Empanelled Law Firms:** A law firm that does not adhere to its representations or 15-A utilization plan, or that otherwise fails to perform in a satisfactory manner based upon the criteria contained in the RFP or the contract may be removed from the panel at the sole discretion of the State Public Authority.
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## VI. Diversity Questionnaire

### A. Law Firm Demographic Profile:

	Year 1	Year 2	Year 3
1. Number of attorneys			
Total Minority attorneys <sup>5</sup>			
African-American/Black			
Hispanic/Latino			
Alaska Native/American Indian			
Asian/ Pacific Islander			
Women attorneys			
2. Number of equity partners			
Total Minorities equity partners			
African-American/Black			
Hispanic/Latino			
Alaska Native/American Indian			
Asian/ Pacific Islander			
Women equity partners			
3. Number of non-equity salary partners			
Total Minority non-equity partners			
African-American/Black			
Hispanic/Latino			
Alaska Native/American Indian			
Asian/ Pacific Islander			
Women non-equity salary partners			
4. Number of counsel/senior associates			
Total Minority senior associates			
African-American/Black			
Hispanic/Latino			
Alaska Native/American Indian			
Asian/ Pacific Islander			
Women counsel/senior associates			
5. Number of associates			
Total Minority associates			
African-American/Black			
Hispanic/Latino			
Alaska Native/American Indian			
Asian/ Pacific Islander			
Women associates			

<sup>5</sup> For purposes of this Diversity Questionnaire “minority attorney” shall mean an attorney who is and can demonstrate membership in one of the following groups: (1) Black persons having origins in any of the Black African racial group; (2) Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South American of either Indian or Hispanic Origin, regardless of race; (3) Native American or Alaskan native persons having origins in any of the original peoples of North America; or (4) Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

	Year 1	Year 2	Year 3
6. Number of new hires			
Total Number of minority new hires			
African-American/Black			
Hispanic/Latino			
Alaska Native/American Indian			
Asian/Native Hawaiian/Pacific Islander			
Number of women new hires			
7. Number of para-professionals			
Total Number of minority para-professionals			
African-American/Black			
Hispanic/Latino			
Alaska Native/American Indian			
Asian/Native Hawaiian/Pacific Islander			
Number of women para-professionals			

**B. Demographic Profile of Staff Proposed to be Assigned to the State Public Authority's Engagements:**

	Location(s) of Principal Office(s) of Engagement Attorneys and Number of Attorneys in each Location
1. Number of partners	
Total Minority partners	
African-American/Black	
Hispanic/Latino	
Alaska Native/American Indian	
Asian/ Pacific Islander	
Women partners	
2. Number of equity partners	
Total Minorities equity partners	
African-American/Black	
Hispanic/Latino	
Alaska Native/American Indian	
Asian/ Pacific Islander	
Women equity partners	
3. Number of guaranteed salary partners	
Total Minority non-equity partners	
African-American/Black	
Hispanic/Latino	
Alaska Native/American Indian	
Asian/ Pacific Islander	
Women guaranteed salary partners	

4. Number of counsel/senior associates	
Total Minority counsel/senior associates	
African-American/Black	
Hispanic/Latino	
Alaska Native/American Indian	
Asian/ Pacific Islander	
Women counsel/senior associates	
5. Number of associates	
Total Minority associates	
African-American/Black	
Hispanic/Latino	
Alaska Native/American Indian	
Asian/ Pacific Islander	
Women associates	

**C. Employment Practices Information:**

Please provide the following information:

1. List the titles of all (i) minority attorneys and (ii) women attorneys that have received promotions in the past two years.
2. A copy of your law firm’s equal opportunity and affirmative action policy, if any.

**D. MWBE Certification Status:**

1. Is your law firm certified as a Minority and/or Women-owned business enterprise with the New York State Department of Economic Development? Yes or No
2. If yes, please provide a copy of your certification.
3. If No, please list all other jurisdictions and/or certifying bodies that have deemed your law firm Minority and/or Women-owned. Also, please provide a copy of each certification.
4. If your law firm has applied for but has not, as of the issuance of the RFP, been certified as a Minority or Women-owned business enterprise by the New York State Department of Economic Development, you must submit proof of a pending application, including the filing date. Such law firms may also, if applicable, submit proof of certification by a comparable certifying entity located in a state other than New York.

**E. Strategic Plan and Diversity Initiatives:**

1. Who has primary responsibility for leading diversity initiatives at your law firm? Name of person and his/her title.
2. Does your law firm currently have a diversity committee? Yes or No
3. If yes, does the diversity committee's representation include one or more members of the law firm's Management/Executive Committee (or the equivalent)? Yes or No
4. If yes, how many are on the diversity committee?
5. Set forth any diversity initiatives/activities of your law firm and the actual results, if any, which have been achieved by such initiatives.

# ATTACHMENT 1

# Legal Department Evaluation for Outside Counsel

## 1. Contact

1. Transaction name or JDE number :

## 2. Rating

2. Please rate the following for the Outside Counsel:

	1 - Poor	2 - Fair	3 - Acceptable	4 - Good	5 - Excellent
Overall Results Achieved	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Accessibility/Responsiveness	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Work Product	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Practical, Useful, Innovative and Creative Advice	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Attention to Cost Containment	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Timeliness and accuracy of billing (compliance with outside counsel policy)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

## 3. Billing

3. How did the firm's estimated fees correlate with their actual fees?

Above

Met

Below

4. If there was a difference, why?

## 4. Personal

5. Did any attorney(s) stand out for outstanding performance?

Name

Title

Comments

Name

Title

Comments

Name

Title

Comments

# Legal Department Evaluation for Outside Counsel

6. Did any attorney(s) stand out for poor performance?

Name

Title

Comments

Name

Title

Comments

Name

Title

Comments

# ATTACHMENT 2

# Outside Counsel Evaluation 2009

## 1. Company Contact Info

1. Please provide the following information:

Company:	<input type="text"/>
Address:	<input type="text"/>
Address 2:	<input type="text"/>
City/Town:	<input type="text"/>
State:	<input type="text"/>
ZIP/Postal Code:	<input type="text"/>
Email Address:	<input type="text"/>
Phone Number:	<input type="text"/>

## 2. Survey Contact

Name:	<input type="text"/>
Title:	<input type="text"/>
Email Address:	<input type="text"/>
Phone Number:	<input type="text"/>

## 3. Transaction Type:

Real Estate

Bonds

Commercial

Transaction Name:

## 2. Diversity

4. Please provide information for your FEMALE attorneys for this engagement:

	Number	Amount Billed
African-American/Black	<input type="text"/>	<input type="text"/>
Hispanic/Latino	<input type="text"/>	<input type="text"/>
Alaska Native/American Indian	<input type="text"/>	<input type="text"/>
Asian/Pacific Islander	<input type="text"/>	<input type="text"/>

5. Please provide information for your MALE attorneys for this engagement:

	Number	Amount Billed
African-American/Black	<input type="text"/>	<input type="text"/>
Hispanic/Latino	<input type="text"/>	<input type="text"/>
Alaska Native/American Indian	<input type="text"/>	<input type="text"/>
Asian/Pacific Islander	<input type="text"/>	<input type="text"/>

# Outside Counsel Evaluation 2009

## 6. Amount billed by diverse professionals:

Equity Partners	<input type="text"/>
Non-equity Partners	<input type="text"/>
Counsel	<input type="text"/>
Associates	<input type="text"/>
Paralegal	<input type="text"/>
Summer Associate	<input type="text"/>
Other Attorney	<input type="text"/>

## 7. Amount billed by female professionals:

Equity Partners	<input type="text"/>
Non-equity Partners	<input type="text"/>
Counsel	<input type="text"/>
Associates	<input type="text"/>
Paralegal	<input type="text"/>
Summer Associate	<input type="text"/>
Other Attorney	<input type="text"/>

## 8. Amount billed by all professionals:

Equity Partners	<input type="text"/>
Non-equity Partners	<input type="text"/>
Counsel	<input type="text"/>
Associates	<input type="text"/>
Paralegal	<input type="text"/>
Summer Associate	<input type="text"/>
Other Attorney	<input type="text"/>

9. Percentage of diverse billing relative to total billings (total diverse billing/total professionals billing):

10. Percentage of female billing relative to total billings (total female billing/total professionals billing):

## 3. Evaluation

# Outside Counsel Evaluation 2009

11. (OPTIONAL) Please provide the name, title and roles for Minority and Women attorneys working on this Engagement:

Name:

Title:

Roles/duties:

Name:

Title:

Roles/duties:

Name:

Title:

Roles/duties:

Name:

Title:

Roles/duties:

Name:

Title:

Roles/duties:

12. How would you evaluate your firm's performance?

Excellent

Good

Acceptable

Fair

Poor

13. Did you meet your firm's targets/expectations, both quantitatively and qualitatively?

Yes

No

14. If not, why not?

## Outside Counsel Evaluation 2009

15. What was the most difficult aspect of the transaction that your firm had the responsibility for?

16. How did your firm handle such difficulty?

17. Would your firm have handled it differently in the retrospect?

Yes

No

18. If yes, how?

19. Any emerging issues that DASNY or other transaction parties should be thinking of with respect to the next transaction?

Yes

No

20. If yes, what?

21. How meaningful would your firm characterize women and minority roles/responsibilities in this engagement?

22. How did your firm's estimated fees correlate with your actual fees?

Above

Met

Below

23. If there was a difference, why?

24. Were there any factors that materially affected your firm's ability to perform your obligations with respect to this transaction?