

REQUEST FOR PROPOSALS

FOR

LEGAL SERVICES

The Brunswick Housing Authority
1126 Albany Street
Brunswick, GA 31520

TABLE OF CONTENTS

PART I – INTRODUCTION	PAGE
1.1 Definitions.....	3
1.2 Profile of the The Brunswick Housing Authority.....	3
 PART II – STATEMENT OF WORK	
2.1 Scope of Services.....	4
2.2 Firm Qualifications.....	6
 PART III – SPECIAL CONDITIONS	
3.1 Contract Term.....	7
3.2 Standards of Conduct.....	8
3.3 Section 3 and Minority/Women Business Participation.....	8
 PART IV – SUBMISSION REQUIREMENTS	
4.1 General Conditions.....	8
4.2 Proposal Requirements.....	9
 PART V – PROPOSAL SELECTION	
5.1 Evaluation Factors.....	12
5.2 Submission Instructions.....	13
5.3 Timetable.....	13
 PART VI – FORMS AND ATTACHMENTS	
Form HUD-2992: Certification Regarding Debarment and Suspension.....	A
Form HUD-50071: Certification of Payments to Influence Federal Transaction.....	B
Form HUD-5369-B: Instructions to Offerors Non-Construction.....	C
Form HUD-5369-C - Certifications and Representations of Offerors.....	D
Form HUD-5370-C - General Conditions Non-Construction Contracts.....	E
Acknowledgement of Addenda and Responses to Written Questions.....	F

PART I – INTRODUCTION

1.1 DEFINITIONS

For the purposes of this Request for Proposals, the following definitions shall apply:

The terms "**BHA**"; "**Housing Authority**"; "**Authority**" mean the The Brunswick Housing Authority.

The term "**RFP**" means this Request for Proposals.

The terms "**Offeror**"; "**Firm**"; "**Proposer**" mean the company(s), firm(s) or individual(s) from whom proposals are requested.

The term "**PHA**" refers to a Public Housing Authority. As used in this RFP, the term PHA will refer to a particular type of organization.

The term "**HUD**" means the United States Department of Housing and Urban Development, a Federal agency which partially funds and monitors operations of the The Brunswick Housing Authority. Nothing contained in this RFP or in the contract resulting from the selection process shall be construed to create any contractual relationship between the successful proposer and HUD.

1.2 PROFILE OF THE BRUNSWICK HOUSING AUTHORITY

The Brunswick Housing Authority was incorporated in 1937 as a public housing authority under the laws of the State of Georgia. The cognizant federal agency for all PHAs at that time was the United States Housing Authority (now HUD). The mission of The Brunswick Housing Authority was specifically stated as the provision of decent, safe, and sanitary housing for low income persons.

The Housing Authority is governed by a Board of Commissioners, consisting of five members, appointed by the Mayor of the City of Brunswick. The chief executive officer of the Authority, responsible for the organization's general operations, is the Executive Director.

BHA must follow the laws, policies and regulations as set forth by the U.S. Federal Government, including the U.S. Department of Housing and Urban Development, applicable Georgia State and local government regulations. BHA administers approximately 589 public housing units for families, single occupant households and senior citizens and administers approximately 750 rental vouchers through the Housing Choice Voucher (Section 8) Program. The BHA has also recently established a 501c3, Coastal Pheonix, and through this organization has established a Community Land Trust, Southeast Georgia Community Land Trust.

BHA enters into and executes contracts and other instruments that are necessary and convenient to the exercise of its powers. BHA maintains contractual agreements with HUD to manage and operate its low rent public housing program and administers the Housing Choice Voucher Program. BHA programs are mainly funded by rental income and HUD subsidies and grants.

PART II – STATEMENT OF WORK

2.1 SCOPE OF SERVICES

The Brunswick Housing Authority requests proposals from qualified legal firms to provide services in all legal matters. BHA is looking for a firm with experience in the following areas of legal services: housing development and management; real property laws and codes, GA state public employer labor and employment law and federal subsidy programs (i.e. public housing and Section 8 programs). Legal services under the contract which shall be entered into by and between the The Brunswick Housing Authority (BHA) and the successful respondent shall include, but not be limited to:

- 1) Attendance and guidance during any or all Authority Board of Commissioners meetings (regular or special) and other meetings as requested, and supervision, as to legality of the official minutes of the Authority.
- 2) Conferring with and advising the officers, employees, and members of the Board of Commissioners of the Authority on legal matters and issues when requested.
- 3) Drafting and/or review of legal documents, papers, contracts, agreements, certifications, resolutions, specifications, bonds, waivers, and such other legal drafting as may be required.
- 4) Advising and consulting with the Authority on all matters of a legal nature.
- 5) Appearance for and representation of the Authority, in court, in all litigated matters except as herein otherwise provided.
- 6) Performance of services necessary in the prosecution of contested eviction actions.
- 7) Guidance to the Authority and staff, as well as representation when necessary, regarding personnel actions, policies and procedures, including but not limited to employment compensation hearings, worker compensation claims, employment discrimination claims and equal employment hearings.
- 8) Guidance to the Authority and staff regarding real estate procedures, as well as the completion of real estate transactions, including the review of utility easements as well as operations of a Land Trust and/or 501c3 organization.
- 9) Review of employee benefits contracts, including but not limited to pension plan documents, group annuity contracts, group medical insurance contracts, life insurance contracts and disability contracts.
- 10) Defense of the Authority during litigation arising out of the course of operations of the Authority.

- 11) Consultation to other attorneys representing the Authority in litigation in which the Authority's liability insurance carrier has retained counsel to represent the Authority and, if needed, appearance in said litigation on behalf of the Authority.
- 12) Review of Federal guidelines and regulations and advise Authority and staff to the consequence as necessary.
- 13) Review all potential terminations and make recommendations as to appropriate actions, as well as draft notices of termination.
- 14) Representation of the Authority on appeals of lower court decisions to the Federal or State Appellate Courts.
- 15) Review of requirements, obligations and procedures for complete and efficient processing of bankruptcy notices related to a) Employee matters (payroll) and b) Current or previous public housing residents and/or Section 8 assisted residents.
- 16) Approval of the legality of contracts and all payments there under.
- 17) Handling of all legal questions and matters arising under contracts of the Authority and rendering legal opinions on all matters submitted by the Authority.
- 18) Review and approval of all documents pertaining to temporary and permanent financing relating to all developments in the Authority inventory.
- 19) Instituting and bringing to conclusion in court of original jurisdiction, all actions for the recovery of possession of dwelling units or for the collection of rent.
- 20) Reviewing, advising, and representing the Authority in connection with disputes arising out of the bid process.
- 21) Reviewing, advising, and representing the Authority with regard to disputes arising out of contracts between the Authority and its vendors.
- 22) Advising and representing the Authority with regard to issues and claims arising out of construction contracts.
- 23) Advising and representing the Authority with regard to issues involving the Labor Law.
- 24) All legal work necessary in connection with the preparation and adoption of the initial management program for each project, including the completion of all resolutions and forms necessary for a complete management program.
- 25) Preparation, modification and approval of the Authority's dwelling, Section 8 lease(s).

- 26) Advice and assistance to the Authority in connection with the tenant grievance hearings, including appearances at hearings if requested.
- 27) The preparation of all documents relating to the issuance of obligations of the Authority as assistance rendered to special Bond Counsel in the issuance of definite bonds of the Authority and its programs.
- 28) All legal work in connection with acquisition and/or disposition of real property, including the examination of abstracts of title and the furnishing of a consolidated opinion of title in accordance with local regulations.
- 29) Advise and assist the Authority in any new programs such as but not limited to establishment of not-for-profit subsidiaries.
- 30) Advise and assist the Authority on matters subject to the US Federal Fair Housing Act of 1968. (Equal Housing Opportunity)
- 31) Other legal services as may be requested by the BHA Board of Commissioners and/or Executive Director.

NOTE: Historically, approximately two hundred fifty (250) hours per year of attorneys' time has been spent to fulfill the obligations of this contract, however, there is no guarantee expressed or implied that it could or would be more or less. This information is just intended as a guide.

2.2 FIRM QUALIFICATIONS

The description of respondent's qualifications and experience shall evidence/demonstrate that respondent possesses the following:

- 1) A broad and practical knowledge of HUD rules, regulations, requirements, law and related procedures; knowledge of various housing programs of the U.S. Department of Housing and Urban Development (HUD) with particular emphasis on the Public and Indian Housing Programs and the Housing Choice Voucher (Section 8) Housing Programs; experience in implementing same.
- 2) Knowledge and work experience with Administrative regulations and the law in matters relating to, but not limited to the following areas: Davis-Bacon Act, Lease and Grievance procedures, Affirmative Action regulations, Georgia State Public Housing Law and the programs of the Richmond County Department of Family and Children Services which impact low income housing, Lead-Based Paint Poisoning Prevention Action, Family Self-Sufficiency Program, HUD Disposition, Demolition and Development programs and laws and regulations relating to non-discrimination based on handicap in federally-assisted programs with emphasis on Section 504 of the Rehabilitation Act of 1973 and the Architectural Barriers Act of 1968.

- 3) Strong analytical and interpretive skills, as well as verbal and written communication expertise, particularly with regard to housing and urban development matters; and experience in applying same.
- 4) Ability to provide legal services involving housing development and management; financing involving advance, permanent and temporary notes; litigation, real property laws and codes; human services arbitrations, federal subsidy programs and Community Land Trusts.
- 5) Skills, capabilities, capacity and work experience of a demonstrated level that would assure completion of the scope of work in a timely and satisfactory manner.
- 6) All necessary and/or required licenses, registrations, and certifications.
- 7) Certification that the firm/individual is not debarred, and has all necessary and/or required insurance coverage in effect.
- 8) Ten or more years of experience representing a housing authority or its relative equivalent.

PART III – SPECIAL CONDITIONS

3.1 CONTRACT TERM

The successful Offeror shall be expected to execute a standard professional service contract with BHA. The term of the contract shall be effective when executed by BHA for a period of one (1) year with the BHA holding option to extend contract annually up to five years, unless sooner terminated in accordance with the contract. Contract negotiations and renewals will be discussed upon the interview with selected candidates.

The contract with the selected legal firm will include a ninety (90) day term extension at the existing billing rates after contract expiration (if convenient to BHA). This extension may be necessary if the current legal firm is not selected for the next legal services contract.

3.2 STANDARDS OF CONDUCT

The successful Offeror shall be responsible for maintaining satisfactory standards of employees' competency, conduct, courtesy, appearance, honesty, integrity and shall be responsible for taking such disciplinary action with respect to any employee, as may be necessary.

3.3 SECTION 3 AND MINORITY/WOMEN BUSINESS PARTICIPATION

The firm awarded the contract agrees to use its best efforts to subcontract and employ Section 3 and minority business enterprises and/or women business enterprises, certified as such or recognized by BHA as such. BHA is an equal opportunity employer and requires all of its contractors to comply with policies and regulations concerning equal employment opportunity.

PART IV – SUBMISSION REQUIREMENTS

4.1 GENERAL CONDITIONS

The RFP will be available at the Administrative Office of the The Brunswick Housing Authority at located at 1126 Albany Str. Brunswick, GA 31521 and available on the BHA website www.brunswickpha.org. The RFP can also be obtained electronically by contacting Tess Cobb, Director of Asset Management, bwkhous3@comcast.net. All addenda and responses to written questions will be published on the BHA website, forwarded to all electronic requesters and available in hard copy if requested. It is the respondents' responsibility to check the BHA website for addenda changes and written question responses.

All proposals must conform to requirements outlined herein. BHA reserves the option to require or to request additional information from selected candidates. There may be subsequent instructions, if any, issued to the selected candidates.

The successful Offeror will be expected to execute a standard professional service contract with BHA based on the proposal submitted and the requirements of this RFP and any future addenda thereto.

Any amendment or addenda may be issued prior to the opening of proposals for the purpose of changing or clarifying the intent of this RFP. All amendments or addenda shall be binding in the same way as if originally written in this RFP.

The Offeror shall identify any conflicts of interest which may arise if the Offeror serves as BHA's counsel and shall describe how it proposes to avoid such conflicts. The contract will require the Offeror to notify BHA immediately of any potential conflicts of interest and to undertake immediate action to eliminate the source of the potential conflict. BHA will reserve the right to make the Offeror aware of situations which may present a conflict of interest and require the Offeror to promptly remedy the situation to the satisfaction of BHA.

Offerors shall be responsible for informing themselves with respect to all conditions, which might in any way affect the cost or performance of any of the work. Failure to do so shall be at the sole risk of the Offeror and no relief shall be given for errors or omissions by the Offeror.

An authorized representative of the Offeror must sign proposals.

This RFP does not represent a commitment or offer by BHA to enter into contract, or other agreement with proposer. The proposal and any information made a part of the proposal will become a part of BHA's official files without any obligation on BHA's part to return it to the

individual proposer. This RFP and the selected firm's proposal will, by reference, become a part of any formal agreement between the firm and BHA resulting from this solicitation.

BHA reserves the right to waive any irregularities or formalities in any or all proposals. Failure to furnish all information requested may disqualify a proposer.

The U.S. Department of HUD, the US Government Accounting Office, the State of Georgia, BHA, any duly authorized representatives of each, shall have access to, and the right to examine any and all pertinent books, records, documents, invoices, papers, and the like, of the firm, which shall relate to the performance of the services provided.

The Offeror shall not collude in any manner or engage in any practices with any other proposer(s), which may restrict or eliminate competition. Violations of this instruction will cause the proposal to be rejected. This prohibition is not intended to preclude joint ventures or subcontracts.

4.2 PROPOSAL REQUIREMENTS

The following is a description of the minimum information which must be supplied in your proposal. You may give supplementary facts or other materials that you consider may be of assistance in the evaluation.

A. Executive Summary

Provide a brief summary of your firm's approach to the work associated with the requested services, demonstrate an understanding of the scope of services required, and approaches to be utilized in performing these services, specifically related to the rules, regulations associated with public housing authorities.

B. Experience

Describe how long the Attorney or Law Firm has been in business and current structure. Provide any other names under which the firm has done business and the dates it operated under each name and the locations at which it operated under each name. Describe the experience of the Offeror conducting comparable services during the most recent five-year period similar in scope to the services required by BHA. Provide a list of companies or governmental agencies or organizations to which your firm is currently providing services. If this does not include at least three entities, then provide the names of the entities for which similar services have been provided.

For each client entity include:

- The term (beginning and ending dates) of your contract agreement(s)
- A brief description of the scope of work
- The name and contact information of the individual that administered your contract(s)
- Explain the roles performed by the proposer for the client entity

C. Qualifications

Provide the qualifications and experience the firm has in providing services outlined in Section 2.1 Scope of Services., including Board certifications held. Describe Offeror's experience with public housing legal issues including applicable State of Georgia and Federal public housing regulations. List all key members of the firm who will be committed to this contract. Indicate the level of effort and function of each member of the firm toward the execution of this contract. Prepare an organizational structure to show how the key members will be involved. Include resumes for these individuals.

D. Schedule of Performance/Timeliness/Deliverables

Each proposal shall include a description of how the firm intends to assume responsibility of existing legal matters and how soon the firm would be in a position to provide services. The description should also include the firm's availability for all future services outlined in Section 2.1 (i.e., court appearances, board meetings, etc.).

E. Affirmative Action Plans

Explain method and procedures that your firm will use to achieve meaningful Section 3, Minority and Women Business participation in the contract.

F. Cost

Provide hourly billing rates for services. Provide the structure of rates for partners, associates, paralegals, couriers, etc. Selected proposer must be capable of tracking and billing (invoicing) all work hours and materials (if reimbursable) by specific program or funding source as required by BHA. Any proposer not capable or willing to comply with this requirement will be considered non-responsive. Preferred formatting will be agreed upon during contract negotiations.

All costs related to this contract will be governed by federal regulations and HUD Handbook No. 7460.8 REV 2.

G. Exclusions

Costs as described in the following section shall be underwritten by the Authority subject to the approval process described herein in addition to amounts bid on the basis of this specification:

- 1) All reasonable and necessary expenses paid out or incurred on behalf of the Authority in the provision of required services as described such as court costs, witness fees, recording fees, etc., but not including the Attorney's office or overhead expenses.
- 2) All reasonable and necessary expenses for traveling and subsistence in connection with the performance of the duties of said Attorney, outside the area within which the Authority is authorized by law to operate. Such compensation shall be limited to the amount allowed in accordance with the terms of the Authority Travel Policy current at the time the expense is incurred.
- 3) Fees and costs for litigation which, in the agreed opinion of both the Authority and the Attorney, are extraordinary or lengthy and beyond the scope of Section 2.1 of this RFP. In each case, the Attorney shall notify the Authority in writing

and the matter will be reviewed. If agreement cannot be reached, the Authority will submit the matter to the Regional Counsel for the Department of Housing and Urban Development, and in the event any such litigation is in the opinion of the Office of the Regional Counsel extraordinary, the Attorney shall, upon written request of the Authority, perform such litigation which for the purpose of this specification, is considered extra services. In the event the Regional Counsel is of the opinion that such litigation is not extraordinary, it shall so notify the Authority and its Attorney before the opinion and final determination of Regional Counsel shall be or become binding upon said Authority and its Attorney. Law firms responding to this Request for Proposal shall include as part of their proposal a separate hourly rate to cover special or extraordinary litigation which the Authority from time to time may request of the Attorney. This litigation shall be beyond the scope of Section 2.1 of this RFP.

G. Insurance

The successful Offeror shall provide BHA with evidence of all appropriate and applicable insurance coverage carried by the firm, including policy coverage periods. Offerors shall furnish BHA with certificates of insurance, showing that the following insurance is in force and will insure all operations under this RFP.

- **Professional Liability Insurance** – The successful Offeror shall maintain a policy of professional liability insurance in the amount of at least \$2,000,000 per occurrence.
- **Workers' Compensation** in accordance with the State of Georgia rules and regulations
- **General Liability Insurance** with a single limit for bodily injury of \$1,000,000 per occurrence and property damage limit of no less than \$1,000,000 per occurrence.
- **Automobile liability** on owned and non-owned motor vehicles used on the site(s) or in connection herewith for a combined single limit of bodily injury and property damage of not less than \$1,000,000 per occurrence.

All insurance shall be carried with companies that are financially responsible and admitted to do business in the State of Georgia. Offeror shall not permit the insurance policies required to lapse during the period for which the Agreement is in effect. All certificates of insurance shall provide that no coverage may be cancelled or non-renewed by the insurance company until at least thirty day's prior written notice.

PART V – PROPOSAL SELECTION

5.1 EVALUATION FACTORS

Selection of a successful Offeror will be the sole discretion of BHA. An BHA evaluation committee will be established to review Offeror responses to this RFP. Proposals will be evaluated using the following evaluation criteria. Offerors will be selected based on the highest cumulative score, as provided below. The Authority, however, reserves the right to reject any and all proposals and to waive any informality in proposals received for any reason whatsoever.

EVALUATION CRITERIA	Maximum Points
1. Offeror’s compliance with all specifications and/or other requirements contained in this RFP (excluding cost).	25
2. <i>Labor and Employment Matters</i> Relevant experience and qualifications with GA state and federal statutes and regulations regarding labor and employment matters relating to public agency law. Relevant experience and qualifications in alternative dispute resolution regarding employment matters.	25
3. <i>Affordable Housing Development and Acquisitions</i> Relevant experience and qualifications with affordable/public housing legal issues including applicable State of Georgia and Federal regulations affecting public housing authorities and the Section 8 program, including Internal Revenue Code Section 42 and State Tax-Exempt Bond regulations.	25
4. <i>General Counsel and Litigation</i> Relevant experience and qualifications with affordable/public housing and Section 8 legal issues including applicable State of Georgia and Federal affordable/public housing and Section 8 regulations.	25
TOTAL POINTS	100

During proposal evaluation, BHA reserves the right to call for supplementary information from Offerors and to meet with all or any one of them to clarify points of uncertainty or ambiguity.

If selected, candidates may be requested to attend an interview to discuss the proposed scope of work, including availability of equipment and staffing, accounting and payment procedures, schedules, qualification of subcontractors proposed for portions of the work, and such other items as are directly related to the proposal prior to being awarded the contract.

Interviews and negotiations may be conducted with contractors who have a reasonable chance of being selected for award. After evaluation of the proposal revisions, if any, the contract will be awarded to the responsible firm whose qualifications, price and other factors considered are advantageous to BHA.

5.2 SUBMISSION INSTRUCTIONS

Prospective Offerors desiring any explanation or interpretation of the solicitation must request it by August 14, 2009, at least fourteen (14) calendar days before the RFP due date. This will allow issuance of any necessary amendment to the RFP.

Any request for additional information must be addressed to Angela Lemmond Strickland, Executive Director, or Tess Cobb, Director of Asset Management, at the address stated below. Any information given to a prospective Offeror about this solicitation will be furnished to all other prospective Offerors as a written amendment to the solicitation. All communication for this RFP shall be in writing. Any verbal communication in regards to this RFP will be considered non-binding.

All responses to the RFP must be enclosed in a sealed envelope and labeled as follows:

LEGAL SERVICES RFP

**The RFP response must be addressed to: The Brunswick Housing Authority
1126 Albany Str.
Brunswick, GA 31520**

All Proposals are due by 2:00 PM, EST, Monday, August 31, 2009. Any proposal received after this deadline will not be considered.

Offers by telegram, telephone, facsimile, e-mail, and handwritten proposals will not be accepted by BHA.

One (1) original and four (4) copies of the proposal must be submitted.

BHA reserves the right to reject any or all proposals with or without cause.

5.3 TIMETABLE

1.	RFP Available	July 27, 2009
2.	Deadline for Written Questions	August 14, 2009
3.	Response to Written Questions Completed	August 21, 2009
4.	Submittals Due	August 31, 2009
5.	Selection of Shortlist Candidates	September 11, 2009
6.	Interviews Completed	September 25, 2009
7.	Contract Negotiations Completed	October 9, 2009
8.	Contract to be Awarded	October 16, 2009
9.	Notice of Award and Non-Awards	October 16, 2009

PART VI – FORMS AND ATTACHMENTS

Submit the following Forms and HUD Certifications, which shall constitute a part of the RFP and any contract. All work will be performed in accordance with professional standards, HUD regulations, requirements and criteria, local codes, regulations, ordinances, and statutes.

- Form HUD-2992: Certification Regarding Debarment and Suspension
- Form HUD-50071: Certification of Payments to Influence Federal Transaction
- Form HUD-5369-B: Instructions to Offerors Non-Construction
- Form HUD-5369-C - Certifications and Representations of Offerors, Non-Construction Contract
- Form HUD-5370-C - General Conditions Non-Construction Contracts
(Provided for informational purposes and does not need to be submitted with the proposal)
- Acknowledgement of Addenda