

**LINN-BENTON HOUSING AUTHORITY  
ALBANY, OREGON**

**REQUEST FOR PROPOSALS  
Legal Services**



**RFP#: D11-001**

**Issued: Friday, November 2, 2018**

**PROPOSALS DUE NO LATER THAN 5:00 PM, Friday, November 16, 2018  
LATE PROPOSALS WILL NOT BE ACCEPTED**

**REQUEST FOR PROPOSALS**

**Legal Services**

**RFP#:** D11-001

**To:** Prospective Legal Consultants  
**Subject:** Request for Proposals for Legal Services  
**Issue Date:** Friday, November 2, 2018  
**Closing Date:** 5:00pm, Friday, November 16, 2018

*Proposals to be delivered by email only.*

**Submit Proposals to:** Housing Authority of Linn-Benton County  
Attention: Donna Holt

**By email:** Anita Punja, Project Manager  
anita@hdc-nw.org

**RFP Contact:** *For all questions, please contact:*  
Anita Punja  
Housing Development Center  
tel: 503.528.5195 (direct)  
email: anita@hdc-nw.org

## BACKGROUND

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### Project Background

Project Location: 3011 S Main Rd Lebanon, OR

Garden View Apartments will provide 48 new apartments affordable to low-income seniors, including formerly homeless veterans and residents living with HIV/AIDS, who earn zero to 60 percent (\$23,160) of area median income in Lebanon, Oregon. Project sponsor, Linn-Benton Housing Authority (LBHA) is the area's largest affordable housing provider. The site is owned by LBHA and currently includes an unoccupied single-family home.

#### Project Financing and funding:

Funding and financing sources consist of 9% low-income housing tax credits, a residential permanent mortgage, Oregon Multi-family Energy Program funds, HOME grant, Housing Trust Funds, Oregon GHAP funds and sponsor loans. LBHA anticipates project based rental assistance in the form of nine (9) project-based vouchers, and three (3) Veterans Affairs Supportive Housing (VASH) vouchers.

#### Project Schedule:

Below is the **anticipated** schedule.

NOFA Award:	August 2018
Start of Construction:	April-July 2019
End of Construction:	May-August 2020

#### Sponsor's Rights:

The following shall apply to any proposals submitted in response to the Request for Proposals:

Issuance of this Request for Proposals and receipt of Proposals by LBHA does not commit LBHA to enter into an agreement or award of contract. LBHA reserves the right to accept or reject any or all proposals received, and to waive any or all informalities in the process as they deem in the best interest of the Project and LBHA.

Neither the resultant agreement nor any of the requirements, rights, or privileges demanded by it may be assigned or transferred without the express written consent of the Sponsor.

The Sponsor reserves the right to obtain clarification of any point in a proposal or request additional information necessary to properly evaluate a particular proposal. Failure of a respondent to provide requested additional information or clarification may result in the rejection of the proposal.

## 2. SCOPE OF SERVICES REQUIREMENTS

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### 2.1 Overview

The intent of this solicitation is to procure specialized legal services with whom the Linn-Benton Housing Authority (LBHA) will enter into a two-year service contract regarding the Garden View Apartments, a

new construction low income housing tax credit project in Lebanon, Oregon. The specialized discipline is Low Income Housing Tax Credits.

## 2.2 Specific Services Requested

Within the Low-Income Housing Tax Credits' discipline indicated above, the contractor will be a direct advisor to LBHA throughout the due diligence and the implementation process of the development project. The contractor will be expected to work in partnership with LBHA staff, development partner(s), if applicable, HUD representatives, LBHA's General Counsel, lenders, investors and other relevant project partners and should be thoroughly knowledgeable about federal and Oregon state law relating to affordable and public housing, Low Income Housing Tax Credits, and real estate and partnership law. LBHA anticipates the specific scope of services will include the following general tasks:

- A. Participate in project team meetings; meetings will be conducted in a variety of methods including telephone conference calls and in-person meetings occurring at LBHA offices.
- B. Provide consultation and legal advice to LBHA staff regarding development projects including, but not limited to, project financing, project development and management, development agreements and all applicable statutory, regulatory or policy requirements.
- C. Provide legal review and assistance with respect to contractor and architect's contracts.
- D. Prepare documentation required by development projects including, but not limited to:
  - Evidentiary submissions to HUD, the State, County and local authorities
  - Partnership Agreements
  - Development Agreements
  - Regulatory and Operating Agreements
  - Declaration of Restrictive Covenants
  - Management Agreements
  - Loan Agreements, Notes, Deeds of Trust and other related documents

## 3. PROPOSAL SUBMISSION REQUIREMENTS

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### 3.1 Minimum Requirements

To be qualified to respond, firms must possess at least five (5) years of relevant experience. In addition, the selected firms must not be debarred, suspended, or otherwise ineligible to contract with LBHA, and must **not** be included on the General Services Administration's "List of Parties Excluded from Federal Procurement and Non-Procurement Programs" or the Department of Housing and Urban Development's "Limited Denial of Participation" list.

### 3.2 General

Please indicate in the proposal that:

- 3.2.1 The work to be performed will meet any standards set forth in this request for proposals and any other applicable professional standards.
- 3.2.2. The work to be performed will comply with and meet with the requirements of all applicable federal, state and local laws, rules and regulations.
- 3.2.3. That the company and the person or persons performing the work will meet all applicable licensure requirements.

3.2.4. That the work will be performed in a good and workmanlike manner.

### 3.3 Submission Requirements

To be considered responsive and responsible, each respondent shall respond to the following requirements. Responses must be specific and complete unto themselves. Any submittal that, in the opinion of LBHA, does not fully and completely address these requirements will not be reviewed.

- A. Cover Letter:** Limit letter to a maximum of two (2) pages. Introduce your Firm and briefly describe relevant experience.
- B. Fees and Costs:** Indicate the expected fees and costs for the work to be performed. Break out fees and costs for each phase (if any) of the work to be performed. Indicate basic terms for payment. Indicate in the response whether the fees and costs are a fixed price, estimate or cap. If additional services are requested, provide an hourly cost breakdown by level of person performing the services.
- C. Firm Qualifications:** Include firm qualifications to perform the services including years' organization has been in existence and provided the requested services, background of principal owners of firm, and other relevant information. Provide a list of projects performed by your firm which are similar to the services to be performed and note the name of the individual who completed the services.
- D. Insurance:** Provide a certificate of professional liability insurance and workers' compensation insurance coverage. Provide a certificate that the firm that will be providing the services has general liability coverage in an amount of not less than \$1 million per occurrence.
- E. Principal Contact:** Provide name, resume, and professional designations of primary person performing services. Indicate that professional designation of the person primarily responsible for performing the services.
- F. Assignment:** Indicate in the proposal whether the rights, title and interest in and to the services to be provided may be assigned without consideration. If consideration is required, indicate amount of consideration required for an assignment.
- G. Use of Work Product:** Confirm in the proposal that the Sponsor, or any professional involved in the development and construction process, or anyone involved in providing financing to the Project, may reproduce the report or other work product to be provided without modifications and distribute copies without incurring obligation for additional compensation.

### 3.4 Format Requirements

To be considered responsive, each submittal should:

- a. Be presented in an 8.5" X 11" format, either vertical or horizontal; and
- b. Be typed with a font size no smaller than 10 points.

#### **4. PROPOSAL SELECTION PROCESS AND EVALUATION CRITERIA**

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##### **4.1 Method of Award**

LBHA's Executive Director will evaluate the Proposals. The Executive Director will evaluate written responses to the RFP. Awards will be made to the responsible firm whose proposal is most advantageous, with price and other factors considered.

#### **5. STATEMENTS AND REQUIRED INFORMATION**

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##### **5.1 Clarifications & Addenda**

Any respondent requiring clarification of the information must submit specific questions or comments to the RFP Contact via email. **The deadline for submitting such questions is Wednesday, November 14 by 5:00 PM.**

##### **5.2 Cancellation**

Cancellation for solicitation for proposals that are due or may already been received may occur:

- (a) If LBHA no longer requires the services; or
- (b) If LBHA can no longer expect to fund the procurement or prices exceed available funds; or
- (c) Ambiguous or inadequate specifications were part of the solicitation; and did not provide for all significant factors or similar reasons.

A notice of cancellation shall be sent to all offerors and reasons for cancellation shall be documented and provided upon request to any offerors solicited.

If all bids are unreasonable, LBHA shall cancel the solicitation and re-solicit for proposals.

##### **5.3 Disqualification of Bidder**

LBHA may disqualify any person as a bidder on a public contractor if the agency finds:

- (a) The person does not have sufficient financial ability to perform the contract.
- (b) The person does not have equipment available to perform the contract;
- (c) The person does not have key personnel available of sufficient experience to perform the contractor; or
- (d) The person has repeatedly breached contractual obligations to public and private contracting agencies.

LBHA may make such investigation as is necessary to determine whether a person is qualified. If a bidder fails to supply promptly information as requested pursuant to such investigation, such failure is grounds for disqualification.

Any information voluntarily submitted by a bidder pursuant to an investigation or in a pre-qualification statement required by LBHA shall be deemed a trade secret.

##### **5.4 Contractor Responsibility**

LBHA may adopt a rule, resolution, ordinance or other regulation requiring mandatory pre-qualification for all persons desiring to bid for public contracts that are to be let by the agency as long as the mandatory pre-qualification complies with 24 CFR 85 or state and local law if more stringent.

LBHA will consider factors such as contractor integrity, compliance with public policy, corporate social policy, record of past performance, and financial and technical resources. If a prospective contractor is found to be non-responsible, a written determination shall be included in the contract file and the contractor advised of the reasons for the determination.

Contracts shall not be awarded to contractors who may be suspended, debarred or determined ineligible by HUD in accordance with 24 CFR Part 85.35.

### **5.5 Appeals**

Any person who wishes to appeal disqualification as a bidder shall within three business days after receipt of notice of disqualification, notify LBHA that the person appeals the disqualification. Immediately upon receipt of such notice of appeal, LBHA shall notify the appropriate board.

### **5.6 Required Information**

The successful respondent must be licensed to do business in the State of Oregon and must be licensed (if required by law) to perform the professional services proposed.

### **5.7 Minority Business (MBE) Goals**

The firm submitting a proposal shall be aware of LBHA's goals to make efforts to ensure that small and minority-owned business, women's business enterprises, labor surplus area business, and individuals or firms as defined in 24 CFR 135.15 are used when possible.

### **5.8 References**

LBHA reserves the right to request and investigate additional references other than those provided in the Request for Proposals (RFP) submittal. Investigation may include past performance of any consultant team member with respect to its successful performance of similar projects, compliance with specifications and contractual obligations, completion or delivery of work on schedule or on budget, and its lawful payment of subcontractors, employees, and workers. If demanded by LBHA, supportive references must be furnished.

### **5.9 Confidentiality**

Proposals are public records. All information submitted by respondents shall be public record and subject to disclosure pursuant to the Oregon Public Records Act, except such portions of the Proposal for which respondent requests exception from disclosure consistent with Oregon Law. All requests shall be in writing, noting specifically which portion of the proposal the respondent requests exception from disclosure. Respondents shall not copyright, or cause to be copyrighted, any portion of any said document submitted to the LBHA as a result of this RFP.

- END -