



525 South Lawrence Street  
Montgomery, Alabama 36104

**REQUEST FOR PROPOSALS (RFP) 2019-03  
MIXED FINANCE LEGAL SERVICES**

**DATE ISSUED:** Tuesday, April 23, 2019

**DESCRIPTION:** Montgomery Housing Authority (MHA) is seeking proposals from qualified individual(s), firm(s) to provide MHA with Mixed Financial Legal Services

**CONTACT PERSON:** Joeretta Smith, Procurement/Contract Administrator  
[jsmith@mhatoday.org](mailto:jsmith@mhatoday.org)

**LAST DAY FOR QUESTIONS:** Wednesday, May 15, 2019

**SUBMISSION DEADLINE:** Monday, May 20, 2019 at 3:00 P.M. C.S.T.

**SUBMISSION ADDRESS:** Montgomery Housing Authority  
Procurement/Contract Office  
525 South Lawrence Street  
Montgomery, Alabama 36104

**Separate sealed proposals will be accepted at the Montgomery Housing Authority (MHA), Procurement/Contract Office, 525 South Lawrence Street, Montgomery, Alabama 36104, until the date and time noted above. Proposals will be held in confidence and not released in any manner until after contract award.**

The responsibility for submitting a response to this RFP at the Montgomery Housing Authority on or before the stated time and date will be solely and strictly the responsibility of the respondent. The Housing Authority is not liable for any costs incurred by the offeror prior to issuance of a contract. The offeror shall wholly absorb all costs incurred in the preparation and presentation of the proposal.

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### **Introduction**

In compliance with 24 CFR 85.36, The Montgomery Housing Authority (MHA) is seeking proposals from qualified individual(s,) firm(s) to provide MHA with Mixed Financial legal services.

### **1.2 Method of Solicitation**

MHA is soliciting competitive proposals from qualified firms with a documented track record of providing the required services, preferably for public housing authorities or other agencies through a formal Request for Proposal (RFP) process. Proposals should demonstrate detailed plans on how the respondent intends to provide the required services in a manner that will result in the successful and timely completion of the service(s). In addition, the proposal should demonstrate the respondent's capacity and readiness to perform the Scope of Services immediately upon execution of a contract with MHA. Finally, the proposal should include evidence of the respondent's previous experience and qualifications relative to the provision of such services.

### **1.3 Obtain Copies of this Solicitation**

Single copies of the RFP package may be obtained, at no cost by visiting the MHA website at: [www.mhatoday.org](http://www.mhatoday.org).

Copies may also be picked up in person at:

Montgomery Housing Authority  
Procurement/Contract Office  
525 South Lawrence Street  
Montgomery, Alabama 36104

Persons wishing to be mailed copies may request via email at [jsmith@mhatoday.org](mailto:jsmith@mhatoday.org).

## **PART II – SUPPLEMENTAL INSTRUCTIONS TO RESPONDENTS**

### **2.1 Submission of Proposals**

Offerors should submit **one (1) original and three (3) copies** of their proposal, dated and signed by an official of the company. Proposals must be submitted in a sealed envelope that shows the company's name and address, and clearly written on the outside of the sealed envelope must be the words "**RFP 2019-03 MIXED FINANCE LEGAL SERVICES - DEADLINE Monday, May 20, 2019 @ 3:00 p.m. (CST)**".

Submittals received after the deadline date and time will be determined unacceptable and remain unopened. Refer to form **HUD 5369-B, Section 6** regarding late submissions and withdrawals.

**Proposals are not publicly opened.**

All proposals must be submitted in accordance with the conditions and instructions provided

herein and must remain open for acceptance for one hundred and eighty days (180) from the due date.

## **2.2 Interpretations/Questions**

During the period between issuance of this RFP and the proposal due date, no oral interpretation of the RFP's requirements will be given to any prospective respondent. Requests for interpretation must be made, in writing, at least 10 days before the submission due date and time to: [jsmith@mhatoday.org](mailto:jsmith@mhatoday.org).

## **2.3 Addendum and Update Procedures for the RFP**

During the period of advertisement for this RFP, MHA may wish to amend, add to, or delete from, the contents of this RFP. In such situations, MHA will issue an addendum to the RFP setting forth the nature of the modification(s). MHA will email (or send via regular postal mail or fax upon written request of respondents) any addenda to respondents of this RFP Solicitation. Interested parties may also view addenda on MHA's website [www.mhatoday.org](http://www.mhatoday.org). It shall be the responsibility of each respondent to ensure; they have any/all additional addenda relative to this RFP.

## **2.4 Proposal Format**

All proposals shall be submitted in 8½ x 11-inch format, preferably in three (3) ring binders. Larger size pages or inserts may be used if able to fold into 8½ x 11 inches. All copies of the submittal must be identical in content organization. The format of the respondent's proposal should be structured the same as the format of the RFP. Proposals should be organized into sections and tabbed for ease of review. Provide a comprehensive Table of Contents at the front of the proposal. Organize the proposal in response to the Submission Requirements, taking care to address all issues identified in the Scope of Services. The front cover of the proposal should bear the name and number of the RFP, the date, and the respondent's name, address, phone, fax number, and email address.

## **2.5 Insurance**

All forms that require a signature or initials must bear an original initial or signature. Respondents shall enforce and maintain throughout the term of the contract:

1. Comprehensive General Liability Limits: \$1,000,000 combined single limit with the Montgomery Housing Authority named as additional insured with respect to the services being procured.
2. Workers Compensation, as required by applicable law.
3. Automobile Liability Limits - \$1,000,000

## **2.6 Acceptance of Proposals**

Proposals must be signed, sealed, and received in completed form at the MHA, no later than the proposal closing date and time. Proposals submitted after the designated closing date and time will not be accepted for any reason and will be returned unopened to the originator.

MHA reserves the right to accept or reject any or all proposals, to take exception to these RFP specifications or to waive any formalities. Respondents may be excluded from further considerations for failure to comply with the specifications of this RFP.

MHA also reserves the right to reject the proposal of respondents, who have previously failed to perform properly or to complete on time, a contract of similar nature; not in a position to perform the contract. Alternatively, who habitually without just cause neglected the payment of bills or disregarded its obligations to subcontractors, providers of materials, or employees.

## **2.7 Time for Reviewing Proposals**

Proposals received prior to the closing date and time will be securely kept, unopened. No proposals received after the closing date and time will be considered. All proposals properly received will be evaluated by MHA's Evaluation Committee appointed by the Executive Director. The Evaluation Committee will analyze proposals within the 180 days of the date and time due and provide a recommendation for award of contract or not to award to the MHA Executive Director.

## **2.8 Withdrawal of Proposals**

Proposals may be withdrawn, by means of a written request, or faxed requests dispatched by the respondent in time for delivery in the normal course of business prior to the time fixed for receipt, if written confirmation of withdrawal has the signature of the respondent. In addition, withdrawals must be postmarked prior to the date and time set for proposal opening. Negligence on the part to the respondent in preparing their proposal confers no right to make modifications or withdraw proposal after the due date and time.

## **2.9 Award of Contract**

A contract shall be awarded to the respondent submitting a proposal according to the evaluation criteria contained herein, provided the proposal is in the best interest of MHA. The respondent to whom the award is made will be notified at the earliest practical date.

## **2.10 HUD Debarment and Suspension List**

The respondents and all subcontractors' names or businesses must not appear on the HUD's Debarment and Suspension list.

## **2.11 Certification of Legal Entity**

Prior to execution of the contract agreement, the respondent shall certify that joint ventures, partnerships, team agreements, new corporations, or other entities that either exist or will be formally structured are, or will be, legal and binding under the Alabama State Law and the City of Montgomery, Alabama.

## **2.12 Cost Borne by Respondent**

All cost related to the preparation of this RFP and any related activities are the responsibility of the respondent. MHA assumes no liability for any costs incurred by the respondent throughout the entire selection process.

## **2.13 Best Available Data**

All information contained in this RFP is the best data available to MHA at the time the RFP was prepared. The information given in the RFP is not intended as representation having binding legal effect. This information is furnished for the convenience of respondents and MHA assume no liability for any errors or omissions.

## **2.14 Contact with MHA Staff, Board Members, and Residents**

Beyond the above referenced written communications, respondents and their representatives may not make any other form of contact with MHA Staff, Board Members, or Residents. Any improper contact by or on behalf of Respondents may be grounds for disqualification.

## **2.15 Licenses**

The awarded individual/firm shall have and maintain all required licenses necessary to conduct business in the City of Montgomery and the State of Alabama. All licenses must be kept up to date for the duration of this contract. Copies of all licenses must be in the Procurement/Contract Office prior to contract execution.

## **2.16 Respondent Responsibilities**

Each respondent is presumed by MHA to have thoroughly studied this RFP and become familiar with the contents, locations, nature of requests, covered by the RFP. Any failure to understand completely any aspect of this RFP is the responsibility of the respondent.

## **2.17 No Claim Against MHA**

The respondent shall not obtain, by submitting a proposal in response to this RFP, any claim against MHA or MHA's property for reason of all or any part of the following: the selection process; the rejection of any or all offers; the acceptance of any offer; entering into any agreements or the failure to enter any agreements; any statement, representations, acts or omissions of MHA or any person or entity acting on its behalf; the exercise of any discretion set forth in or concerning any of the foregoing; and any other matters arising out of the foregoing.

## **PART III - SUBMISSION REQUIREMENTS**

Listed below are the sections that must be included in respondent's proposal. Each section must be clearly labeled using the bold-faced titles listed below. The required submission must be bound, and each section tabbed.

### **3.1 Company Information**

Please furnish a brief history of your company including how long you have been in business, major offices located in Montgomery and/or major offices located in the southeast United States.

### **3.2 Staffing and Qualifications**

Provide information regarding staff experience and qualifications that demonstrates the respondent's capacity to perform the required services. Include an organizational chart that illustrates respondent's overall staffing approach for completing the required work. Include in the chart all key personnel, specialists, and consultants who will be assigned work under a contract potentially resulting from this RFP along with the primary point of contact and the anticipated percentage of time each key personnel will be expected to provide to MHA throughout the duration of the contract.

### **3.3 Relevant Experience and Past Performance**

- A. Identify similar or related work performed for public housing authorities or other agencies that have been completed to date or is currently active. Include projects completed or currently underway by the responding entity and/or each major participant in the proposal. For each project identified provide:
  1. Project name and address
  2. Contact person, title, phone number, email, fax and address
  3. Detailed description of Scope of Services
  4. The client for whom the respondent's services were performed
  5. The size of the project

6. The services performed by the respondent on the project
  7. The dollar value of the contract for the services
  8. The duration of the project including start and completion dates, or projected completion date if still active
  9. A reference contact for the project with name, address, email and phone number
- B. Identify past experience in performing work for public housing authorities or other agencies by the respondent and/or its participants. Please identify all private and non-profit developers that respondent has previously provided professional legal services to which could potentially result in a conflict of interest for MHA's mixed-finance legal services.
- C. Demonstrate ability to perform the services that are well regarded in the industry in terms of content, timeliness, and responsiveness.
- D. If the respondent is a joint venture, or another entity formed solely for responding to this RFP, provide evidence of prior successful collaborations.

### **3.4 References**

Provide a list of clients, previous and current. This list must include the name and title of the contact person, with an address, email, phone number, and fax number.

### **3.5 Respondent's Approach and Response to Scope of Services**

- A. Provide a detailed narrative that demonstrates the approach intended for use by the respondent which shall clearly identify the role(s) of any Principals, Senior staff, Associates and all key staff members throughout the duration of the contract.
- B. The respondent should outline its anticipated approach for each element of work identified in the Scope of Services including initial response time to MHA's calls and/or requests for impromptu meetings.
- C. The approach outlined should be consistent with the objectives and requirements set forth in the RFP and should address how services will be immediately provided upon execution of a contract.
- D. Provide a narrative and bar graph type schedule indicating how the work will proceed under the contract for major deliverables including but not limited to: Development Rights Agreements (aka Master Development Agreements) and HUD Evidentiary Submissions for Mixed Finance closings and the primary point of contact for said major deliverables.

### **3.6 Proposal Cost**

Respondents shall provide a firm total cost along with a detailed itemized breakdown of total cost for each key team member including the hourly billing rate throughout the duration of the contract and the anticipated percentage of time to be provided by all key team members based on the major deliverables listed above under item 3.5 D. Please show all expected expenditures to include all anticipated travel. Total cost must be all-inclusive.

### **3.7 Required Certifications/Forms**

Each proposal shall contain a copy of the following HUD forms, which may be downloaded from the Procurement page of MHA web site: [www.mhatoday.org](http://www.mhatoday.org).

- Form HUD-5369-B Instructions to Offerors - Non-Construction (attached to RFP)

- Form HUD 5369-C Certifications and Representations of Offerors - Non-Construction Contract
- Form HUD SF-LLL Disclosure of Lobbying Activities
- Form HUD 50070 Certification for a Drug-Free Workplace
- Form HUD 50071 Certification of Payments to Influence Federal Transactions

Proposals should be written in a concise, straightforward and forthright manner. Superficial marketing statements and materials should be avoided.

**Please tab and submit documents/information in the following order:**

1. Company Information
2. Staffing and Qualifications
3. Relevant Experience and Past Performance
4. Three references (previous or current clients) including the name and title of the contact person, with an address, email, phone number and fax number
5. Approach and Response to Scope of Services
6. Proposal Cost (**Cost Proposal form enclosed**)
7. Required **HUD** Forms
8. Business License and other necessary certificates
9. Statement that the proposal constitutes a firm offer of pricing, which may be accepted at any time within one hundred eighty (180) days from and after the date of proposal opening
10. Name, address and telephone number of the person to answer questions or provide clarification concerning the offeror's proposal

**PART IV - SCOPE OF SERVICES**

Legal Counsel shall provide all labor, materials, equipment supervision, and transportation necessary to provide the services outlined in this RFP. The services will include, but are not limited to:

- A. Provide general advice on issues involving the use of the Section 42 low income housing tax credit and the use of Section 142 private activity bonds for affordable multifamily housing;
- B. Assist the MHA and its Program Manager in determining the appropriate organizational structure for the various development phases including assisting in any needed negotiations with the procured Development Partner;
- C. Assist the MHA and its Program Manager in negotiating a development agreement (or series of agreements) that complies with HUD regulations with a Development Partner(s) for the mixed finance/mixed income redevelopments;
- D. Assist the MHA and its Program Manager with the structure and terms of any partnership agreement(s) into which the Authority may enter with an equity investor (with or without a Development Partner);
- E. Prepare and/or supervise the collection of all HUD evidentiary documents for each phase of the mixed finance/mixed income redevelopments - the current list of such evidentiary documents is attached as an exhibit to this RFP, but is subject to change;
- F. Assist in obtaining HUD approval of such submissions including the ground lease(s) to investment partnership(s);
- G. Review mixed finance proposals and rental term sheets associated with each phase of the mixed-finance/mixed-income redevelopment;

- H. Provide any other requested services necessary to complete the transaction(s) or assist in the development process;
- I. Assist the MHA in the formation of an affiliated entity that will partner with the MHA in the development of additional mixed income/mixed financed properties and to provide additional services to the surrounding community, including the MHA, to include , but not limited to: maintenance, inspection, turnaround, lawn and other services;
- J. Counsel will serve as the MHA lead Mixed-Finance Counsel and will provide legal services for all aspects of the redevelopment projects; however, MHA will further retain independent local counsel for redevelopment services specific to laws related to the state of Alabama.

## **PART V - PROCUREMENT PROCESS**

### **5.1 Proposal Evaluation/Contract Award**

Proposals received in response to this solicitation will be evaluated using the following evaluation process.

- A. The evaluation process will be used to determine the firms that will comprise the short list, from which final selection for contract award will ultimately be made.
  - 1. During the evaluation process, technical proposals will be evaluated and scored by an Evaluation Committee appointed by the Executive Director.
  - 2. Each member of the selection committee will score each proposal.
  - 3. Scoring will be based on predetermined Evaluation Criteria. The available points associated with each area of consideration are shown below in Item 5.2.
  - 4. The results of the evaluation of both technical and cost proposals will be used to determine those proposals to be considered in the competitive range.
  - 5. Proposals will be considered acceptable if they have a minimum score of 75 points or above.
  - 6. The Authority may request that proposers whose submittals are in the competitive range make oral presentations concerning their qualifications to the Authority's Evaluation Committee.
  - 7. Cost proposals will be considered acceptable if the proposed cost is clearly not excessive compared to the proposed costs of other respondents with acceptable technical proposals.
  - 8. Respondents with acceptable technical and cost proposals may be requested to supply additional information to assist in completing the due diligence review. Failure to satisfactorily complete the due diligence review within the timeframe established by MHA will result in disqualification of respondent's proposal.
- B. Scoring will be based upon how well the proposal meets the criteria established in this RFP.
- C. MHA reserves the right to make no award, or decline to enter negotiations should it believe that no respondent to this RFP would be capable of delivering the necessary level of service within an acceptable price range and/or the time period.
- D. The Evaluation Committee will evaluate the merits of proposals received in accordance with the evaluation factors stated in the RFP and formulate a recommendation. However, while a numerical rating system may be used to assist the Evaluation Committee in selecting the competitive range (if necessary) and making an award recommendation decision, the award decision is ultimately a business decision that will reflect an integrated assessment of the relative merits of the proposal using the factors and their relative weights disclosed in the RFP.

## 5.2 Evaluation Criteria

### A. Organizational Capacity: 30 Points

1. Respondent's organizational capacity will be evaluated through an assessment of the respondent's staff, specialists', and consultants' experience and qualifications. In addition, the respondent's ability to perform the work in a timely manner will be evaluated through a review of previous performance on similar projects, as well as current and projected capacity and workload.
2. Maximum consideration will be given to those respondents having staff with the greatest amount of experience in performing work as required herein, and who can demonstrate sufficient capacity to perform the work timely given current and projected workload.

### B. Relevant Experience and Past Performance: 25 Points

1. Relevant experience and past performance will be evaluated through an assessment of previous, similarly related projects completed to date.
2. Maximum consideration will be given to those respondents, who demonstrate through their submittal, a documented track record of successfully completing projects of the same type required by this RFP.
3. Maximum consideration will also be given to those respondents who exhibit a successful track record of performing similar services for public housing authorities.

### C. Respondent's Approach and Response to Scope of Service: 25 Points

1. The respondent's approach and response to the Scope of Services will be evaluated through an assessment of the proposed approach for each element of work identified in the Scope of Services.
2. Maximum consideration will be given to those respondents, who demonstrate through their submittal, a clear and prudent plan for performing the required work within the established timeframe.

### D. Proposal Cost: 20 Points

1. Proposal cost will be evaluated through a careful analysis of cost compared to the other respondent's proposals.
2. Maximum consideration will be given to those respondents, who demonstrate through their submittals, the ability to perform the required work at minimum cost to MHA.

#### Additional Points:

#### Disadvantaged Business Enterprise (DBE) and Section 3 Participation Plan:

**DBE/WBE participation: 5 Points**

**Section 3 participation: 5 Points**

1. The level of Disadvantaged Business Enterprise (DBE), Woman Business Enterprise (WBE) and Section 3 participation will be evaluated through an assessment of the action plans and participation schedules submitted.
2. Maximum consideration will be given to those Respondents, who demonstrate through their submittals, that MHA's stated participation goals, in terms of DBE, WBE, and Section 3 business enterprise contracting, and Section 3 resident employment and training, will be met.

### 5.3 Summary of Evaluation Criteria

#### Evaluation Criteria Points

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Technical:

Organizational Capacity	30 Points
Relevant Experience and Past Performance	25 Points
Respondent' s Approach/Response to Scope of Services	25 Points
<u>Proposal Cost</u>	<u>20 Points</u>
Total	100 Points

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#### **ADDITIONAL POINTS:**

DBE and WBE Participation Plan	5 Points
<u>Section 3 Participation Plan</u>	<u>5 Points</u>
Total	10 Points

**Total Possible Points 110 Point**



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Montgomery, Alabama 36104

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CONTACT PERSON: Joeretta Smith, Procurement/Contract Administrator  
[jsmith@mhatoday.org](mailto:jsmith@mhatoday.org)

LAST DAY FOR QUESTIONS: Wednesday, May 15, 2019

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SUBMISSION ADDRESS: Montgomery Housing Authority  
Procurement/Contract Office  
525 South Lawrence Street  
Montgomery, Alabama 36104

COMPANY NAME: \_\_\_\_\_

BY: \_\_\_\_\_  
Signature                      Written Name                      Title                      Date

ADDRESS: \_\_\_\_\_  
Street/POB                      City                      State                      ZIP

PHONE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

ATTACH A COST BREAKDOWN SHOWING EXPENDITURES