



REQUEST FOR QUALIFICATIONS

For

LEGAL SERVICES

April 26, 2017

The Housing Authority of the City of Muskogee seeks proposals from qualified law firms to serve as General Counsel to the MHA Board of Commissioners and staff.

Length of Contract: 2 years (plus optional 2 year extension)

Scope of Services: Legal Services described in this request

Evaluation Criteria: Qualifications, Experience and Fees

Proposal Due Date: Friday, May 26, 2017 – 4pm

Respond to: Blake Farris, Executive Director
Housing Authority of the City of Muskogee
PO Box 1471
Muskogee, Oklahoma 74402

PART I – INTRODUCTION

1.1 **Purpose:** The Housing Authority of the City of Muskogee (MHA) seeks proposals from qualified law firms, partnerships or legal practitioners to serve as general counsel to the MHA Board of Commissioners and staff. General Counsel will provide legal services to the MHA in connection with housing programs, human resources, redevelopment activities, property acquisition, insurance matters and other MHA programs and projects.

1.2 **Agency Background:** The MHA is a mid-sized Public Housing Authority which administers units of rental housing, including apartments, and scattered-site single family houses. The MHA administers approximately 800 vouchers for federal housing programs including Housing Choice Vouchers Program (formerly Section 8).

1.3 **Agency Governance and Administration:** The MHA is governed by a five-member Board of Commissioners appointed by the Mayor and with approval of the City Council.

An Executive Director operates the MHA on a daily basis.

The MHA utilizes legal counsel to advise them on various operational issues arising out of state, local and federal laws, including housing programs, human resources, development activities, property acquisition, insurance matters, and other MHA programs and projects.

PART II – SCOPE OF SERVICES

2.1 General: The following list includes the types of legal services that will be required for the activities of the MHA. The requirement described in this request are not intended to identify completely all aspects of the legal services necessary for the effective representation of the MHA. These descriptions underscore some elements of the desired legal services.

The Responder must consider and propose all work, services, expertise and information necessary and/or reasonably needed to provide the MHA with appropriate, competent and comprehensive legal representation that meets or exceeds standards in the profession.

The MHA reserves the right to contract with any or all of the selected legal counsel pursuant to this Request for the performance of any portion of, or all of, then following services relating to and, all, or any portion of the activities undertaken by the MHA. The contracting firm(s) is not guaranteed a minimum amount of work. All decisions regarding which firm is used are at the sole discretion of the MHA.

2.2 Legal Services

- A. Provide General Counsel and guidance to the MHA Board of Commissioners and Executive Director in public policy, such as open meeting law, ethics, conflict of interest and other matters.
- B. Review and render advice on landlord and tenant law. Represent and advise the MHA in disputes involving property owners and tenants and other housing matters. Must be knowledgeable with federal HUD regulations for Public Housing, the Housing Choice Voucher program and similar rental housing laws.
- C. Prepare and/or review all appropriate legal documents as needed, including but not limited to those involving the transfer, ownership and control of real estate, the contracting of architectural, construction and other services, and the formation of development partnerships.

- D. Provide advice and represent the MHA as required in human resource and employment matters including human resource policy administration, contract negotiations, grievance resolution, discipline and discharge, Americans with Disabilities Act, and all applicable federal and state laws pertaining to employer-employee relationships.
- E. Advise and represent the MHA in negotiating with any developer, builder, contractor, and Management Company, governmental entity, lender, underwriter, financial advisor or other organization as required by the MHA. Negotiate the terms and conditions of the all legal documents necessary to formalize and delineate the roles of the foregoing with the MHA.
- F. Review and advise the MHA on legal implications of various financial models and the role of the MHA in each, including limited partnerships, low-income housing tax credit syndication, bond financing and conventional mortgages, and other public/private combinations, for the rebuilding, reconstruction, rehabilitation and/or development of rental and for sale units for low-income and mixed-income tenants.
- G. Advise the MHA on legal matters throughout the community development and the redevelopment process from pre-development activities through approval for funding, commitment and settlement on funds, entering into contracts and final closing.
- H. Prepare and/or review all loan or other forms of financing documents required for commitment, closing and disbursement of funds from city, state, federal, and private sources.
- I. Work with MHA staff, MHA development partners or consultants and other entities procured by the MHA for their development and financing activities, as needed.
- J. Represent the MHA during court proceedings.
- K. Perform other legal tasks as requested or required by the MHA.

PART III – SUBMISSION REQUIREMENTS

- A. Proposals must be submitted in sealed envelope, labeled “Legal Services Proposal.”
- B. The MHA must receive four (4) copies of the proposal.
- C. Proposals must be received at the MHA office, located at 220 North 40th Street, by 4:30 PM on Friday, May 26th. Proposals may also be submitted via mail to PO Box 1471, Muskogee, OK 74402. Extensions will not be granted, unless notice of the extension is provided to all Prospective Responders.
- D. The MHA is not responsible for any expenses that Responders may incur to prepare and submit proposals.
- E. All proposals are the property of and will be retained by the MHA. They will NOT be returned to the Responders.
- F. The MHA reserves the right to cancel this request or to reject in whole or in part, any and all proposals received in response to the Request. The MHA reserves the right to waive any minor informality in any submitted proposals. All decisions regarding the contract award as a result of this Request are at the absolute sole discretion of the MHA.

PART IV – MINIMUM QUALIFICATIONS

4.1 Experience Required:

- General Counsel to Similar Entity
- Labor and Employment Practice
- General and Professional Liability Insurance
- Real Estate Finance
- Real Estate Development
- HUD Regulatory
- Housing
- General Government
- Public Bidding & Procurement

The Proposal must identify the number of years of experience for each member of the legal team in the above areas of experiences. The Proposal may include other areas considered relevant by the Responder.

4.2 Signature: The proposal must bear the signature of a principal or authorized officer of the professional or firm.

4.3 Insurance: The selected firm or firms must carry or be willing and able to obtain adequate Professional Liability and General Liability insurance.

PART V – PROPOSAL REQUIREMENTS

5.1 Proposal Components

A. *Personnel:* List the primary personnel who will be assigned to this contract.

B. *Conflicts of Interest:* Disclose any conflict of interest your firm may have involving the Muskogee Housing Authority (MHA). Such potential conflicts may include: (1) Past representation of clients whose positions were adverse to the MHA in litigation or administrative proceedings within the last three years; (2) Present representation of clients who have placed the MHA on notice of potential claims or disputes; (3) Representation in contract negotiations involving the MHA; (4) Anticipated or pending condemnation proceedings involving the MHA; and (5) Other conflicts of interest.

C. *Price Proposal:*

1. Actual Billing Rates: List the standard billing rate for each professional listed in 5.1.A.

PART VI – EVALUATION PROCEDURE

6.1 Qualifying Proposals: The Executive Director will review each proposal for compliance with the minimum qualifications set forth in Part IV. Failure to comply with the minimum qualifications will disqualify a Responder’s proposal from consideration. Each Responder submitting a proposal must assume full responsibility for meeting the minimum qualifications.

6.2 Deviations and Negotiations: The Executive Director shall have the sole right to determine whether any deviation from the requirements of this Request is substantial in nature, and may reject non-conforming proposals. The Executive Director may waive minor irregularities and negotiate with responsible Responders in any manner deemed in the best interest of the MHA.

6.3 Preliminary Notifications: Responders who submit not-qualifying proposals shall be notified in writing without a statement of reasons for such determination that is in the sole judgment of the Executive Director.

6.4 Evaluation: The Executive Director shall appoint a committee to evaluate the proposals.

- A. Proposed Team Experience, Qualifications, Knowledge and Skills (25%)
- B. Project Specific Experience (25%)
- C. Price Proposal (50%)

PART VII – CONTRACT INFORMATION

7.1 Parties to the contract: The contract shall be between the parties as proposed and the MHA. The Responder must have a principal of the firm sign the contract. The Executive Director will sign on behalf of the MHA.

7.2 Contract Term: the term shall commence as of the date specified in the contract and shall end the later of (a) two years after the commencement date: (b) upon completion of all work contract: or (c) upon 30 days written notice of termination to the firm. The contract may be terminated by the MHA at any time for non-performance or failure to provide legal services outlined in the contract.

7.3 Compensation and Method of Payment: The Contractor will be paid for services rendered upon submittal of monthly invoices. Payments will be based upon a reasonable number of actual hours expended by the Contractor's attorneys and paraprofessionals in the performance of the services as requested by the Executive Director or his/her designee. The Contractor must provide invoices with reasonable detail regarding the items performed and the hours expended in a manner acceptable to the MHA.

7.4 Expenses:

- A. Reimbursable expenses include the following:
 - 1. Reasonable travel expenses incurred by the Contractor in the performance of the Contract outside the Muskogee area.
 - 2. Telephone costs incurred for calls outside the Muskogee area
 - 3. Photocopying charges at cost
 - 4. Messenger or overnight delivery services only if requested by the MHA
 - 5. Facsimile costs
 - 6. Filing fees as requested by the MHA

B. Non-Reimbursable expenses include the following:

1. All expenses in any of the categories of 7.4.A that fall outside of the parameters of payment for specific services
2. Secretarial services whether performed during normal business hours or overtime, unless specifically requested by the MHA
3. Local transportation costs
4. In-house messenger services
5. Paraprofessional overtime costs
6. Any other itemized expense not otherwise specified

7.5 Records: The Contractor shall maintain records relating to the costs and expenses incurred by the Contractor in the performance of the contract for a period of seven years from the date of final payment under the contract.