

REQUEST FOR PROPOSALS
FOR
LEAGAL SERVICES



Housing Authority of the City of Norwalk
P.O. Box 508
24 ½ Monroe Street
Norwalk, CT 06856-0508

Issue Date: 6/15/19

Proposal Due Date: 7/9/19

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I. INVITATION TO SUBMIT PROPOSALS

Legal Services Contract

The Housing Authority of the City of Norwalk (hereinafter referred to as the "Authority", "NHA", or the "Housing Authority") herein requests proposals for legal services including the following: Special Counsel for Real Estate Matters and Corporate Structuring in Connection Therewith.

1. Special Counsel for Real Estate Matters
2. Legal Assistance for the Establishment of a 501(c)3

Proposals are invited from individual lawyers or legal firms (hereinafter referred to as "counsel", "special counsel", "Respondent", or "Offeror") that will comply with all requirements of applicable statutes, regulations, policies and organizational objectives of the NHA.

Respondents for Special Counsel for Real Estate Matters must have experience in the provision of legal services involving: housing (development and management), governmental entities and housing authority regulations, contracts, permanent and temporary note financing, land use, litigation, real property laws and codes, low income housing tax credit and other financing, Connecticut housing law and programs, and Federal housing law and programs. Counsel must be a member of the Connecticut Bar.

Respondents to provide Legal Assistance for the Establishment of a 501(c)3 must have experience with legal and tax matters as they pertain to a non-profit corporation as well as experience with the corporate matters for community-based entities. Specific experience with non-profit entities involved in community development and housing is required.

This Request for Proposals (RFP) contains specific submission requirements, general scope of service requirements, and terms, conditions, and other pertinent information necessary for submitting a proposal. Interested parties may obtain the Request for Proposal package in person beginning 6/17/19; by mail or by email on the NHA's website, which can be found at <http://www.norwalkha.org/>.

Questions and inquiries should be directed in writing to Guillermo Bandana, Procurement Specialist no later than 6/28/19. Proposals must be submitted on or before 7/9/19 at 4:00 PM. Submittals received after the deadline will not be considered.

All proposal submittals shall be labeled as follows:

Proposal for Legal Services
Attn.: Guillermo Bandana
Norwalk Housing Authority
P.O. Box 508
24 ½ Monroe Street
Norwalk, CT 06856

II. NHA MISSION AND DESCRIPTION

Since 1939, Norwalk Housing Authority has provided safe and affordable public housing coupled with supportive services to enable eligible persons with limited incomes to become self-sufficient. The housing inventory includes senior one- and two-bedroom units and multifamily units with one to five bedrooms. The properties are maintained by qualified professional staff to ensure that each resident enjoys the benefits of NHA housing. Affordable housing is a stepping-stone to self-sufficiency, which residents may obtain through NHA-sponsored educational and economic supportive programs.

Mission Statement

The Norwalk Housing Authority provides quality affordable housing for low-income residents. The NHA has an innovative, integrated approach to motivate, educate, and liberate its residents from youth to adulthood to achieve self-sufficiency.

The Norwalk Housing Authority:

- Owns and manages 18 properties throughout Norwalk, consisting of 1268 total public housing units
- Administers 935 Housing Choice Vouchers.
- Is governed by a 5-member board of commissioners. Four members are appointed by the Mayor of the City of Norwalk and a Resident Commissioner is selected pursuant to the procedures found at CGS 8-41.
- Has a staff of 56 full-time and 42 part-time employees.

The Authority's fiscal year runs from April 1st through March 31st.

III. SCOPE OF SERVICES

The Norwalk Housing Authority is accepting proposals for legal services required in the administration and management of the Housing Authority.

Description of Activities:

The NHA is seeking legal services that fall into two (2) areas of practice:

- 1) Special Counsel for Real Estate Matters must have experience in the provision of legal services involving: housing (development and management), governmental entities and housing authority regulations, contracts, permanent and temporary note financing, land use, litigation, real property laws and codes, low income housing tax credit and other financing, Connecticut housing law and programs, and Federal housing law and programs. Counsel must be a member of the Connecticut Bar.
- 2) Legal Assistance for the Establishment of a 501(c)3 must have experience with legal and tax matters as they pertain to a non-profit corporation as well as experience with the corporate matters for community-based entities. Specific experience with non-profit entities involved in community development and housing is required.

A firm or individual attorney may only propose for both of the areas of practice. Provided The description of activities under each category are not definitive but illustrative of the roles and specific activities that may arise for each area of service.

A firm or individual may only bid on both areas of practice. Bids on individual practices will not be considered. The Respondent may present different departments within a firm or a team of firms or individuals as the service provider for each area. However, the NHA will select the best, a combination of cost and competency, value based on the evaluation criteria and practitioner(s) for each area of service.

The base term of each contract will be twenty-four (24) months beginning on or about August 1, 2019 with three, one-year extensions or fraction thereof at the sole discretion of the Authority. Extensions are to be authorized no later than 90 days prior to the termination date of the contract (90-day notice of extension). The Authority reserves the right to terminate any contract for convenience, or to rebid any area of service rather than authorize an extension, if it is in the best interests of the Authority to do so.

There may be occasions when specific legal services are not within the skill set of the procured Special Counsels. If none of the NHA's legal Team has the in-house capacity to provide specialized services required by the NHA, the NHA may act to allow other counsel who has such qualified person to be retained.

Such retention must have the prior written approval of the NHA. Any billing/payment for such additional counsel will be at the same hourly rate listed within the contract (meaning, the successful proposer may not add-on an additional amount to the contracted hourly fee for retaining and overseeing such additional counsel).

The NHA reserves the right to, at any time during the ensuing contract period, and without penalty to any counsel retained as a result of this RFP, conduct additional competitive solicitations to retain additional legal counsel(s) when, in the opinion of the NHA, it is in the best interests of the NHA to do so. Accordingly, any counsel retained as a result of this RFP shall have the right to also respond to any such additional solicitation process, if conducted.

All Counsels shall at all times guarantee access by the Authority, HUD, DOH or any of their duly authorized representatives to any books, documents, papers, and records of the Respondent that are directly pertinent to the specific contract, for the purpose of audit, examination, excerpts and transcriptions.

All Counsels selected through this RFP process shall be required to retain all pertinent records for a period of not less than seven (7) years after final payment has been made and all pending matters are closed.

Services involving federally funded programs are to comply with HUD Litigation Handbook 1530.1 Rev-5, May 18, 2004.

This is a solicitation for competitive proposals in accordance with 24 CFR 85.36 (d) (3) allowing for technical quantity or other factors (in addition to price) for securing services. In Connecticut, all housing authority procurements are tied to federal procurement regulations by statute. Award will be made to the Respondents whose proposal is most advantageous to the Norwalk Housing Authority with price and other factors considered.

In submitting a response to this Request for Proposals, the Respondent acknowledges that the NHA shall not compensate the Respondent for any submission or contract negotiation costs, including costs for preparation, appearances or interviews, and/or travel expenses. It is essential that the Respondent selected as Legal Counsel have the necessary knowledge, skills, and experience to implement all aspects of the work. All work is to be performed with the highest degree of professional standards, in compliance with HUD and DOH regulations, NHA policies and procedures, criteria and requirements, and local and state laws.

IV. SUBMISSION PROCESS AND REQUIREMENTS

A. Submission Deadline:

Proposals must be received by the Housing Authority at its Main Office on or before 7/9/19 at 2:00 PM. Late submissions, emailed, and faxed proposals will not be considered.

B. Submission Guidelines:

One (1) original bound copy, three (3) additional bound copies and one (1) unbound copy of the complete proposal package must be submitted in an envelope sealed and labeled "Proposal for Legal Services" to:

Proposal for Legal Services
Attn.: Guillermo Bandana
Norwalk Housing Authority
P.O. Box 508
24 ½ Monroe Street
Norwalk, CT 06856

C. Deadline for Written Questions:

Respondents may submit questions in writing to:

Guillermo Bandana
Norwalk Housing Authority
P.O. Box 508
24 ½ Monroe Street
Norwalk, CT 06856

Or email: gbenda@norwalkha.org

Written questions must be received by the NHA at the aforementioned address no later than 2:00 PM, 6/28/19.

In order to maintain a fair and impartial competitive process, the NHA will answer inquiries only in response to written questions received within the specific time frame. The NHA must avoid private communication with prospective Respondents during the evaluation period. Written questions will be the only opportunity for Respondents to inquire as to form and content. Please respect this policy and do not attempt to query NHA personnel or members of its Board of Commissioners regarding this RFP. The only queries that will be acknowledged are those written questions submitted in the manner and within the time frame indicated above.

V. FORM OF PROPOSAL

Proposals shall include the following:

A. Executive Summary: An executive summary of the proposal, including a statement of the firm's understanding of the services provided. Please state the work you are proposing as part of this submission as well as a statement about how your firm differs from other firms offering similar services. Address how the NHA will benefit from the services provided by your firm.

B. Narrative:

1. Background, Experience and Approach

A brief narrative describing the firm or individual's location; legal background and history, including years of legal experience, number of partners, associates, staff; work experience associated with private or public low-income housing; and the firm or individual's ability to provide legal services to the NHA.

Specific experience providing legal services to housing authorities pertaining to 1) acting as special council for real estate matters; and 2) legal assistance for the establishment of a 501 (c) 3.

2. References

A list of at least three (3) current clients for whom services of a similar nature have been performed. For each client, please include:

- Name of company and address
- Point of contact and telephone number
- A brief description of the organization and complexity
- A brief description of the similar work performed

3. Staff Capability

- Provide information clearly demonstrating your staff capability to perform legal and other services as stated in the Scope of Services for each area of service for which the Respondent is seeking selection. This information should include resumes of the team of partners, managers, and associates who would be assigned to the NHA and any other information relevant to your qualifications to perform these services for the NHA.

- Steps taken at your firm to ensure continuity in the assignment of key staff from year-to-year.
- Commitments you will make regarding the team's accessibility to the NHA.
- A description of your firm's approach to providing legal services to the NHA.

4. Timetable

- Introductory works - Please indicate when you would be able to start the engagement and begin to familiarize yourself with the NHA. State your estimated hours required.
- Start-up/Completion – Describe the transition process to start the work and the time necessary to complete.

5. Hours and Professional Fees

Your description of hourly and service fees should include whatever schedules are necessary to adequately support and/or explain the proposed pricing. The basis for the fees should be stated (i.e., number of staff, level of staff, hourly rates, etc.). Please include a description of expected billing arrangements.

6. Attachments

- Profile of Firm form
- Certified statement that the firm or individual is in good standing with all Bars to which counsel is admitted.
- A non-collusive affidavit.
- Documented evidence that the firm or individual is licensed to practice and is registered in Connecticut.

IV. EVALUATION PROCESS AND SELECTION CRITERIA

Proposals will be evaluated by an NHA selection committee. The committee will present its recommendation to the NHA Board of Commissioners who will make the final decision.

Proposals will be evaluated using the Evaluation Criteria outlined below. After the initial scoring of proposals, those deemed by the selection committee to be within the competitive range will become the finalists and may be asked to appear for an interview to clarify issues and, if necessary, following the interview, to submit their best and final offers.

Proposals for each area of service will be compared to others in the same category when it comes to specific area of service proposed. A Respondent must receive at 50 points under the General Category to be evaluated under the Specific Category.

A. EVALUATION CRITERIA

**MAXIMUM RATING
(POINTS)**

GENERAL (Applied to all Respondents)

Experience with affordable housing programs and work environment	15
Working knowledge of HUD and CT public and low-income housing rules, regulations, and policies, including those related to re/development	15

Staff qualifications and experience	20
Past performance	10
Financial (reasonableness of fees)	15

SPECIFIC (Applied to Respondents for each area of service proposed)

Proven knowledge of the specific area of service proposed	
a) Special Counsel for Real Estate Matters	15
b) Legal Assistance for the Establishment of a 501(c)3	10
TOTAL	100 points

The Authority reserves the right to make an award without further discussion of the proposals submitted or to not conduct an interview process. Therefore, the proposals should be clear and complete with regard to the above criteria.

VII. SCHEDULE FOR SELECTION AND AWARD

RFP available	6/15/19
Final day to submit written questions	6/28/19
Submissions are due	7/9/19
Interview (if required)	7/15/19

VIII. OTHER GENERAL INFORMATION

A. Time of Performance

The services of each Contract shall commence upon its execution and may be terminated at any time by the Housing Authority after providing thirty (30) days' written notice, or at the expiration of the term of the contract.

B. Qualifications

Respondents must have membership in the Bar of the State of Connecticut and experience in the provision of legal services involving: housing (development and management), governmental entities, housing authorities and regulations related thereto, contracts, permanent and temporary note financing, ex contractu and ex delicto actions, litigation, real property laws and codes, human services arbitrations, and Federal rental subsidy programs or any other appropriate legal skills required for the area of practice to which the Respondent is proposing.

C. Non-Discrimination

The Respondent must not discriminate against any employee or applicant for employment because of race, color, religious creed, sex, sexual orientation, gender identity or expression, age, marital status, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including but not limited to, blindness or status as a veteran or national origin.

The Respondent shall take affirmative action to ensure that applicants are employed and employees are treated during employment, without regard to race, color, religious creed, sex, sexual orientation, gender identity or expression, age, marital status, ancestry, present or past history of mental disability, intellectual disability, learning disability, physical disability, including but not limited to, blindness or status as a veteran or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other means of compensation, and selection for training, including apprenticeship.

D. Conflicts of Interest

The Respondent will be required to certify that to the best of his/her knowledge and belief and, except as otherwise disclosed, s/he does not have any organizational conflict of interest. Conflict of interest is defined as a situation in which the nature of work under this contract and the Respondent's organizational, financial, contractual, or other interests are such that:

1. Award of the contract may result in an unfair competitive advantage; or
2. The Respondent's objectivity in performing the contracted work may be impaired. In the event the Respondent has an organizational conflict of interest as defined herein, the Respondent shall disclose such conflict of interest fully in the proposal submission.
3. The Respondent agrees that, if after the award, s/he discovers an organizational conflict of interest with respect to this contract; s/he shall make an immediate and full disclosure in writing to the NHA's Executive Director. The disclosure shall include a description of the action that the Respondent has taken or intends to take to eliminate or neutralize the conflict. The NHA may, however, terminate the contract if it is in the NHA's best interest and no other acceptable solution is possible.
4. In the event the Respondent was aware of an organizational conflict of interest before the award of the contract and intentionally failed to disclose the conflict to the Executive Director, the NHA may terminate the contract for cause.
5. No member or delegate to the U.S. Congress, any employee, officer, management staff or the NHA Board of Commissioners shall be allowed to share in any part of this contract or to derive any benefit to arise there from. This provision shall be construed to extend to this contract if made with a corporation for its general benefit.
6. No member, officer, or employee of the NHA, no member of the governing body of the locality in which the project is situated, no member of the governing body in which the NHA was activated, and no other public official of such locality or localities who exercises any function or responsibilities with respect to the project shall, during his/her tenure, or for one (1) year thereafter, have any interest, direct or indirect, in this contract or the proceeds thereof.
7. The NHA reserves sole and total discretion in determining the proper treatment of any conflict of interest disclosed under this provision.

E. Non-Assignment

The Respondent shall not assign or transfer any interest in this Contract except that claims for monies due or to become due from the NHA under the Contract may be assigned to a bank, trust company, or other financial institution. If the Respondent is a partnership, this Contract shall inure to the benefit of the surviving or remaining member(s) of such partnership.

F. Incurred Costs in Preparing and Submitting Proposals

The Respondent shall be solely responsible for all costs incurred in preparing and submitting a response to this RFP. All material and documents submitted by the Respondent will become the property of the NHA and will not be returned. Legal firms selected for further negotiations, as well as the firm ultimately selected to enter into a contractual agreement with the NHA, will be solely responsible for all costs incurred during negotiations.

G. Contract Award

The contract for legal services as requested in this RFP will be subject to the approval of the NHA's Board of Commissioners.

The RFP will result in a fixed fee contract, the terms of which will be negotiated between the NHA and the selected Respondent. The contract shall commence on the date specified therein and shall terminate upon completion of all services required pursuant to the contract unless terminated as provided therein. The base term of the contract shall not exceed two (2) years with up to three one-year extensions or fraction thereof at the sole discretion of the Authority.

H. Limitation

This Request for Proposals does not commit the NHA to award a contract or to pay any cost incurred in the preparation and submittal of a proposal to this request. The Authority reserves the right to accept or reject any or all proposals, to negotiate with all qualified sources, or to cancel in part or in its entirety, the Request for Proposals, and to waive any informality regarding the proposals received whenever such acceptance, rejection, negotiation, cancellation, or waiver is in the best interest of the NHA.

I. Addenda

Any Addenda issued to provide additional information, responses to questions or other changes in the RFP, must be including with the submission as a signed copy acknowledging the addenda. Any response will be assumed to have been prepared with full knowledge of the content of any addenda issued by the NHA.

PROFILE OF FIRM FORM

(1) Prime ____ Sub-contractor ____ (This form must be completed by and for each).

(2) Name of Firm: _____ Telephone: _____ Fax: _____

(3) Street Address, City, State, Zip: _____

(4) Please attached a brief biography/resume of the company, including the following information:
(a) Year Firm Established; (b) Year Firm established in [JURISDICTION]; (c) Former Name and Year Established (if applicable); (d) Name of Parent Company and Date Acquired (if applicable).

(5) Identify Principals/Partners in Firm (submit a professional resume for each):

NAME	TITLE	% OF OWNERSHIP

(6) Identify the individual(s) that will act as project manager and any other supervisory personnel that will work on project. (Do not duplicate any resumes required above):

NAME	TITLE

(7) Proposer Diversity Statement: You must check all of the following that apply to the ownership of this firm and enter where provided the correct percentage (%) of ownership of each:

- Caucasian American (Male) _____%
 Public-Held Corporation _____%
 Government Agency _____%
 Non-Profit Organization _____%

Resident- (RBE), Minority- (MBE), or Woman-Owned (WBE) Business Enterprise (Qualifies by virtue of 51% or more ownership and active management by one or more of the following:

- Resident-Owned* _____%
 African American _____%
 **Native American _____%
 Hispanic American _____%
 Asian/Pacific American _____%
 Hasidic Jew _____%
 Asian/Indian American _____%

- Woman-Owned (MBE) _____%
 Woman-Owned (Caucasian) _____%
 Disabled Veteran _____%
 Other (Specify): _____%

WMBE Certification Number: _____

Certified by (Agency): _____
 (NOTE: A CERTIFICATION/NUMBER NOT REQUIRED TO PROPOSE – ENTER IF AVAILABLE)

(8) Federal Tax No.: _____

(9) [APPROPRIATE JURISDICTION] Business License No.: _____

(10) State of _____ License Type and No.: _____

(11) Worker's Compensation Insurance Carrier: _____

Policy No.: _____ Expiration Date: _____

(12) General Liability Insurance

Carrier: _____

Policy No. _____ Expiration Date: _____

(13) Professional Liability Insurance Carrier:

Policy No. _____ Expiration Date: _____

(14) Debarred Statement: Has this firm, or any principal(s) ever been debarred from providing any services by the Federal Government, any state government, the State of _____, or any local government agency within or without the State of _____? Yes No
If "Yes," please attach a full detailed explanation, including dates, circumstances and current status.

(15) Disclosure Statement: Does this firm or any principals thereof have any current, past personal or professional relationship with any Commissioner or Officer of the HA? Yes No
If "Yes," please attach a full detailed explanation, including dates, circumstances and current status.

(16) Non-Collusive Affidavit: The undersigned party submitting this proposal hereby certifies that such proposal is genuine and not collusive and that said proposer entity has not colluded, conspired, connived or agreed, directly or indirectly, with any proposer or person, to put in a sham proposal or to refrain from proposing, and has not in any manner, directly or indirectly sought by agreement or collusion, or communication or conference, with any person, to fix the proposal price of affiant or of any other proposer, to fix overhead, profit or cost element of said proposal price, or that of any other proposer or to secure any advantage against the HA or any person interested in the proposed contract; and that all statements in said proposal are true.

(17) Verification Statement: The undersigned proposer hereby states that by completing and submitting this form he/she is verifying that all information provided herein is, to the best of his/her knowledge, true and accurate, and agrees that if the HA discovers that any information entered herein is false, that shall entitle the HA to not consider nor make award or to cancel any award with the undersigned party.

Signature

Company

Printed Name

Date

NON-COLLUSIVE AFFIDAVIT FORM

State of _____

County of _____

(Name) _____, being first duly sworn, deposes and says:

That s/he is _____
(a partner or officer in the firm of, etc.)

the party making the foregoing proposal or bid, that such proposal or bid is genuine and not collusive or sham; that said Respondent has not colluded, conspired, connived, or agreed, directly or indirectly, with any Respondent or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the bid price or affidavit or any other Respondent, or to fix any overhead, profit or cost element of said bid price, or that of any other Respondent, or to secure any advantage against the Norwalk Housing Authority or any person interested in the proposed contract; and that all statements in said proposal or bid are true.

Signature of:

Respondent, if the Respondent is an individual

Partner, if the Respondent is a partnership

Officer, if the Respondent is a corporation

Subscribed and sworn to before me

This _____ day of _____, 20_____.

Notary Public

My commission expires on _____, 20_____.