



## **NYSIF REQUEST FOR INFORMATION**

### **Outside Counsel – Extra-Territorial Claims**

**2025-27-LEG**

**March 14, 2025**

#### **1. OVERVIEW OF THE NEW YORK STATE INSURANCE FUND**

NYSIF is the largest workers' compensation insurer in New York State and among the ten largest nationwide. NYSIF covers 2 million workers and insures 200,000 employers in New York State. NYSIF's mission is to guarantee the availability of workers' compensation, disability insurance and paid family leave at the lowest possible cost to New York employers while maintaining a solvent fund. Since its inception 110 years ago, NYSIF has fulfilled this mission by competing with other insurance carriers to ensure a fair marketplace while serving as a guaranteed source of coverage for employers that cannot secure coverage elsewhere. NYSIF strives to achieve the best health outcomes for injured workers and be an industry leader in price, quality, and service for New York employers. For more information, visit [nysif.com](https://nysif.com).

#### **2. PURPOSE OF THIS REQUEST FOR INFORMATION (RFI)**

The New York State Insurance Fund is in the process of gathering information on Outside Counsel – Extra-Territorial Claims.

The Office of General Counsel of the New York State Insurance Fund ("NYSIF") is in the process of gathering information for the creation of a panel/pool of attorneys/attorney law firms who would be willing and able to represent and defend NYSIF in states other than New York State when a claim for workers' compensation benefits is brought or filed in such foreign state. Workers' Compensation claims and lawsuits filed in other states are termed Extra-Territorial Claims ("ET").

More than one state can claim jurisdiction on a workers' compensation claim based on [i] the residence of the claimant; [ii] the state where the accident occurred; [iii] the state where the insured has its principal place of business; [iv] in the case of a motor vehicle accident, where the vehicle(s) are/were registered. While other states may claim jurisdiction to hear a claim, the issue is whether the NYSIF is liable for a finding in a foreign state and whether its workers' compensation policy affords coverage outside of New York State.



NYSIF's workers' compensation policy only provides coverage to employers for workers' compensation claims filed by their employees under the New York State Workers' Compensation Law.

The purpose of this inquiry is to determine the feasibility of establishing a panel of law firms who would defend NYSIF's interests in ET claims usually filed in New Jersey, Connecticut and California and less often in the other states i.e. Illinois, Maryland, North Carolina, Pennsylvania and Virginia or any other state.

There will not be a contract award for purchase of services or products directly resulting from this RFI. However, we may use this information garnered from the RFI process in future procurement(s). Respondents will be placed on a mailing list and will receive an announcement of any subsequent Request for Proposals (RFP) that may arise from the RFI. Any decision to subsequently issue an RFP for such services will be at the sole discretion of NYSIF, and NYSIF is under no obligation to initiate such an RFP.

All firms with knowledge of Outside Counsel – Extra-Territorial Claims are encouraged to respond. In addition to responses received, NYSIF may ask companies to present their experience in an information sharing session with NYSIF staff.

### **3. GENERAL TERMS AND CONDITIONS**

Proprietary Information - Careful consideration should be given before confidential information is submitted as part of your response. Review should include whether it is critical for reviewing a response and whether general, non-confidential information may be adequate for review purposes. The NYS Freedom of Information Law, Public Officers Law, Section 87(2)(d) provides exceptions to disclosure for records or portions thereof. Among these "are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise."

A respondent to the RFI who is taking advantage of this provision must clearly identify on each page of the submission that contains confidential or proprietary information the label "Confidential" or "Proprietary" and the identification of the page and section for which the exemption is requested. In addition, with regard to any particular section(s) for which an exemption is requested, pursuant to POL 89[5] the respondent must provide a written request to exempt the information from disclosure, including a written basis of the reasons why the information should be exempted by identifying: (i) why the disclosure of the identified information would cause substantial injury to the competitive position of the Contractor, or (ii) why the information constitutes critical infrastructure information which should be exempted from disclosure pursuant to §87(2) of the Public Officers Law. The written request and rationale can be by a separate document which refers to the specific page(s) and section(s) of the submission to which it refers.



Requests for exemption of the entire contents of a submission from disclosure have generally not been found to be meritorious and are discouraged. Kindly limit any requests for exemption of information from disclosure to bona fide trade secrets or specific information, the disclosure of which would cause a substantial injury to the competitive position of the firm or information which constitutes critical infrastructure information which may be exempted from disclosure pursuant to §87(2) of the Public Officers Law.

NYSIF cannot guarantee the confidentiality of any information submitted.

**NYSIF reserves the right to:**

1. Use any and all ideas submitted in response to the RFI.
2. Adopt all or any part of the vendor's response in selecting the optimum configuration to be used in an RFP.
3. Request RFI respondents to present supplemental information clarifying their responses, either in writing, in formal presentation, or by product demonstrations.
4. Accept or reject any or all information received, or to modify or cancel this RFI in part or in its entirety at any time.
5. NYSIF recognizes that information and cost figures provided in response to this RFI are nonbinding.
6. This RFI is being issued for data gathering purposes only. This RFI is not a contract offer, and does not commit NYSIF to award a contract, pay any costs incurred by Respondent in preparing a response, or to procure or contract for services or supplies. No contract can or will be awarded based on submissions.
7. Respondents are encouraged to respond to this RFI; however, failure to submit a response will not impact a respondents' ability to respond to any future competitive solicitation process (if any) for projects.
8. There are no representations or warranties regarding the accuracy or completeness of the information contained in this RFI. Respondents are responsible for making their own evaluation of information and data contained in this RFI and for preparing and submitting responses to this RFI.



**4. CALENDAR**

<b><u>DATE</u></b>	<b><u>EVENT</u></b>	<b><u>COMMENTS</u></b>
3/14/25	RFI Issued	
4/8/25 <b>2:00 PM EST</b>	Final date for submission of responses	Deadline for response to this RFI. Responses should be emailed to <a href="mailto:contracts@nysif.com">contracts@nysif.com</a> . Please include "NYSIF RFI #2023-73-LEG" in the subject line of the e-mail.

**5. INQUIRIES/ISSUING OFFICE/DESIGNATED CONTACT**

All inquiries concerning this RFI will be addressed to the following Designated Contacts:

Vincent Ginardi	Patricia Cremmins
Supervising Contract Management Specialist	Contract Management Specialist
Email: <a href="mailto:contracts@nysif.com">contracts@nysif.com</a>	Email: <a href="mailto:contracts@nysif.com">contracts@nysif.com</a>

All amendments, clarifications and any announcements related to this RFI will be posted on NYSIF's website at: [www.nysif.com/procurement](http://www.nysif.com/procurement). It is the sole responsibility of the respondents to check the website for any amendments, clarifications or updates. All applicable amendment information must be incorporated into the firm's response.



## **6. REQUESTED INFORMATION**

NYSIF is seeking information in the following areas. RFI submissions must address the following requirements:

1. Knowledge of New York State Workers' Compensation Law.
2. Knowledge of New York State Insurance Law.
3. Knowledge of New York State Administrative Law.
4. Knowledge of Workers' Compensation Law, Insurance Law, Administrative Law in each state the attorney is admitted to practice and/or firm has offices in particular states and cities other than New York State.
5. If they have practiced before an administrative body:
  - a. When or how long of a presence in each jurisdiction?
  - b. Which administrative body did the attorney or law firm go before?
  - c. Which party do you represent?
  - d. Have you ever represented the opposing side?
6. Have you appeared in a workers' compensation claim outside of New York State? If so, respond to the same questions in 5.A. to 5.D.
7. Have you ever represented NYSIF before?
8. Have you ever brought a claim against NYSIF for a claimant or any other party or defendant?
9. How are conflict of interest checks performed?

NYSIF is looking for an in depth look at Outside Counsel – Extra-Territorial Claims. Please include any information in addition to the items listed above, that your firm can provide to further educate NYSIF.



## **7. PRESENTATION/INTERVIEW**

NYSIF, at its own discretion, may ask respondents to give a presentation/interview. If NYSIF conducts presentations/interviews as part of the information gathering process, NYSIF's review committee may use the information gathered during this process to develop RFP specifications.

Presentations may be up to 90 minutes. Questions may be asked by the review committee based on material covered in the presentation/interview.

Presentation/interviews will be conducted in New York City, Albany or virtually. It will be the responsibility of the respondents to present the appropriate staff to discuss the products, at the scheduled time. Respondents will be responsible for any and all costs associated with the presentation. Appointments will be made at least one week prior to the scheduled presentation/interview date. There is no guarantee expressed or implied that a firm will be asked to make a presentation and no product or services will be procured through this process.

## **8. DUE DATE**

The due date for responses is 4/8/25, 2:00 p.m. (Eastern) to: [contracts@nysif.com](mailto:contracts@nysif.com). Please include "Response to NYSIF RFI #2023-73-LEG" in the subject line of the e-mail. Responders assume all risks for timely, properly submitted deliveries.