



# The Public Advocate for the City of New York

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January 31, 2014

The Honorable H. Carl McCall  
Chairman  
SUNY Board of Trustees  
353 Broadway  
Albany, NY 12246

Dear Chairman McCall:

I write in response to your January 30<sup>th</sup> letter inviting my participation in the Request for Proposal (RFP) process to obtain a new health care provider and sell the assets of Long Island College Hospital (LICH). Respectfully, I must decline your offer to join a flawed and unfair process that is not consistent with the New York State Procurement Guidelines and does not offer the people of Brooklyn the best value for this critical health care provider. As Public Advocate, I have a fiduciary obligation to ensure that a fair method is used when the sale of public assets are sold to private parties. I am not confident that obligation would be fulfilled in the current situation.

The position I take is in consultation with the communities who are directly harmed by this process. For the past few weeks, this office has engaged community members and hospital employees in good faith to seek an amicable agreement that would address the health care needs of the people of Brooklyn. It was my hope that after having violated the State's open meeting laws and diverting ambulances in contempt of a judicial order, SUNY had learned from its mistakes. Yet once again, the State University of New York seeks to subvert the process and undermine the people's access to the essential health care that LICH provides and jeopardize the jobs of the employees who work there.

On July 17, 2013, SUNY issued RFP # X002539 for the acquisition of all the assets of Long Island College Hospital. The due date for proposal was September 16, 2013. Indeed, on December 17, 2013 a committee of the Board of Trustees voted to advance the Fortis proposal. Now, more than four months later, SUNY seeks to "reopen" the process to only allow five of the seven bidders to "clarify and modify their proposals." In addition, the January 28, 2014 letter permits the inclusion of "additional interested parties" but permits bidders only three business days to make these changes. It is impossible for any fiscally responsible bidder to prepare a proposal for a half billion dollar property requiring the delivery of critical medical services in this short time period.

McCall LICH RFP

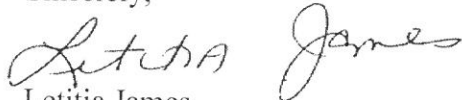
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Mr. Chairman, the changes that SUNY contemplates are material and are made long after the closing date for the RFP. Moreover, by limiting the RFP to only five bidders, SUNY violates the basic tenets of the RFP process, to obtain the best value for the people that LICH serves and the taxpayers of New York. Lastly, the RFP gives considerably greater weight to the financial value of proposed bids over the quality of health care that would be provided to the community.

It is for these reasons that I have no choice but to decline your invitation to participate in the flawed process to sell the assets of this vital public institution.

Sincerely,

A handwritten signature in cursive script that reads "Letitia James". The signature is written in black ink and is positioned to the left of the printed name.

Letitia James

Public Advocate for the City of New York

cc: Representative Nydia Velazquez  
State Senator Velmanette Montgomery  
State Senator Dan Squadron  
Assemblymember Jim Brennan  
Assemblymember Joan Millman  
Councilmember Brad Lander  
Councilmember Steve Levin  
Councilmember Carlos Menchaca