

REQUEST FOR PROPOSALS (RFP) NO. 2023-4003

CINCINNATI METROPOLITAN HOUSING AUTHORITY

SOLICITATION NUMBER 2023-4003

REQUEST FOR PROPOSALS

FOR

**Legal Services for Construction,
Real Estate, and Development Activities**

DATE ISSUED	August 3, 2023
NON-MANDATORY PRE-PROPOSAL CONFERENCE	Not applicable
SITE VISIT/WALK THROUGH	Not Applicable
LAST DATE FOR QUESTIONS	Questions shall be submitted in writing no later than 11:00 AM local time on August 21, 2023 , to procurement@cintimha.com . Responses to questions will be posted as an addendum to the website along with the other solicitation documents.
NOTICE OF INTENT TO SUBMIT	It is suggested that interested companies submit a Notice of Intent to submit a proposal to procurement@cintimha.com . By indicating your intent to submit a proposal you will receive notice of any addenda posted.
PROPOSAL SUBMITTAL RETURN & DEADLINE	August 3124, 2023, no later than 11:00 AM local time to Procurement@cintimha.com
WHAT TO SUBMIT	Submit: 1 electronic proposal; 1 electronic fee information form; and 1 electronic contract award and acceptance form. The 3 electronic files will be separate files. The 3 electronic files will be in .pdf format. Photographs and links to files will not be accepted.

CMHA Reserves the right to modify this schedule at its discretion. Notification of changes will be made available to all interested parties via an email and/or by posting on CMHA's website.

THE RESPONSIBILITY FOR SUBMITTING A RESPONSE TO THIS REQUEST AT THE DESIGNATED OFFICE OF CINCINNATI METROPOLITAN HOUSING AUTHORITY ON OR BEFORE THE STATED TIME AND DATE WILL BE SOLELY AND STRICTLY THE RESPONSIBILITY OF THE PROPOSER. THE AUTHORITY WILL IN NO WAY BE RESPONSIBLE FOR DELAYS CAUSED BY THE DELIVERY MANNER CHOSEN BY THE RESPONDENT OR CAUSED BY ANY OTHER OCCURRENCE.

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INTRODUCTION

The Cincinnati Metropolitan Housing Authority (hereinafter, “CMHA” or “the Authority”) is a public entity that was formed in 1933 to provide federally subsidized housing and housing assistance to low-income families, within Hamilton County, Ohio. The Authority is headed by a Chief Executive Officer (CEO) and is governed by a seven-person board of commissioners and is subject to the requirements of Title 24 and Title 2 of the Code of Federal Regulations (hereinafter, “CFR”) and the Authority’s procurement policy. The Authority currently has approximately 205 employees, owns and/or manages over 5000 affordable housing units, and administers rental assistance for almost 12,000 privately owned rental units through the Section 8 HCV programs.

CMHA has several instrumentalities and related entities which develop and operate affordable housing in Hamilton County, Ohio. Those instrumentalities and related entities are included in this solicitation. As new developments and RAD conversions occur, additional instrumentalities will be created.

In keeping with its mandate to provide efficient and effective services, the Authority is now soliciting proposals from qualified law firms with experience in providing legal services for construction, development, and/or real estate activities. See Attachment A – Scope of Work for more detail. All proposals submitted in response to this solicitation must conform to all of the requirements and specifications outlined within this document and any designated attachments in its entirety.

Attachments: It is the responsibility of each proposer to verify that he/she has downloaded the following attachments pertaining to this RFP, which are hereby by reference included as a part of this RFP:

Attachment/Section	Description
A	Reference* Scope of Work
B	Separate Electronic File Fee Submission Form
C	Reference* General Terms and Conditions including the Form HUD-5370-C1, <i>General Conditions for Non-Construction Contracts Section I (Without Maintenance Work) and Additional Terms and Conditions for Legal Services</i>
D	Reference* Performance Standards for Legal Services
E	Separate Electronic File Contract Award and Acceptance Form. Include with the Fee Submission Form.
F	Reference* The Authority’s Instructions to Proposers (ITP)
G	Section 1 Form of Proposal
H	Section 1 HUD Form Packet
I	Section 4 Professional References
J	Separate Electronic File or via email Vendor Registration Form (if not previously submitted or if updating) If the proposer has not previously registered as a vendor with CMHA or if any information has changed, then the Vendor Registration Form (<i>Attachment J</i>) must be fully executed and submitted as part of the proposal submittal or prior to the submittal. If selected for award, these forms are required in order to process purchase orders for payment.

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*Do not include the reference attachments in your proposal.

1.0 THE AUTHORITY’S MOTTO AND GOLD PERFORMANCE STANDARDS

In 2012, the Authority implemented its motto “Being an Asset to Hamilton County” in addition to establishing Gold Performance Standards which consist of the principles and values by which the Agency performs and how our partners, vendors, contractors and consultants are measured. The Gold Performance Standards are:

<i>Respect</i>	<i>Timely</i>	<i>Exceptional</i>	<i>Initiative</i>
<i>Excellent</i>	<i>Quality</i>	<i>Accurate</i>	<i>Integrity</i>
<i>Value</i>	<i>Creativity</i>	<i>Accountability</i>	<i>Professionalism</i>

It is the Authority’s intent to procure services from a contractor that shares these standards and can clearly demonstrate what they can bring to this project that no other planner can offer.

The contractor’s proposal and overall presentation will be a direct reflection of their understanding of the Authority’s Gold Performance Standards, i.e. quality, creativity and professionalism that the Authority may expect of the contractor as evaluated in the Gold Performance Standard Evaluation Factor.

2.0 ECONOMIC INCLUSION PARTICIPATION

The Authority has, within the terms of its procurement policy, established the following goals with regards to Economic Inclusion and encourages participation by MBE/WBE and Section 3 Business concerns.

- Minority-Owned Business Enterprise:
 - General Construction: 20%
 - Professional Services: 12%
 - Material/Supplies: 5%
- Women-Owned Business Enterprise goal 5%
- Section 3: meet or exceed applicable benchmarks set by HUD

In furtherance of Section 3 initiatives, any hiring or training opportunities that are generated through this contract agreement should be provided to Section 3 Business Concerns or Section 3 Workers to the greatest extent feasible.

~~Within Section 2 of the proposal, the proposer must complete and submit Attachment D, Section 3 forms and any applicable MBE/WBE/SBA certification.~~

3.0 PROPOSAL FORMAT

- 3.1 Proposal Submittal:** The Authority intends to retain the successful proposer pursuant to a “Best Value” basis, not a “Low Proposal” basis (“Best Value,” in that the Authority

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will, as detailed within the following Section 4.0, consider factors other than just cost in making the award decision). Therefore, so that the Authority can properly evaluate the offers received, all proposals submitted in response to this RFP must be formatted in accordance with the sequence noted following. Each category must be separated by numbered dividers and labeled with the corresponding section reference also noted below. Separate electronic files may be utilized (and labeled) for each Section. None of the proposed services may conflict with any requirement the Authority has published herein or has issued by addendum

Section	Form	Description
1	Form of Proposal: <u>Attachment G</u>	This 1-page Form must be fully completed, executed where provided thereon and submitted under this section as a part of the proposal submittal.
2	HUD Form Packet: <u>Attachment H</u>	The following forms must be fully completed, executed where provided thereon and submitted under this section as a part of the proposal submittal: <ul style="list-style-type: none"> • Form HUD 5369-C <i>Certifications and Representations of Proposers, Non-Construction Contract</i> • Form HUD 2922 <i>Certification Regarding Debarment and Suspension</i> • Form HUD 50071 <i>Certification of Payments to Influence Federal Transactions</i> • Standard Form LLL <i>Disclosure Form to Report Lobbying (if required per HUD 50071)</i>
3	Proof of Insurance and Licensing	The proposer must provide current proof of insurance and licensing requirements. See Section 12 of the General Terms and Conditions (<i>Attachment C</i>). The proposer shall provide the following certificates evidencing the coverage amounts: <ul style="list-style-type: none"> • Workers Compensation & Employer’s Liability • General Liability • Automobile • Professional Liability and/or Errors and Omissions • Registration with the State of Ohio and/or City of Cincinnati • If licensing is required for the service, include applicable licenses <p>Include any applicable MBE/WBE/SBA certification</p>
4	Technical Proposal	Please begin this section with a statement or brief letter as to which of the types of work the proposer is seeking from CMHA: development legal services, construction legal services, and/or real estate legal services.

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<p align="center">4a</p>	<p align="center">Approach and Understanding of the Task</p>	<p>Include a transmittal letter describing the consultant’s interest, understanding and commitment to the proposed contract. Also include a sample engagement plan which discusses how you will fulfill the requirements of the scope of work. Include:</p> <ul style="list-style-type: none"> • Proposed method for coordinating and communicating with CMHA and CMHA’s consultants. • Evidence of the consultant’s demonstrated understanding of the RFP Requirements including Public Housing Regulations and Procedures.
<p align="center">4b</p>	<p align="center">Experience and Qualifications</p>	<p>Proposal must clearly demonstrate full knowledge, understanding, and experience in methods, techniques and guidelines required for the performance of the required work. Capacity and capability of the consultant to perform the work on schedule and be responsive to the Authority’s direction should be clear. The proposer’s ability to form successful working relationships and to effectively communicate is of the essence.</p> <ul style="list-style-type: none"> • The name of the firm, the location of the firm’s principal place of business, and if different from the principal place of business the location where the proposed services will be performed. • The age of the Offeror’s business and the average number of employees over the last year. • Demonstrated track record of providing services listed in the Scope of Work. • Experience with the HUD Public and Indian Housing Funding Sources (such as Capital, Replacement Housing Factor Funds, Demolition and Disposition Transition Funds, Operating Subsidy, and Housing Choice Vouchers). • The abilities, qualifications, certifications, and experience of all “key” personnel who would be assigned to provide work, including resumes for each. • Demonstrated track record of other contracts under which services were similar in scope, size, and/or discipline including references. • Experience with LIHTC. Include a list of all LIHTC projects or applications for which the firm provided legal advice in the past two years and a brief description of subject transactions. Identify which have been funded, if any of the transactions have closed. Describe your experience and expertise in drafting, reviewing and negotiating LIHTC related legal documents. • Experience with the legal requirements related to conventional financing, the use of Low-Income Housing Tax Credits (“LIHTC”), and other public and private funding mechanisms.

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		<ul style="list-style-type: none"> • Experience negotiating agreements between public housing authorities and their development partners • Experience with the interaction of housing authorities with the U.S. Department of Housing and Urban Development (“HUD”) and with HUD’s regulations and requirements relating to the rental assistance demonstration program and mixed-finance development programs. • Experience and expertise in providing legal services in the areas of Ohio real estate transactions and partnership formations. • Range of staff size and workload over the last year. • A listing of and similar detail on any proposed subcontractor or consultant. If proposing as a joint venture, please itemize the projects previously completed together. • Other relevant information at the consultant’s option. This may include management techniques, cost control methods and experience, cost estimating track record and schedule compliance. • Qualifications: The personnel assigned to perform the services under this contract shall be certified and licensed to perform the services. Attorneys must be a member in good standing of the State Bar. Proof shall be submitted under Tab 3.
<p align="center">4c</p>	<p align="center">Previous Client Satisfaction</p>	<p>A list of references should highlight at least three (3) recent projects of a similar nature, magnitude and complexity; projects must include telephone number and affiliation, as well as a brief explanation of referenced work. The consultant shall indicate the individuals on staff who had responsibility for each project and whether or not these people are still employed by the consultant. <u>Ideally, contractor will submit a copy of a former plan or report for a similar scope.</u></p> <p><u>Quality Plan:</u> Describe your plan or procedure to monitor employees to assure quality if awarded a contract</p>
	<p align="center">Professional References <u>Attachment I</u></p>	<p>The proposer shall submit a listing of 5 former or current professional references for which the proposer has performed similar or like services to those being proposed herein within the past year. You <i>must</i> reference any previous work performance for the Authority, however, CMHA should not be listed as more than one of your references. It is reasonable to assume the Authority will contact references. The listing shall, at a minimum, include:</p>

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		<ul style="list-style-type: none"> • The client’s name, • The client’s contact name, • The client’s address, • The client’s telephone number and email address, • The Client’s Business Name (if applicable), and <p>A brief description and scope of the service(s) and the dates the services were provided. Do not use family members as references.</p>
5	Equal Employment Opportunity	The proposer must submit under this Section a copy of its Equal Opportunity Employment Policy.
6	Subcontractor/Joint Venture Information (If Applicable):	<p>The proposer shall identify hereunder whether or not he/she intends to use any subcontractors for this job, if awarded, and/or if the proposal is a joint venture with another firm. Please remember that all information required from the proposer under the proceeding Sections must also be included for any major subcontractors (10% or more) or from any joint venture. At a minimum, the following forms must be submitted for the subcontractor:</p> <ul style="list-style-type: none"> • Contractor’s business name, contact name, address, email address, phone number • HUD Packet of forms • Section 3 forms • Licensing and Insurance <p>Label forms clearly to indicate whether they are for the contractor or subcontractor.</p>
7	Other Information (Optional)	The proposer may include hereunder any other general information that the proposer believes is appropriate to assist CMHA in its evaluation.

3.1.1 If no information is to be placed under any of the above noted Sections (especially the “Optional”), please place thereunder a statement such as “THIS SECTION LEFT INTENTIONALLY BLANK.” DO NOT eliminate any of the sections.

3.2 Proposal Submission: All proposals must be emailed and time-stamped **received** in the designated the Authority office by no later than the submittal deadline stated herein (or within any ensuing addendum). A total of 1 original signed proposal which may consist of one or several files, along with the fee information in a separate file, and the executed Contract Award and Acceptance in a separate file addressed to

Cincinnati Metropolitan Housing Authority
procurement@cintimha.com

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The electronic copy should include at least three files: one (or more) for the proposal, one for the fee information, and one for the Contract Award and Acceptance. However, the proposal may be in more than one electronic file. The subject line of the cover email(s) must clearly denote the RFP number and the body of the email must have the proposer’s name. Proposals received after the published deadline will not be accepted.

4.0 PROPOSAL EVALUATION:

Each Proposal submittal will be evaluated based upon the following information and criteria.

4.1 Evaluation Criteria: The evaluation panel will use both objective and subjective criteria to evaluate each proposal submittal received; award of points for each listed factor will be based upon the documentation that the proposer submits within his/her proposal submittal.

NO	POINTS	WEIGHTED AVERAGE	DESCRIPTION
1	0-5	25%	The Proposed Fees to provide the services required
2	0-5	25%	Approach and Understanding of the Services
3	0-5	30%	Experience and Qualifications
4	0-5	10%	Previous Client Satisfaction
5	0-5	5%	<p>Gold Performance Standards The Proposer’s clear demonstration and understanding of THE AUTHORITY’S MOTTO and GOLD PERFORMANCE STANDARDS through the firm’s proposal as a direct reflection of the type of product the Authority may expect from the proposer.</p> <ul style="list-style-type: none"> • Legible and readable • No spelling or grammar errors • All required information is provided • Information is in correct sequence • Overall Presentation
		95%	Sub-Total Points (Other than Interview and Preference Points)

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4.1.1 Interview: Those Contractors with highest scores in categories one through five may be asked to participate in the second stage, consisting of the sixth factor: Any and all interviews are at the sole discretion of the Authority.

6	0-5	5%	Appear and Participate in an <u>Interview with the Authority</u> to discuss qualifications and proposal. Scores assigned for proposals, under any category, may be amended based on information obtained during the oral interviews.
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	100	Total Possible Points
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