



ADDENDUM #1

Request for Proposals
Bond Issuance Consulting
Solicitation No. 2020-4002

Originally Issued August 10, 2020

Addendum 1 – Issued September 2, 2020

To Offerors:

The following additions, deductions, changes and corrections to the proposal and specifications for the above referenced project shall hereby be incorporated into the work, and their affect on the proposal shall be reflected in the Offeror's proposal. Offerors shall also verify this fact by indicating the receipt of the addendum in their proposal.

QUESTIONS:

1. Since we are submitting our proposal via email, should the required signed original copies of documents include scanned copies of original signatures or are we allowed to use an electronic copy of signatures as needed? **Electronic signatures are acceptable. For example, Attachment D is set up for electronic signatures.**
2. Since we are submitting our proposal via email, should we follow all of the formatting requirements with regards to tabs, document layouts, etc.? **Please separate the information and place it in the order described in the RFP. The Award/Acceptance must be a separate electronic file. The fee information must be a separate electronic file. The remainder of the information may be placed in the order described in the RFP in one electronic file, or you may choose to use separate electronic files for each section/tab. The evaluators will be looking for the information in the order described; you want them to easily find the information they have requested.**
3. With regards to the Section 3 requirements, due to the nature of our services we are not able to meet the commitments spelled out in the Section 3 documents. How should we address this in our response with regards to the Section 3 required paperwork? **The**

1627 WESTERN AVENUE, CINCINNATI, OHIO 45214

Phone: (513) 333-0670 Fax: (513) 977-5606 TDD: (513) 977-5807 Website: www.cintimha.com

Equal Opportunity Employer, Equal Housing Opportunities



Section 3 documents are mandatory. Section 3 is described in 24 CFR 135. Please keep in mind that if you need to hire a person or a contractor to provide the services to CMHA under a contract, then to the greatest extent feasible, you will consider Section 3 person/subcontractor. Regrettably, we do not have any bond counsel on our Section 3 list, so if you need to hire someone to provide services to CMHA, it would not be feasible to hire someone or a subcontractor which qualifies as Section 3. However, the Section 3 documents include an action plan of other actions your firm can do. You may select some of those items (the ones with double asterisks are mandatory), or you may develop a different plan to aid Section 3 companies and persons. The action plans will be scored and will be part of your overall score.

4. It is likely that most of the information requested in section 3.2.2 of Attachment K will be attorney-client privileged as between our firm and the clients for which we currently perform the type of services contemplated in the RFP. Is there any guidance or preference on how this information should be presented in light of that privilege?

CMHA will not ask you to break the attorney-client privilege. However, the evaluators need to know that you can provide the services that CMHA needs. Balancing between those is left to each proposer.

5. The timelines for any of the transactions and services contemplated in the RFP will vary significantly based on both the type of transaction or service CHMA needs and the actions of any counter-party in those transactions (i.e., developers, banks, other government entities). Is there any more specific guidance on the type of information CHMA would prefer to see in response to Section 5.3 of Attachment K? **This request can be eliminated.**

6. Please confirm that we are required to submit both an electronic submission of our complete response and a hard copy of our completed response to the RFP. In the RFP document it is noted on pg. 6 – “Electronic submission to procurement@cintimha.com” but then Attachment F, pg. 7 §2.3.2.1 Proposal Submittal Binding Method – mentions a 3-ring binder method, however no physical mailing address is provided to send the hard copy response to. Please provide the physical mailing address to send the hard copy of our complete response to the RFP. **Only submit your proposal electronically. No hard copies are needed. Please make sure your electronic files are of a size that can be emailed.**

1627 WESTERN AVENUE, CINCINNATI, OHIO 45214

Phone: (513) 333-0670 Fax: (513) 977-5606 TDD: (513) 977-5807 Website: www.cintimha.com

Equal Opportunity Employer, Equal Housing Opportunities



7. In the RFP document, on pg. 6 it is noted on that you require one (1) original hard copy each of the response document, the fee submission form and the contract award and acceptance form. Do you require additional copies of these three separate documents? **Please submit the fee submission form electronically only. Please submit the contract award and acceptance form electronically only. Each of those should be separate electronic files.**

8. Cincinnati Metropolitan Housing Authority RFP #2020-4002 Bond Issuance Consulting. Section 2.4 of the RFP (Exceptions to the Specifications) states that “*a proposer may take exception to any of the proposal documents or any part of the information contained therein, by submitting, in writing to the PO, at least 10 days prior to the proposal deadline, a complete and specific explanation as to what he/she is taking exception to. Proposed alternate documents or information must also be included. A response by the Authority will be issued in writing within 5 days of receipt of such exception request. The Authority reserves the right to agree with the prospective proposer and issue a revision to the applicable RFP requirements, or may reject the prospective proposer’s request.*”

In reference to this section, we are providing CMHA with the below clarifications to the RFP for review. If you can please confirm receipt of this and whether CMHA has any concerns.

Thank you for reviewing our proposed clarifications to the RFP materials, which we would be pleased to discuss with you in more detail. To the extent we are awarded the Agreement, and absent a discussion in writing to the contrary or a request for a specific redline, the below clarifications shall be incorporated into the Agreement as if they had been set forth at length therein.

CMHA acknowledges that the RFP materials, including any appendices, contain numerous sections that are not applicable for the provision of legal services. These provisions include reference to, for example, delivery of freight, quantities of materials to be purchased by CMHA, and employment of mechanics. CMHA agrees it does not intend to require Contractor’s compliance with provisions that are wholly unrelated to the provision of legal services and that would require the firm to breach its fiduciary, confidentiality and ethical obligations with regards to other firm clients.

1627 WESTERN AVENUE, CINCINNATI, OHIO 45214

Phone: (513) 333-0670 Fax: (513) 977-5606 TDD: (513) 977-5807 Website: www.cintimha.com

Equal Opportunity Employer, Equal Housing Opportunities



Specifically, CMHA acknowledges and agrees to the following: **first, a waiver of subrogation is not available on Contractor's Professional Liability Insurance policy.** A waiver of subrogation is only available under Contractor's General Liability, Automobile, Employer's Liability, and Workers' Compensation policies. Further, as professional liability insurance is first party coverage, Contractor's policy prohibits naming an additional insured. Contractor's Professional Liability insurance is on a claims-made basis. Primary status is only available on General Liability and Automobile policies. Contractor's Insurer can provide 30 days' notice of cancellation or non-renewal of policies. The self-insured retention under Contractor's Professional Liability policy is \$1M per claim up to the annual aggregate of \$2M, and \$100,000 per claim thereafter. The amount is in line with those of other firms of comparable size and scope of practice. Second, to avoid any insurance issues, indemnification obligations shall only arise from third party claims relating to Contractor's negligence, errors, or omissions, subject to CMHA providing prompt written notice. Third, with regards to any reference to disputes or release, and specifically with regards to the conflicting language between 8.1.3 and 8.1.4, CMHA and Contractor agree to provide prompt written notice of any disputes or disagreements and proceed with the dispute resolution provisions contained within 8.1.3. Nothing contained herein shall act as consent to any arbitration or mediation, nor limit Contractor's legal rights and obligations with such disputes, nor prejudice the rights of Contractor's Professional Liability insurer to subrogate under our policy. Finally, Contractor does not perform drug testing on its personnel. However, Contractor is committed to maintaining a safe workplace free from the influence of alcohol and drugs. Contractor has adopted a Substance Abuse policy whereby any violation of the policy or a criminal drug conviction for a violation occurring in the workplace will result in the Personnel being subject to disciplinary action up to and including termination at the sole discretion of Contractor.

In addition, the RFP requests 3 years of the firm's financial statements, upon request. In lieu of these financial statements, we have provided a copy of our 2019 Dun & Bradstreet Report with this email. We confirm that we have the full fiscal capabilities to perform the bond counsel services described in the RFP, and we would be happy to explore other means of evidencing our strong financial stability if awarded the Contract.

1627 WESTERN AVENUE, CINCINNATI, OHIO 45214

Phone: (513) 333-0670 Fax: (513) 977-5606 TDD: (513) 977-5807 Website: www.cintimha.com

Equal Opportunity Employer, Equal Housing Opportunities



CMHA agrees there are sections of the General Terms and Conditions which do not apply to the services which are the subject of the solicitation and any related contract.

Professional Liability insurance does not require any of the endorsements; you must simply provide evidence of coverage.

CMHA is not agreeing to a change in the indemnification provision.

CMHA understands that drug screening may not be performed for the personnel providing the professional services which are the subject of this solicitation. However, the remainder of Section 19.1 of Attachment C regarding requesting drug screening within 24 hours, removal of personnel, suspension and/or termination are not waived.

If you choose to provide something alternative to what is requested in the RFP, the evaluators will consider whether you have addressed the request sufficiently when they score your proposal.

1627 WESTERN AVENUE, CINCINNATI, OHIO 45214

Phone: (513) 333-0670 Fax: (513) 977-5606 TDD: (513) 977-5807 Website: www.cintimha.com

Equal Opportunity Employer, Equal Housing Opportunities