



Housing Agency
marketplace

Request for Proposals

Tue, May 23, 2023
11:14 AM AKDT

Request for Proposals (RFP)

Once you have reviewed the RFP document and any attachments located within the "Terms, Conditions and Instructions" area, along with any Posted Questions and Answers and/or Addenda, please click on one of the gray buttons located at the bottom of the page. This will let the agency know of your intentions regarding this RFP.

RFP Information

Solicitation #: RFP #: RAD-2023-01
Date Posted on the System: 05/23/2023 10:46 AM
Agency: **Municipal Housing Authority of the City of Utica, New York**
Main Service Category: Legal Services
Sub Service Description: REQUEST FOR PROPOSAL (RFP) FOR LEGAL SERVICES FOR PUBLIC HOUSING REDEVELOPMENT & REAL ESTATE TRANSACTIONS

Buyer Information

Buyer Name: John Furman
Buyer Phone Number: 315-982-3731
Buyer Fax Number: 315-735-3366
Buyer E-mail: jfurman@peoplefirstny.org

Pre-proposal Conference(s)

Pre-proposal Conference: Will a Pre-proposal Conference be conducted in conjunction with this Solicitation?
No

Deadlines

Q/A Cutoff Date: 06/07/2023 **EXPIRED**
Q/A Cutoff Time: 07:59 PM AKDT
Proposal Due Date: 06/21/2023 **EXPIRED**
Proposal Due Time: 07:59 PM AKDT
To change your Time Zone, click on "Company Profile" in the navigation menu to the left.

<u>Estimated Initial Contract Period:</u>	Start Date 07/07/2023	End Date 06/06/2024
<u>1st Estimated Contract Renewal Option:</u>	Start Date 06/07/2024	End Date 06/06/2025
<u>2nd Estimated Contract Renewal Option:</u>	Start Date 06/07/2025	End Date 06/06/2026
<u>3rd Estimated Contract Renewal Option:</u>	Start Date 06/07/2026	End Date 06/06/2027
<u>4th Estimated Contract Renewal Option:</u>	Start Date 06/07/2027	End Date 06/06/2028

Economic Price Adjustment: Do you wish to include an Economic Price Adjustment Option as a part of Solicitation?
No

Contract (Award) Types:

Firm Fixed-price Contract [Section 10.1.C.1]

"Ship To" Information

A. Delivery of Purchased Items or Services

Name: John Joseph Furman
Location:
Address: 509 2nd Street, STE 1
City: Utica
State: NY
Zip Code: 13501
Phone Number: 315-735-5246
Fax Number: 315-735-3366
E-mail: jfurman@peoplefirstny.org

Proposal Format

REQUEST FOR PROPOSAL (RFP) FOR LEGAL SERVICES FOR PUBLIC HOUSING REDEVELOPMENT & REAL ESTATE TRANSACTIONS

RFP #: RAD-2023-01

Issue Date: 05/23/2023

Submission Deadline Date: 06/21/2023, 11:59 p.m. EST

Expected Contract Award Date: 07/07/2023

Expected Service Start Date: 07/07/2023

Expected Contract End Date: 07/07/2026 with two year renewal options

Questions must be submitted by: 06/07/2023, 11:59 p.m. EST

View and respond to proposal on:

https://ha.internationaleprocurement.com/requests.html?company_id=15743

<https://ha.internationaleprocurement.com/>

Technical Inquiries: John Furman, jfurman@peoplefirstny.org, 315.982.3731

The Agency intends to retain the successful proposer pursuant to a "Best Value" basis, not a "Low Bid" basis. Therefore, so that the Agency can properly evaluate the offers received, all proposals submitted in response to this RFP must be formatted in accordance with the sequence noted below. Each category must be separated by index dividers numbered (which number extends so that each tab can be located without opening the proposal). None of the proposed services may conflict with any requirement the Agency has published herein or will issue by addendum.

RFP INTENT

The Municipal Housing Authority of the City of Utica, New York (hereinafter, "UMHA") – People First, d/b/a, invites proposals from qualified attorneys and /or law firms licensed to practice in the State of New York to serve as legal Counsel for the agency's real estate transactions including redevelopment/repositioning of its public housing inventory through RAD and other platforms as well as the development of new affordable housing development projects. Through this Request for Proposal process, the successful Respondent will demonstrate the ability and experience to perform legal representation and consulting services related to real estate and development transactions together with all the various legal issues and closing transactions associated therewith.

As per HUD regulations, the selected Respondent will provide legal services for up to five years and will encompass projects of the UMHA involved in Rental Assistance Demonstration, Section 18 Demolition and Disposition, and mixed finance initiatives.

REQUIRED QUALIFICATIONS

The UMHA is seeking Proposals from experienced individuals and firms with a demonstrated successful track record in providing legal counsel services related to real estate and development transactions including conversion of public housing to the Rental Assistance Demonstration, mixed finance as well as the development of new affordable housing. Individuals and/or firms must possess the ability to do business in New York State.

Respondents must demonstrate capacity and readiness to perform the required services immediately upon execution of a contract with the UMHA and/or its non-profit affiliates and instrumentalities. Contract term is anticipated to be three-years with an option to renew for two additional one-year periods. The UMHA will provide the the Legal Consultant with written notice of its intent to extend the contract at least ninety (90) days prior to the expiration of the current contract term.

Respondent should have demonstrated experience negotiating agreements among public housing authorities, their development partners, funders, and other third parties. It should also have demonstrated experience with the interaction of housing authorities with the U.S. Department of Housing and Urban Development (HUD) and New York State agencies, as well as with regulations and requirements relating to affordable housing development. The Respondent must demonstrate experience with the legal requirements related to RAD financing, the use of Low-Income Housing Tax Credits (LIHTC), tax-exempt debt financing, supportive housing, HUD HOME, Federal Home Loan Bank, New York State housing programs, project-basing of Housing Choice Vouchers, Tenant Protection Vouchers, and other public and private funding mechanisms. The selected Legal Consultant must have, at a minimum, qualifications and experience necessary to perform the scope of work as described herein.

a) Significant demonstrated experience with the HUD RAD Conversion program, mixed finance, Low Income Housing Tax Credits, bond financing, and other affordable housing financing tools;

b) Firm members representing the UMHA must be admitted to practice in the State of New York and in good standing;

c) Familiarity with public housing and affordable housing development legal issues including the governing municipal and New York State Statutes and Federal Public Housing Code and related HUD regulations;

d) Proof of professional liability insurance;

e) Confirmation that the firm consistently runs conflicts checks and that the firm is free from potential conflicting interests from business foreseeably conducted by the firm;

f) Familiarity with New York State housing and community development programs;

f) The selected Proposer must comply with the Federal Drug-Free Work-Place Act;

g) The selected Proposer and all its subcontractors shall comply with Executive Order 11246, as amended by Executive Order 11375, and as supplemented in the Department of Labor Regulations (41 CFR Part 60);

h) The selected Proposer and all its subcontractors shall comply with the Copeland "Anti-Kickback Act" (18 U.S.C. 276c) as supplemented in U. S. Department of Labor Regulations (29 CFR, Part 3). This Act provides that each contract subcontractor shall be prohibited for inducing, by any means, any person employed in the construction, completion, or repair of public works, to give up any part of the compensation to which he is otherwise entitled. The selected Proposer and all its subcontractors shall report all suspected or reported violations to the UMHA.

Interested firms cannot be on the HUD OIG (Office of Inspector General) or New York State Exclusion or Disbarment list nor have any history of or pending lawsuits involving the Utica Municipal Housing Authority or any other Housing Authority in New York State.

PROJECT DESCRIPTION

The Utica Municipal Housing Authority (People First d/b/a) plans to redevelop its public housing projects in its portfolio during the next five to ten years. All projects during the Contract period are dependent upon the UMHA ability to secure funding from various public and private funding sources.

Our project involves the revitalization (rehabilitation, demolition, and new construction) of the UMHA public housing developments. The UMHA is considering various redevelopment scenarios:

- Converting public housing units from Section 9 public housing to Project-Based Section 8 subsidies through RAD;
- Using HUD mixed financing tools and retaining public housing subsidies or converting them to RAD later;
- Developing new public housing units through unused Faircloth units;
- Developing new affordable, mixed income, unsubsidized, rental or homeownership units.

Currently, the UMHA is in the beginning stages of redeveloping our Adrean Terrace, N.D. Peters Manor, and F.X. Matt Apartments consisting of 361 public housing units, a community center, community garden, and recreational and green space. The development was constructed between 1939 and 1965. Based upon a recent architectural analysis, the buildings are beyond repair and need to be demolished and rebuilt. Major infrastructure improvements are necessary, and relocation will be required.

Cost estimates, architectural plans, and financing for this project will be finalized this year. Financing for the project is likely to consist of 4% and 9% Low Income Housing Tax Credits, FHA loans, Federal Home Loan Bank, Community Development Block Grant, supportive housing and homeless funding, New York State private foundation grants. We plan to make application to funders in 2024 and close by December 2024.

The UMHA is planning to redevelop the remainder of its public housing units which consists of the following developments and buildings:

- Perretta Twin Towers – 108 units - Low Income Public Housing (LIPH) – Senior/Disabled
- Marino-Ruggerio Apartments 50 units -LIPH – Senior/Disabled
- Gillmore Village – 190 units – LIPH Multi-Family
- Duplex Homes – 10 units - LIPH Multi-Family
- 819 Hamilton Street Apartments – 9 Units - LIPH Multi-Family
- Humphrey Gardens – 122 units - LIPH Multi-Family

The UMHA will seek financing in phases and over a period of five to ten years for the entire redevelopment project.

PROPOSAL SUBMITTAL INFORMATION

This is an expedited procurement action. Interested applicants should use the following link to download and respond to the Request for Proposal:

https://ha.internationaleprocurement.com/requests.html?company_id=15743

The deadline for the proposal is 06/19/2023, 11:59 p.m. EST For questions, please call John Furman at 315.982.3731 or email jfurman@peoplefirstny.org Please check the link for updates on the RFP.

The Housing Authority may reject any and all proposals, re-advertise, postpone, or cancel this RFP at any time at its discretion. The Housing Authority has the right to waive any and all formalities related to this RFP. The Housing Authority is committed to equal opportunity in its procurement actions and encourages Section 3 and M/WBE firms to respond to this solicitation.

BASIC TERMS AND CONDITIONS

The UMHA will not accept retainer agreement proposals. The contract will list performance milestones which must be completed for the Proposer to receive payment. The UMHA encourages applicants to provide cost effective services at lowest cost to the taxpayers under this program.

Services provided under these contracts must be summarized in monthly written reports with detailed itemization of units of services delivered as well as types of services performed. Services must be billed at least once a month. Services not billed after 90 days of the expiration of the contract will not be considered for payment. Firms should be aware that UMHA will only make payments on the contract issued under this RFP after the work being billed has been completed and will pay reimbursable expenses only upon receipt of an invoice for the reimbursable expenses. No advance payments will be made to the firm, who must have the capacity to meet all project expenses in advance of payments by UMHA.

The UMHA encourages applications from Minority/Women Business Enterprises (M/WBEs), and Section 3 firms. We also encourage law firms to partner with these types of entities to provide employment opportunities to the disadvantaged. In accordance with New York State and HUD law and regulations, it is the policy of the UMHA to encourage Minority and Women Business Enterprises as well as Section 3 firm participation in this program by contractors, subcontractors, and suppliers, and all Proposers are expected to cooperate in implementing this policy.

The UMHA reserves the right to waive any or all informalities, and to reject any or all proposals, or any proposal that is incomplete, conditional, obscure, or which contains irregularities of any kind, or any or all proposals not deemed to be in the best interest of UMHA.

We further resolve the right ant any time, in its sole discretion and for any reason, to do any or all of the following:

- Cancel and/or reissue the RFP, and/or reject all proposals;
- Reject, in whole or in part, any or all proposals received in response to this RFP which are incomplete and/or non-responsive;
- Waive or correct any immaterial defect or technical error in any response, proposal, or proposal procedure, as part of the RFP or any subsequent negotiation process;
- Request that certain or all Respondents to this RFP supplement or modify certain aspects of the information or proposals submitted;
- Modify the election procedure, the scope of the proposed project or the required responses; and,
- Extend deadlines for accepting proposals, request amendments to proposals after expiration deadlines, or negotiate or approve final agreements.

The determination of the criteria and process whereby responses are evaluated, the decision as to who shall receive a contract award, or whether or not an award shall be made as a result of this RFP, shall be at the sole and absolute discretion of the UMHA.

The proposal must be submitted in conformance with the requirements of this Request for Proposals. As a general requirement, the RFP specifies that all work is to be performed in accordance with professional standards, HUD regulations, requirements and criteria and local codes, regulations, ordinances, and statutes. It will be the UMHA's full expectation and a contractual requirement that the successful Respondent fully and routinely meet the above requirements. The selected Respondent(s) will only perform work which is authorized by the UMHA.

Prior to issuance of the notice to proceed, the selected Respondent must provide a certificate of insurance listing the UMHA as additional insured entities for general liability insurance covering bodily injury and personal injury of at least \$1,000,000.

There are no points awarded on the basis of prior contracts with the UMHA or geographic location of the firm.

A Respondent shall not obtain, by submitting a proposal in response to this RFP, any claim of any kind against the UMHA or UMHA's property by reason of all or any part of any of the following:

- Any aspect of this RFP;
- The Selection process;
- The rejection of any or all offers;
- The acceptance of any offer;
- Entering into any agreements or the failure to enter into any agreements;
- Any statements, representations, acts, or omissions of the UMHA to any person or entity acting on its behalf;
- Any other matters arising out of the foregoing.

In submitting their proposals, Respondents are representing that the personnel described in their proposals shall be available to perform the services described from first to last, barring illness, accident, or other unforeseeable events of a similar nature in which cases the Respondent must be able to provide a comparably qualified replacement. Furthermore, all personnel shall be considered to be, at all times, the sole employees of the legal firm under its sole discretion, and not employees or agents of the UMHA.

It should be clearly understood that all service requested in this RFP are on an "as needed basis" and that nay dollar value referred to in this RFP in no way constitutes a guarantee of the level of effort that may be required of the successful Respondent or guarantee a certain dollar amount.

SCOPE OF WORK

Under UMHA's direction, the successful Respondent will be responsible for assisting the UMHA with any and all legal aspects associated with the public housing redevelopment, new affordable housing development, RAD conversion and mixed finance process, including but not limited to negotiations and evaluation of agreements (e.g., HUD RAD conversion, financing and development agreements, Operating Agreements, Payment in Lieu of Taxes, Ground Lease, Property Management Agreement, Low Income Housing Tax Credit, Ground Lease, Declaration of Restrictive Covenants, HUD Mixed Finance Documents, Faircloth Amendment, Demolition and Disposition process, Creation of affiliated corporations and ownership structure, and Section 8 Project Based Rental Assistance documents). The Legal Consultant will provide legal opinions and/or recommendations that will enable UMHA to achieve its program goals. The Legal Consultant will also be responsible for analyzing and evaluating documents; analyzing the legal implications of finance options; conveying to UMHA the likely legal implications of the investors' proposals; and assisting UMHA in protecting its interests and resources.

The Legal Consultant will be responsible for drafting any documents with respect to the RAD, mixed finance, affordable housing, bond, and/or tax credit transactions. The scope of services will not include representation with respect to land use matters including subdivision or land use issues, the real estate transfer, title and/or survey review, preparation of bid documents, and representation on any environmental concerns, litigation, leasing or resolution of construction contract disputes. UMHA's general counsel will be responsible for all real property/land use matters on behalf of the project.

The Consultant will be a direct advisor to the UMHA, its staff and consultants throughout the development process. Additionally, with UMHA's approval, the Legal Consultant will be expected to work in partnership with the development team consisting of the UMHA staff and the Board of Commissioners, HUD, the City of Utica, the State of New York, and other key stakeholders.

The legal services described in this Scope of Services are intended to serve as a general guideline for the types of legal services that may be required. It is not intended to be all inclusive. It is expected that Respondents will have knowledge of regulations and statutes pertaining to HUD, New York State, and the City of Utica.

Legal scope of services includes (but is not limited to):

1. Advise the UMHA on local, state, and federal statutory and regulatory matters relative to implementation of the project;
2. Provide comprehensive representation of the UMHA in negotiations with HUD, investors, consultants, other agencies, and lenders as necessary;

3. Represent the UMHA in connection with tax credit syndication and issuance of tax-exempt bonds;
4. Represent the UMHA relative to all financing associated with the Project;
5. Legal advice and assistance in creating appropriate legal entities as affiliates or subsidiaries of the UMHA;
6. Legal advice and written opinions as it pertains to the conversion from public housing to Section 8 through RAD and mixed finance;
7. Author, review and/or provide comments on all relevant and related documents;
8. Participate in necessary development team meetings, Board of Commissioner meetings, and other meetings as deemed necessary;
9. Coordinate and, with UMHA's approval, procure legal sub-consultants if necessary);
10. Work with the City of Utica, Utica Industrial Development Agency, County of Oneida, and other jurisdictions to secure a Payment in Lieu of Taxes Agreement;
11. Preparation and negotiation of the documents required for the closing of the RAD and mixed finance, conversion;
12. Assistance in converting public housing to RAD and mixed finance, including preparation of RAD closing packages to file with HUD;
13. Assist and represent the UMHA relative to the RAD capital renovation projects and all of the various components associated therewith;
14. Assist the UMHA with the structure and terms of any partnership agreement(s) into which the UMHA may enter with an equity investor;
15. Facilitate approval by HUD for the RAD conversions, Mixed Finance, Demolition and Disposition, Tenant Protection Vouchers;
16. Develop legal mechanisms for transferring ownership and management of properties to the UMHA after certain regulatory and financing periods have lapsed;
17. Assistance in working with the New York State Homes and Community Renewal and the New York State Housing Finance Agency on the allocations of Low Income Housing Tax Credits, bonds and related issues with funding and financing;
18. Prepare and process all documents and approvals for transaction closings based on closing checklists including the opinion of counsel;
19. Review updated title reports and facilitate release of the Declaration of Trust;
20. Serve as the main point of contact for review of documents and responses to HUD related to any legal comments. Attend any necessary calls and meetings with HUD related to legal issues;
21. Prepare ground leases and operating agreements;
22. Negotiation, preparation, and review of contracts, agreements, opinions, and other documents related to construction, real estate development, and/or acquisition work;
23. Provide legal advice to the UMHA regarding mixed-finance, RAD, LIHTC, bonds, and other financing, including but not limited to, project financing, project development and management, and applicable statutory, regulatory, or policy requirements;
24. Legal services required to prepare and submit funding applications to lenders, local, state, and federal funding agencies; and subsequent loan closing(s) of each project;
25. Represent the UMHA with real estate acquisition and real estate disposition matters involving public and private real estate opportunities and other property related issues;
26. Draft, review, and make recommendations on mixed-finance proposals, and documents including but not limited to : ground release, regulatory and operating agreements, declaration of restrictive covenants, management agreements, developer agreements, partnership agreements, and related documents;
27. Provide guidance on utilizing the Faircloth Amendment to add new public housing units to the UMHA inventory;
28. Prepare and/or advise the UMHA in the preparation of evidentiary submissions to HUD and other funders as necessary;
29. Advice, legal review, and analysis in connection with the preparation of equity investor solicitation materials and with the evaluation of tax credit financing proposals from equity investors. This includes assistance with negotiation and preparation of the initial partnership agreements, a predevelopment loan agreement, assignment agreements, a development services agreement and authorizing resolutions, advice and counsel in connection with any special tax advice, evaluation of related partnership documents (including review and modification for the partnership agreement and related documents to reflect UMHA requirements), drafting of other documents required to comply with federal securities and tax laws; providing documentation necessary for rendering of enforceability opinion;
30. Provide all other legal services necessary for public housing repositioning, RAD conversion, non-public housing real estate development that may not be contained in this RFP;
31. Work closing with the UMHA's general counsel on all of the above.

MUNICIPAL HOUSING AUTHORITY OF THE CITY OF UTICA, NEW YORK DESCRIPTION

Established in 1937, the Municipal Housing Authority of the City of Utica, New York (UMHA) was one of the first housing authorities formed in the U.S. We are a nonprofit public corporation which is a corporate governmental agency. The UMHA was created in accordance with the federal Housing Act of 1937, New York State Public Housing Law, and a local law enacted by the City of Utica Common Council. It is funded by the United States Department of Housing and Urban Development (HUD), rental income, and private, state, and federal grants. The UMHA serves all of Oneida County.

The UMHA is governed by a Board of Commissioners which is composed of seven members. Five board members are appointed by the Mayor of the City of Utica and two are elected by the residents of the Housing Authority developments.

The UMHA is the major provider of subsidized housing in Utica. Our goal is to be a leader in the housing industry by providing safe, clean and affordable housing opportunities to low-income persons while promoting self-sufficiency, upward mobility, and customer satisfaction. The UMHA has successfully administered AmeriCorps, HOPE VI home rehabilitation, public housing modernization, HUD ARRA grants, energy improvement, housing development, youth, human and community service, job training, and educational programs.

With integrity, high ethical standards, and competence, we are committed to transparently provide, develop and offer low-income residents of the City of Utica and Central New York:

- Quality affordable housing opportunities,
- Neighborhood revitalization and community renewal activities,
- Partnerships with private and public entities to optimize resources through innovative programs,
- Efficient and effective management of resources,
- Education, literacy, social, career development and economic self-sufficiency programs.

The UMHA owns, manages, and supervises a total of 1,075 units. Of that number, 896 are public housing units, 36 are HOPE VI Stand Alone Tax Credit Units, 50 are Low-Income Housing Tax Credit (Roosevelt Residences), and 93 are Project-Based Section 8 (New York State Public Housing). The UMHA currently provides 365 Section 8 (Housing Choice) Vouchers to local tenants. We house about 2,000 persons in its LIPH units. Occupancy for public housing and mixed finance units remains at 96%. In September 2022, our SEMAP score for our Section 8 program was 99.05% while our PIC score for public housing units was at 95.85.

UMHA is more than a landlord; it provides a wide variety of programs to help its tenants and community residents become self-sufficient and live independently. Services include job training, financial literacy, after-school tutoring, housing information and referral, veteran services, and case management. Unlike most private landlords, the UMHA provides a broad range of services

designed to address the needs of our diverse resident population. The housing authority has adopted a supportive housing model to integrate housing and services. Education and self-sufficiency programs are tailored to the needs of individual clients. Services are provided to help residents secure education, employment, food, job training, health, and income supports. Services such as food, case management, and health screenings are provided to elderly and disabled residents to help maintain their independent living.

To reflect our commitment to serving residents and the community, the Utica Municipal Housing Authority (UMHA) has rebranded and changed the name under which it does business to People First. The new name, People First, reflects the holistic approach and practices implemented by the organization by engaging in compassionate, transformative "quality of life" services to meet the needs of the greater Utica community. Likewise, the name change more effectively embraces our mission of prioritizing the best interests of people first, and doing so in a people friendly, people focused, and people driven approach. People First will continue its rich history and legacy of enhancing the quality of life for our region's most vulnerable populations, including economically challenged families, the homeless, veterans, at-risk populations, disabled community members, and elderly residents. The transition to People First represents the opportunity to be more than a "key," by providing hope and assistance to people not only to overcome the social challenges of securing safe, clean, and affordable housing accommodations, but also overcoming other impediments, such as education, disabilities, career development, and independent living skills.

By prioritizing the needs of people, People First seeks to utilize its mission and practices as a steppingstone to encourage and challenge our residents to unlock their full potential. Under People First, the organization will better serve as a local, state, and national model for offering quality housing and personalized services that move residents and the local community at large progressively forward for the welfare and betterment of both.

ADDITIONAL UMHA INFORMATION

Established in 1937, the UMHA is one of the longest operating housing authorities within the United States. People First is proud to continue its long-established heritage and reputation to offer housing and supportive services that value, prioritize, and fulfill the essential needs of the people and community we serve.

Both the Municipal Housing Authority of the City of Utica, NY Low Income Public Housing Program and Section 8 (Housing Choice Voucher) Program have homeless, childhood lead poisoning, and domestic violence preferences. In 2022, we instituted a preference for refugees.

In 2021, our AmeriCorps Housing Resource Center assisted over 705 people obtain or maintain housing since January. Due to rising rents and continuing difficult economic times in Upstate New York, Utica has witnessed an increase in the number of people evicted, living on the street, or doubling up.

Following are the housing developments owned, managed, or overseen by the Municipal Housing Authority of the City of Utica New York (UMHA):

- Perretta Twin Towers – 108 units - Low Income Public Housing (LIPH) – Senior/Disabled
- Marino-Ruggerio Apartments 50 units -LIPH – Senior/Disabled
- Gillmore Village – 190 units – LIPH Multi-Family
- Duplex Homes – 10 units - LIPH Multi-Family
- 819 Hamilton Street Apartments – 9 Units - LIPH Multi-Family
- F. X. Matts – 67 units - LIPH Multi-Family
- Adrean Terrace – 202 units - LIPH Multi-Family
- N.D. Peters Manor – 92 units - LIPH Multi-Family
- Humphrey Gardens – 122 units - LIPH Multi-Family
- Chancellor Apartments – 93 units- Project-Based Section 8 Voucher NYS Senior-Disabled Public Housing
- Steuben Village -HOPE VI Mixed Finance Development – HOPE VI Mixed Finance – 49 Low-Income Housing Tax Credit (LIHTC) units (25 public housing)
- Rutgers Manor -HOPE VI Mixed Finance Development HOPE VI Mixed Finance – 33 Low-Income Housing Tax Credit (LIHTC) units (21 public housing)
- Roosevelt Residences – Scattered Site LIHTC development – 50 units (25 Project Based Voucher, of the 25 PBV units, 8 are homeless units)

2022 ACCOMPLISHMENTS

The following are our significant accomplishments during the past year:

- Completed the rebranding process of the Utica Municipal Housing Authority to People First;
- Obtained funding commitments for the First Phase of the Utica Impact Project – Broad and Chancellor;
- Obtained funding in the amount of 1.9 million for the Homeless Drop-In Centers from the local Continuum of Care;
- Received renewal funding for the Gillmore-Humphrey & Adrean-Matt Resident Association ROSS grants;
- Received preliminary HUD approval for the FY 2021 Annual Plan to Project Base 50 HCV vouchers for affordable housing development;
- Hired 2 new ROSS Service Coordinators to help residents to access community programs;
- Continued the planning activities to finance improvements to the housing authority's unit inventory;
- Obtained 10 new Mainstream Section 8 rental assistance vouchers for the homeless/at-risk disabled population;
- Served as the lead community agency in conjunction with Oneida County DSS to rehouse the displaced Olbiston residents;
- Upgraded the Adrean Terrace community garden in the memory of the late resident leader Stephanida Zushma;
- Received funding in the amount of \$1,730,000 from the NYS for rehabilitation activities associated with the Chancellor Apartments;
- Rehoused homeless people into public and private housing;
- Received HUD funding from the City of Utica to oversee a partnership of agencies to provide day time drop-in centers for the homeless;
- Revised the Family Self-Sufficiency Action Plan pursuant to HUD requirements;
- Obtained a grant of \$250,000 from the HUD for the installation of carbon monoxide detectors at the Adrean Terrace and Gillmore Village AMPS;
- Received renewal funding from the City of Utica Emergency Solutions Grant to operate our community's first homeless street outreach program;
- Received renewal funding for the Rapid Rehousing Program which provides short-term rental assistance and supportive services to the homeless;
- Operated a successful Summer Youth Day and employment program for public housing residents;
- Held a successful authority-wide resident picnic and barbecue for our senior/disabled sites;
- Renewed for second three-year AmeriCorps grant of \$300,682.00 (annual amount) maintain its complement of 20 FTE AmeriCorps members;
- Purchased a bus for homeless street outreach and resident services;
- Obtained an additional \$100,821 in new funds for the AmeriCorps Program as part of the American Rescue Plan to pay for increased member living allowance and to replace match sources;
- Received FEMA and CARES act funding for COVID-19 expenses;
- Conducted feasibility analyses of potential affordable housing developments;
- Continued to provide service coordination services through the Empire State Supportive Housing Initiative to Roosevelt Residences homeless tenants;
- Coordinated homeless outreach and assistance activities with the Continuum of Care, Homeless Management Information System, and the Oneida County Department of Family & Community Services;
- Implemented the two HUD Capital Fund Lead Grants for Adrean Terrace, N.D. Peters Manor, F.X. Matt Apts. as well as Gillmore Village/Humphrey Gardens;
- Completed an independent evaluation of our AmeriCorps program which shows that the program is successfully achieving its outcomes;
- Completed a Section 3 Summer Youth Supervisor Program to provide job training for summer youth workers;
- Continued our successful Give Back Friday program during the holiday season which collected donated food, household furnishings, beds, and gifts UMHA residents;
- Continued the successful Dan Daniels Scholarship program which gave laptops to graduating high school seniors from MHA housing developments;
- Begun feasibility analysis and predevelopment activities in connection with various new affordable housing projects;
- Operated a summer youth recreational and after-school enrichment program to provide youth with meaningful activities;
- Obtained funding for an extension of the Summer Youth Program for 2021 to provide work opportunities from September to December 2021;
- Completed building upgrades and apartment renovations at our various developments;
- Obtained renewal funding for the FY 2022 Family Self-Sufficiency program;
- Provided fair housing and Section 3 training sessions for UMHA employees as well as staff of local housing agencies.
- Upgraded its website to make it more people friendly and useful for the public;
- Installed self-service features on the website such as submitting online housing applications;
- Received funding from the City of Utica to operate the Green Team job training program for the homeless as well as to purchase a homeless outreach minibus.

UMHA HOUSING DEVELOPMENT EXPERIENCE

The UMHA is committed to rehabilitating and expanding its current public housing assets. In 2014, the UMHA completed the rehabilitation of a vacant building into five new accessible one-bedroom units at the F.X. Matts Apartments. Twelve (12) new units at the Humphrey Gardens complex were completed in May 2015. The project involved the new construction of two new buildings as well as a resident community center and housing management office. Funding for both projects was provided by HOPE VI Program Income and Replacement Housing Factor Programs. The UMHA successfully administered the Enhanced Tenant-Based Housing Voucher Program for the Meadows at Middle Settlement Property in New Hartford, New York. The conversion helps meet local housing needs by providing rental assistance to eligible low-income tenants impacted by the conversion action and reducing the potential for displacement. In addition, the vouchers acquired through this process will help the UMHA to considerably expand its current voucher program. During the past several years, the UMHA acquired 39 Mainstream vouchers to help the non-aged disabled to obtain permanent housing.

The UMHA received a HOPE VI Revitalization Grant which resulted in the following development projects:

- 27 tax credit rental units (2004);
- 49 tax credit/public housing rental units (2005);
- 33 tax credit/public housing rental units (2006);
- 19 single family homes (2005 and 2006); n
- 21 single family homes (2009).

The UMHA also received Replacement Housing Factor (RHF) which created the following new homeownership units for low-income public housing residents:

- 2 single family homes (2005);
- 1 single family home (2006);
- 8 single family homes (2006).

The HOPE VI project significantly increased the City of Utica's tax base by returning vacant properties to the tax rolls. The total assessed value of the projects constructed through the project is approximately \$5,909,404. As a result of this new development in the HOPE VI Target Area, property values in the HOPE VI Revitalization Area increased by 33% from 2004 to 2007. The average sale price of homes in the Cornhill neighborhood increased from \$34,560 in 2004 to \$51,846 in 2007.

The HOPE VI project has had a profound and positive economic impact on the City of Utica. More than \$20,000,000 in construction contracts have been awarded through the program, thus creating local jobs. In 2007, the UMHA acquired the 819 Hamilton Street property from the NYS Housing Trust Fund Corporation and rehabilitated the property into nine efficiency ACC units for low-income and special needs populations. AARA and NYS funds were used to fund rehabilitation activities. In 2009, the UMHA completed the HOPE VI Revitalization Grant which resulted in the creation of 109 affordable housing rental units and 51 homeownership units. In 2014, the UMHA completed the renovation of a vacant building at its F.X. Matts development into five one-bedroom accessible units of affordable housing targeted to the disabled. Financing will be provided by the Replacement Housing Factor and HOPE VI Program Income programs.

In 2019, in conjunction with Norstar, the UMHA developed the Roosevelt Residences, a 50-unit scattered site project in the Cornhill area of Utica. The UMHA obtained ESSHI and Homeless Housing and Assistance Program funding for 8 homeless units as part of the project.

In April 2023, the UMHA closed on \$101 million project involving the rehabilitation of the 93 unit Chancellor Apartments targeted to the seniors and disabled as well as the historic rehabilitation of a vacant warehouse into 74 units affordable housing. Construction is expected to be completed in 2025. The development partner is the Vecino Group.

The UMHA is beginning a major revitalization project involving its public housing units utilizing RAD, Low-Income Housing Tax Credits, and other financing. The project will initially focus on its Adrean Terrace, N.D. Peters Manor, and F.X. Matts Apartments.

UMHA Supportive Services Experience

UMHA has consistently delivered high-quality resident self-sufficiency and employment programs on-time and within budget. Keys to success include: commitment to quality, equity and customer service; experienced human services staff; interdisciplinary project teams; and strong, well-established working relationships with project partners including a "single point of contact" approach that ensures efficient, clear communication and timely results.

Established in 1937, the UMHA was one of the first housing authorities formed in the U.S. The largest provider of assisted housing in the City of Utica, the UMHA owns and operates 1,020 public housing and subsidized units and administers 316 Housing Choice rental assistance vouchers. The UMHA successfully leveraged funds to complete the development of a large scale multi-year neighborhood revitalization HOPE VI project, 4 computer learning centers, homeowner rehabilitation program, 50 units of affordable and homeless housing, downtown revitalization program, and one of the largest FEMA fire prevention grants in the U.S. Nationally recognized as a model provider of resident self-sufficiency programs, the UMHA has created and implemented successful family self-sufficiency, homeownership, job training, case management, YouthBuild, green career training, community gardens, and resident-led self-help groups. For ten years, it has successfully administered a national AmeriCorps program that helps people get out of poverty through housing, financial literacy, veteran assistance and job training. This program has leveraged millions of dollars in cash and in-kind contributions. The Housing Authority is a member of the City of Utica Housing Quality Task Force, Mayor's Task Force on homelessness, Mohawk Valley Housing and Homeless Coalition (HUD Continuum of Care planning consortium), Refugee Service Providers Consortium, Compass of CNY, Oneida County Health Coalition, Oneida County Re-Entry Task Force, and Lead-Free Mohawk Valley Coalition. We have leveraged funds through our Workforce Development Board to deliver quality youth employment services.

The Coordinated Homeless Response System grant, which is a partnership among the UMHA, RMU, the local DSS, County Mental Health Department, Community Action Agency, the Utica Police Department and other agencies, leverages thousands of dollars in in-kind funding to support the current drop-in center and other community homeless services.

The UMHA has extensive experience administering AmeriCorps grants and other outcome-based federal grants. Each program is successfully meeting its outcomes on a timely basis. UMHA successfully administered three Neighborhood Networks Center grants. It has successfully completed Homeownership Supportive Services, ROSS Elderly/Disabled programs, ROSS Service Coordinator and Family Self-Sufficiency grants. Its three resident associations were recently approved for Service Coordinator renewal grants. The HUD Multi-Family Division provides on-going funding for the UMHA Chancellor Apartments Service Coordinator program which serves the frail elderly and disabled. Through a grant from the New York State Commission for the Blind and Visually Impaired, the housing authority employs a licensed social worker to provide counseling services. The Housing Authority has continually received HUD funding to operate its successful Family Self-Sufficiency Program.

Since 2012, the New York State Commission on National & Community Service has awarded the UMHA funding to deploy AmeriCorps members to implement the outcome-based Utica Public Housing AmeriCorps program. The Community Foundation, United Way, Workforce Development Board and Upstate Cerebral Palsy also provided match funding. In 2018, the program received a national competitive grant which doubled funding and number of AmeriCorps members. The program is based upon Cornell Empowering Families Project's Family Development and Bridges out of Poverty anti-poverty reduction research-based model and uses a rigorous evaluation protocol.

The Utica Municipal Housing Authority (UMHA) possesses extensive experience in operating homeless and other kinds of housing programs. Our programs include: 1) homeless street outreach program which identifies and engages unhoused street people in Utica, NY and helps them access emergency shelter, permanent housing, and supportive services. 2) Rapid Rehousing Emergency Solutions Program provides rental assistance and case management to homeless individuals and families to help them quickly exit homelessness and return to permanent housing. 3) The UMHA is the lead agency for the ESG-CV funded Coordinated Homeless Response System that operates a Drop In Center program in conjunction with the Rescue Mission of Utica (RMU). 4) The Green Team provides transitional employment and work experience services to help homeless persons to overcome employment obstacles. 5) Our Housing Opportunity Center works with clients to find emergency shelter and permanent housing, qualify for rental assistance and subsidized housing, prevent evictions, and access other housing programs. 6) Both of our public housing and Section 8 programs have waiting list preferences for homeless people and survivors of domestic violence. 7) Our Mainstream program provides Section 8 rental assistance to disabled non-aged people who are homeless or facing housing challenges. 8) Our New York State funded homeless case management program serves the formerly homeless persons at our Roosevelt Residences development and links them to community supportive services.

Please review the following forms for information regarding HUD contract conditions. These forms which are attached should not be submitted as part of your response.

form HUD-5369-B (8/93), Instructions to Offerors, Non-Construction
form HUD-5370-C General Conditions for Non-Construction Contracts Section I — (With or without Maintenance Work)

RFP CHECKLIST

The Agency intends to retain the successful proposer pursuant to a "Best Value" basis, not a "Low Bid" basis. Therefore, so that the Agency can properly evaluate the offers received, all proposals submitted in response to this RFP must be formatted in accordance with the sequence noted below. None of the proposed services may conflict with any requirement the Agency has published herein or will issue by addendum. All proposals must be uploaded through the Housing Agency Marketplace. The UMHA will not accept paper proposals.

For each application, the following Forms shall be uploaded in the following tabs. Failure to provide any section of the tab documents as outlined in the checklist may be deemed sufficient cause for rejection of proposal.

Tab 1: Letter of Interest

Each proposal shall be accompanied by a letter of interest on the Respondent's letterhead listing the team members and identifying the primary contact person. Please include phone number and email address for each team member. The letter must be signed by an authorized principal of the Consultant's firm and a statement that the proposal will remain valid for not less than 180 calendar days from the submission deadline. Introduce your firm and describe your general philosophy and relevant experience for the contemplated work.

Tab 2: Firm Description Narrative

2. Firm Description Narrative

- a) Discuss the firm's history, organization and size including number of staff in each work area. Provide a statement of the law firm's philosophy.
- b) Describe the overall staffing approach to be used in connection with the associated contract.
- c) Provide information regarding staff experience and qualifications that demonstrates the respondent's capacity to perform the required services. If the firm is multi-disciplinary, please describe the resources and skills it brings. If the firm is small or is a sole proprietorship, please describe the approach to involve 3rd party contractors for completing the required scopes.
- d) Provide name, title and resumes of key personnel who will be assigned to UMHA project work. Resumes should include specific information regarding experience in providing the types of services outlined in this RFP.

e) Identify the Project Manager(s) for the firm.

f) Provide (3) references, previous and/or current, including the name and title of the contact person, email address, and phone number. If available, please provide one reference from a public housing authority or other public agency or from a housing authority client with a RAD project.

g) Indicate the location of the primary office and attorneys assigned to service this account. Provide the address, phone number(s), e-mail address, and FAX number(s) of the firm.

h) Describe your legal library and research capabilities, with specific emphasis on public housing, affordable housing and mixed finance, RAD, and LIHTC development matters. Describe the firm's typical response time to client inquiries.

i) Provide an overall summary of the law firms' knowledge as related to the scope of this RFP.

Tab 3: 3. Similar Project Experience Narrative

3. Similar Project Experience Narrative

Please describe your firm's knowledge and relevant experience in providing legal services with regards to the conversion of a public housing authority into the RAD and Mixed Finance regulatory platform and the areas under Scope of Services including

1. Reviewing and negotiating affordable transaction documents.
2. Meeting HUD/New York State requirements.
3. Providing realistic legal options and/or recommendations to achieve program goals.
4. Providing legal services on RAD, mixed finance, and Low-Income Housing Tax Credit transactions.
5. Providing legal services on all components of the RAD/mixed finance process, inclusive of capital renovations
6. A list of all engagements similar in nature to the RAD/mixed finance Project for which the firm has provided legal advice and a brief description of the closed transactions. Include experience with closing mixed-finance transactions. Also include experience with project-basing Section 8 vouchers.
7. Describe in detail three RAD/mixed finance projects that your firm is currently working on and/or has completed in the last two years.
8. Describe the firm's specific experience working with Housing Authorities and/or Public Agencies.
9. Describe lessons learned and key takeaways from the process of a recent project.
10. Please describe your firm's capacity to address competing project timelines.

Tab 4: Project Approach:

Project Approach:

- 1) Provide a narrative which explains the proposed method for implementing the legal services as well as coordinating and communicating with the UMHA, its partners, and funders.
- 2) Legal Analysis: Provide a brief narrative summary describing the legal issues anticipated based on the proposed RAD/mixed finance project.
- 3) Statement of availability to deliver legal services immediately upon execution of the contract.
- 4) Please provide approach to budget control and schedule control as it relates to project's multi-year financing renovation/construction/demolition schedule.

Tab 5: Fee Proposal

Fee Proposal

Include a fee proposal that identifies the inclusive hourly billing rates for all proposed staff who might be required for work under the contract resulting from the RFP, including sub-consultants, if applicable. The contract will be divided into task orders per project based on the negotiated contract amount. Task orders will be issued by the UMHA

Total fees for specific development projects will be negotiated as specific task orders based upon agreed inclusive hourly rates. Task orders will contain detailed descriptions of the services to be provided and a maximum price for each task. Task orders for the entire project will be negotiated prior to the execution of a contract. Any changes to the project's task orders will be negotiated and approved in the form of a "change order." Legal consulting services will be billed according to the agreed upon inclusive hourly Rate. Legal consulting services not specific to a task order will be billed according to the agreed upon rate and terms of the fee proposal. Please include hourly billing rates of key staff with their responsibilities, including sub-consultants, if applicable. Fee proposals shall also provide a budget for travel, material, and related costs. All parts of the fee proposal are considered negotiable.

Please include an inclusive average hourly billing rate in the online form.

Tab 6: Workforce Equity and Diversity Narrative

Section 3 is a HUD program that requires recipients of HUD funding to promote the hiring of low income residents and businesses. Please provide a plan which describes how your firm will meet Section 3 requirements. Please indicate that your firm is committed to ensuring equal opportunity in your business practices and promoting the use of minority/female business enterprises as well as Section 3 firms. In addition, explain how you will promote the utilization of Section 3 and M/WBE firms in the implementation of this contract. Examples of how firms may assist with fulfilling Section 3 and equal employment opportunities are: 1) purchasing supplies from certified M/WBEs; 2) providing educational and job development opportunities for low-income residents of the City of Utica. Provide documentation if Section 3, M/WBE, Veteran Owned or Small Business certification. Provide a description of the firm's workforce equity and diversity programs and accomplishments.

Tab 7: Proof of current Professional Liability Insurance (Errors and Omissions)

Please provide evidence of liability insurance.

Contractor shall maintain in force, during the full term hereof, insurance in the following amounts and coverage:

Professional Liability Insurance in the amount of not less than \$1,000,000; Coverage shall have limits not less than \$1,000,000 each claim with respect to negligent acts, errors and omissions, and any deductible not to exceed \$50,000 each claim.

The UMHA must be listed as Additional Insured on liability policies. A certificate of insurance must be provided if awarded.

Tab 8: Non-Collusive Affidavit

The form must be signed and notarized.

Tab 9: Representations and Certifications of Offerors

Complete Representations, Certifications, and Other Statements of Bidders HUD Form 5369-A

Tab 10: Additional Information

Applicants are encouraged to provide brochures, media articles and links regarding projects your firm provided legal services.

Proposal Evaluation Factors

The following Factors will be utilized by the Agency to evaluate each proposal submitted.

No. 1: Proposed Cost**Maximum Point Value = 20**

The proposed COST of the services.

Fee schedule and hourly billing rates of proposed staff. Please include a two-year projection of rates. Be as complete and specific as possible. Please include a schedule of hourly rates of personnel including name, function, and hourly rate. Indicate the amount or formula for reimbursable expenses such as copying, telephone/faxes, word processing, postage, travel and lodging, and other expenses. Please state whether your firm is amenable to a fee agreement that would set maximum fees to be negotiated for discrete legal tasks for projects. If the Respondent has other methods to propose for the determination of its fee, please state them. Please be sure to complete the pricing item tab to include an average hourly rate.

No. 2: Project Management Approach**Maximum Point Value = 20**

Proposed method for implementing the proposed legal services, coordinating with the various partners, addressing anticipated legal issues, and commencing legal services immediately upon award of contract.

No. 3: Firm Staff Capacity**Maximum Point Value = 30**

Evidence of the respondent's capacity to provide legal services for a complex multi-year RAD and mixed finance housing project with various components on a timely basis.

No. 4: Section 3 Business Preference**Maximum Point Value = 5**

Utilization and/or employment of (1) Section 3 residents/firms in this project, and (2) the involvement and use of MBE/WBE enterprises in this project. Commitment to NYS and Federal goals. Alternative means to show good faith for these goals.

No. 5: Firm Staff Experience**Maximum Point Value = 25**

Firm Staff Experience

Evidence of the respondent's experience, knowledge and expertise of closing transactions and providing legal guidance with respect to projects involving RAD, public housing, mixed finance, Low Income Housing Tax Credit Program, HUD, HOME, supportive housing and New York State funding, Project-Based Section 8, FHA, and other mixed finance sources.

- a) Knowledge of current mixed finance legal structures that are accepted by HUD.
- b) Experience providing realistic legal strategies and/or recommendations for implementing affordable housing developments.
- c) Experience providing legal services in the areas of New York real estate transactions and partnership formations.
- d) Experience providing legal services for low-income housing tax credit and RAD transactions.
- e) Reviewing, negotiating and drafting documents in order to secure HUD approval of the RAD/mixed finance evidentiary materials.

No. 6: Section 3 Business Preference**Maximum Point Value = 0**

Section 3 Business Preference

Total Maximum Points = 100

Advertisement

Did the Agency place an advertisement in any publication pertaining to this RFP? **Yes**

Publication: PHADA	Advertising Dates: 05/24/2023
Publication: Rome Sentinel	Advertising Dates: 05/24/2023-05/25/2023
Publication: Utica Observer Dispatch	Advertising Dates: 05/25/2023-05/26/2023
Publication: NYSPHADA	Advertising Dates: 05/24/2023
Publication: NAHRO Website	Advertising Dates: 05/24/2023
Publication: Section 3 Opportunity Portal	Advertising Dates: 05/24/2023
Publication: New York Bid Network	Advertising Dates: 05/24/2023
Publication: New York State Contract Reporter	Advertising Dates: 05/24/2023

Terms, Conditions and Instructions

Each firm that submits a proposal is responsible to carefully review and comply with the following and/or the attached Terms, Conditions and Instructions, and by submitting a proposal agrees to do so.

If you have any questions regarding this proposal or any of the documents attached, you may use the "Questions and Answers" area. This will save both you and the Agency time in communication along with allowing documentation of all inquiries and responses within one area for all vendors to view.

SELECTION PROCESS

UMHA will use the following process to evaluate proposals. In its sole discretion, UMHA may change both this process and the schedule.

REVIEW FOR COMPLIANCE WITH SUBMISSION REQUIREMENTS

Proposals that arrive at UMHA by the due date and time will be opened by UMHA's Contracting Officer or his/her designee. UMHA will initially review all proposals to determine if they comply with the submission requirements specified in this RFP. UMHA may reject any proposal without further review if UMHA in its sole judgment determines that the proposal does not comply with these requirements. UMHA may also reject without further review any proposal that in UMHA's sole judgment deviates significantly from the requirements of this RFP. UMHA may, in its sole option and discretion, allow a respondent to later correct minor omissions, informalities or irregularities.

RANKING

An Evaluation Committee that UMHA will convene (the "Committee") will review all responsive proposals according to the criteria set forth in this RFP for the selection of respondents that are the most advantageous to UMHA based on the evaluation criteria. The Committee will rank the respondents according to said criteria. UMHA may also engage in site visits/interviews, in its sole discretion, as may be deemed appropriate to determine respondent's reasonable chance of being selected for award. The Committee shall designate the respondents, based upon this evaluation, into one of three (3) groups: (i) acceptable; (ii) potentially acceptable; (iii) unacceptable. UMHA will not give further consideration to unacceptable proposals.

WITH OR WITHOUT DISCUSSIONS AND ORAL INTERVIEWS

At the UMHA's option, Responders may be asked to participate in an interview process to allow the UMHA to ask specific questions regarding the response to the RFP.

The Committee or someone it designates for the purpose may conduct separate discussions, which may involve an interview, with each respondent designated acceptable or potentially acceptable. The purpose of these discussions would also be to ensure that each respondent understand the work to be performed.

UMHA reserves the right to proceed in its evaluation without discussions.

While the UMHA reserves the right to conduct negotiations with one or more Respondents, the UMHA may make a contract award with or without interviews and with or without negotiations.

The UMHA, at its option, may select one, none or more than one firm/team.

Additionally, the UMHA reserves the right to accept or reject team members and to request replacement of specific members of the Development Partner's team.

Prior to awarding this contract, the RFP response may be held by the UMHA for a period not to exceed 180 calendar days from the submission deadline.

WRITTEN MODIFICATION OF PROPOSAL

Each respondent may submit a written modification of their proposal within five (5) days after any such discussion.

BEST AND FINAL OFFERS

UMHA will invite the respondents deemed acceptable or potentially acceptable to submit a "best and final offer" by a specified date and time. If respondents do not submit a best and final offer, or a notice of withdrawal, the previous offer shall be constructed as their best and final offer.

FINAL RANKING

The Committee shall make a final ranking of the respondents using the criteria in this RFP. Based upon the Proposals, potential interviews, reference checks, and best and final offers, the UMHA Evaluation Committee will identify the highest ranking Respondent and recommend selection to the UMHA Board of Directors for award.

NEGOTIATION OF CONTRACT

UMHA will attempt to negotiate a contract with the chosen respondent(s), including an agreement on a fair and reasonable price, split of developer fee, pre-development costs payment, and other business terms. If negotiations are not successful, UMHA will attempt negotiations with the next highest ranked respondent, and so on until it contracts for a fair and reasonable price or until it terminates the process.

PROPOSAL EVALUATION PERIOD

During the period when proposal evaluation is being conducted, all proposal details, analyses and scoring (preliminary or otherwise) are confidential. This measure simply maintains the integrity of UMHA's procurement system. No UMHA personnel in any office can discuss information pertinent to any proposal during this period. Violation of the confidentiality of proposals pending award seriously compromises UMHA in establishing contractual agreements and may result in the disqualification of the respondent from this procurement action.

5. EXECUTION OF CONTRACT

Subsequent to the award and within ten (10) days after the prescribed forms are presented for signature, the successful respondent shall execute and deliver to the UMHA Board, a signed contract agreement and all insurance certificates, licenses, permits, etc., required in this solicitation and be ready to implement the services at the end of the ten (10) day period, or such longer time period as UMHA may specify in writing.

RULES, REGULATIONS AND LICENSING REQUIREMENTS

The Offerors shall comply with all laws, ordinances, and regulations applicable to the services contemplated herein, especially those applicable to conflict of interest. Offerors are presumed to be familiar with all federal, state, and local laws, ordinances, codes, rules, and regulations that may in any way affect the services to be provided. The respondent(s) must not be debarred, suspended, or otherwise ineligible to contract with UMHA, and must not be included on the General Services Administration's "List of Parties Excluded from Federal Procurement and Non-Procurement Programs," HUD's Limited Denial of Participation List, and New York State Debarment lists.

CONTRACT FORM AND ISSUES

No contractual rights shall arise from the process of negotiation until such time as the Municipal Housing Authority of the City of Utica, New York and the selected Consultant(s) have signed an agreement. Work under the agreement shall commence immediately upon execution of such agreement. Parties further concur that the UMHA must approve the agreement and both agree to work diligently to implement changes as required.

CONTACT WITH THE MUNICIPAL HOUSING AUTHORITY OF THE CITY OF UTICA, NEW YORK, STAFF AND BOARD OF COMMISSIONERS
During the solicitation process period and subsequent evaluation process, offerors shall not make any contact regarding this Request For Proposals with the UMHA staff, Board of Commissioners or residents other than those identified in the Solicitation Summary of this Request for Proposals.

INCURRED COST IN PREPARATION OF PROPOSALS

The Offerors shall be responsible for all costs in preparing a response to this Request For Proposals. All material and documents submitted by prospective offerors shall become property of the UMHA and will not be returned. The consultants selected for further interviews and negotiations shall be responsible for all costs incurred during those processes.

MBE/WBE UTILIZATION AND RESIDENT EMPLOYMENT GOALS

The UMHA is committed to achieving diversity in the award of contracts and in the purchasing of goods and services throughout all aspects of the development initiatives. It is the policy of the UMHA to provide minorities and women equal opportunity to participate in all aspects of UMHA contracting and purchasing programs, including but not limited to participation in procurement contracts for commodities and services as well as for contracts relating to construction, repair work, and/or leasing activities.

It is further the policy of the UMHA to prohibit discrimination against any person or business in pursuit of these opportunities on the basis of race, color, sex, religion, or national origin and to conduct its contracting and purchasing programs so as to prevent such

discrimination.

The UMHA in cooperation with other local, state, and federal agencies, and with the assistance of minority groups and agencies, will actively seek and identify qualified minority and women business enterprises and offer them the opportunity to participate as providers of goods and services.

Even though the UMHA has not established any specific goals for MBE/WBE utilization, it is expected that Offerors will submit, as a part of their response to this RFP, their goals for this particular project.

All communications regarding this RFP shall be in writing, preferably by email, and must be directed to the following Point of Contact for this RFP.

Mr. John Furman
Director of Grants, Programs, Compliance, & Monitoring
Municipal Housing Authority of the City of Utica, New York
509 Second Street, STE 1
Utica, New York 13501
jfurman@peoplefirstny.org
Phone (315) 735-5246; (315) 982-3731

ORAL COMMUNICATIONS: Any oral communications shall be considered unofficial and non-binding with regard to this RFP.

DELIVERY REQUIREMENT: Each Respondent shall assume the risk of the method of dispatching any communication or proposal to UMHA. UMHA assumes no responsibility for delays, delivery or system failures resulting from the dispatch.

RESERVATION OF RIGHTS: UMHA reserves the right to determine, at its sole discretion, the appropriate and adequate responses to written comments, questions, and requests for clarification.

AMENDMENTS: Only UMHA's official, written responses and communications shall be considered binding with regard to this RFP. UMHA reserves the right to determine, at its sole discretion, the method of conveying official responses and communications pursuant to this RFP (e.g., written, facsimile, electronic mail, posting on UMHA's website or other electronic means).

MODIFICATION OF SOLICITATION: UMHA reserves the right to increase, reduce, add, or delete any item, service or activity to this solicitation as deemed necessary where it is consistent with UMHA's policies or strategies to do so.

MODIFICATION OF CONTRACT: UMHA reserves the right to increase or delete any scheduled items, goods, services or activities, and/or increase or reduce the quantity of any scheduled item, goods, service or activity as deemed necessary, to award portions of this RFP, to waive minor informalities and technicalities, and to make awards consistent with UMHA's policies, and the applicable laws governing HUD or other federally regulated programs.

CONTRACTOR STATUS: The Contractor shall be an independent Contractor, and will not be an employee of UMHA.

FUNDING LIMITATIONS: UMHA shall not be bound to any contract if funding has been disallowed by HUD or other funder.

GOVERNMENT RESTRICTIONS: In the event any governmental restrictions may be imposed, which would necessitate alteration of the material, quality, workmanship or performance of the goods or services offered, it shall be the responsibility of the successful Respondent(s) to immediately notify UMHA in writing specifying the regulation which requires an alteration. UMHA reserves the right to accept any such alteration, including any reasonable price adjustments occasioned thereby, or to cancel the contract at no expense to UMHA.

SECTION 3: The successful Respondent(s) shall comply with all applicable provisions of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701U, and the regulations issued pursuant thereto, as set forth in 24 C.F.R. Part 135, and all applicable rules, directives and orders issued by HUD thereunder. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment generated by a Section 3 covered contract be given to public housing residents and other low income persons residing in the metropolitan area, and subcontracts in connection with such contracts be awarded to Section 3 covered business concerns.

DUE DILIGENCE: All procurement transactions shall be conducted only with responsible contractors, that is, those Contractors who have the technical and financial competence to perform and who have a satisfactory record of integrity and performance. Where warranted and before awarding a contract, UMHA shall review the proposed Contractor's ability to perform the contract successfully, considering factors such as the Contractor's integrity, compliance with public policy, record of past performance (including vendor performance reports and contacting previous clients of the Contractor), and financial and technical resources (an extensive financial review is normally conducted on all non-bonded procurement transactions over \$100,000 in total contract value). Contracts shall not be awarded to debarred, suspended, or ineligible Contractors. UMHA shall not contract with firms and/or individuals listed on List of Parties Excluded from Federal Procurement and Non-procurement Programs as well as New York State debarment lists. If a prospective Contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared, and the prospective Contractor shall be advised of the reasons for the determination.

LAWS AND REGULATIONS

The Contractor(s) shall at all times observe and comply with laws, statues, ordinances, regulations and codes of the Federal, State, County and local government agencies, which may in any manner affect the performance of the Contractor(s) and in particular any such laws pertaining to safety.

INDEMNIFICATION

Contractor(s) expressly agrees to indemnify and hold harmless the UMHA from all losses, costs, damages and/or expenses with respect to all demand claims, suits, and/or judgments for personal injuries, including death, to any person (including but not limited to third parties, employees of UMHA, employees of Contractor or sub-contractor and their dependents or personal representatives) or damages to property to any person arising by reason of any act or omission, negligent or otherwise, either by Contractor or by sub-contractors or the employees or agents of either of them. Contractor further agrees to defend UMHA to reimburse UMHA for any reasonable cost and expense, including attorney's fees, which UMHA may incur or be put for the defense from any such claim.

RIGHT TO AUDIT

Contractor shall make available for audits its books, records, ledgers, and other pertinent documentation showing the basis for the costs claimed under the contract. These books and records shall be made available to the UMHA internal and external auditors.

RETENTION OF RECORDS

The contractor shall maintain the records pertaining to billings for a period of five (5) years after the contract is terminated and audited by UMHA.

LIMITATIONS

This RFP is issued only to solicit proposals as identified herein. The UMHA and its Board of Commissioners are in no way committed hereby to accept or award any contracts to any Contractor(s). The final decisions to award any contract to any Contractor(s) rest with the UMHA Board.

CONTRACT ADMINISTRATOR

The Contractor(s) is to provide a contact person during the period of performance of the contract for prompt contract administration. The designated representative to be contacted during the period of performance of this contract will be specified in the award contract and/or the Notice to Proceed.

CONTRACT ENFORCEMENT

If a contractor fails to comply with any term of an award whether stated in a federal statute or regulation, an assurance, or program plan and/or agreement, UMHA may take one or more of the following actions:

- Withhold Payments. Temporarily withhold cash payments pending correction of the deficiency by the contractor.
- Disallow Activity. Disallow all or part of the cost of the activity or action not in compliance.
- Suspend or Terminate Award. Wholly or partly suspend or terminate the current award for the program and/or services.
- Without Further Awards. Withhold further or future awards for the program.
- Other Actions. Take other legal or equitable remedies that may be legally available.

Costs incurred by the contractor during a suspension or after a termination of an award are not allowable unless approved in writing by UMHA.

TERMINATION OF CONTRACT FOR CONVENIENCE

UMHA may terminate the contract agreement for convenience or for failure of the Contractor to fulfill contract obligations. UMHA shall terminate by delivering to the Contractor a Notice of Termination. Upon receipt of such notice, the Contractor shall immediately discontinue all services affected and deliver to the UMHA all information, reports, paper and other materials accumulated or generated in performing this contract whether completed or in process. If the termination is for convenience of UMHA, UMHA shall be liable only for payment for accepted services rendered before the effective date of termination.

NO GUARANTEED MINIMUM

Under this contract UMHA reserves the right to make multiple awards and to pursue alternate contract agreement to meet its needs for the Services and related activities how and when, at its sole judgment and discretion, deems is in the best interest of its operations or strategic vision. The UMHA offers no guarantee minimum quantities to be procured under this solicitation or any resultant agreement or contract.

REPORTING/AUDITING REQUIREMENTS

UMHA reserves the right to conduct a financial and operational review and/or audit of the books and records of Respondent(s) and/or any other provider of the goods and services under this RFP. Such records shall include, but not be limited to Service and Audit Records, and Financial and Invoice Records.

OWNERSHIP OF DATA AND MATERIALS

All data, material and documentation either prepared for or by UMHA pursuant to this RFP and/or contract shall belong exclusively to the UMHA.

COMPETITION INTENDED

It is the UMHA's intent that this RFP promotes competition. It shall be the Respondent's responsibility to advise the UMHA noted contact, in writing, if any language, requirement, specification, etc., or any combination, therefore, inadvertently restricts or limits the requirements stated in the RFP to a single source. The UMHA Contact must receive such notification not later than the Inquiry Deadline.

BEST AVAILABLE DATA

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

COSTS BORNE BY RESPONDENT

All costs related to the preparation of Proposals and any related activities are the responsibility of the respondent. The UMHA assumes no liability for any costs incurred by the respondent throughout the entire selection process.

STAFF ASSIGNMENTS

Any future changes to the proposed staff allocation for this project will be subject to the approval of the UMHA. The UMHA has the right to reject an individual in the firm and/or to request a change in staffing on the proposed scope and/or to refuse a change in staffing on the proposed scope, before and during the completion of the scope of work.

NON-DISCRIMINATION

Attention is called to the fact the Respondent must ensure that employees and applicants for employees are not discriminated because of their race color, religion, sex or national origin.

HUD APPROVAL

The Respondent is advised that fee, contract award, contract documents, notice of award, notice to proceed and payment for services may be subject to HUD approval, and withholding of contract approval by HUD shall immediately nullify the contract without liability by either party irrespective of whether the contract was executed by any one or both parties.

SECTION 3

The contract is subject to the requirements of Section 3 of the Housing and Urban Development act of 1968 as amended. This provides special consideration of qualified Section 3 firms in addition to training, employment, and business opportunities, if feasible, for lower-income residents, as defined by HUD, of the project area.

COMMUNICATION WITH RESPECT TO THE RFP

To maintain the integrity of the procurement process, all communication regarding this RFP must be presented to the UMHA's contact. Respondents are instructed not to communicate with residents, other UMHA staff and/or Board members about this procurement during the procurement period. Evidence of any such communication by any Respondent may be cause for disqualification from this procurement.

6. STANDARD UMHA PROPOSAL TERMS AND CONDITIONS

Proposers are requested and advised to be as complete as possible in their response. The UMHA reserves the right to 1) contact any proposer to clarify any response; 2) contact any current users of the proposer's services; 3) solicit information from any available source concerning any aspect of the proposal; 4) check references; 5) conduct credit and Lexus Nexus checks; and, 6) seek and review any other information deemed pertinent to the evaluation process.

The UMHA reserves the right to cancel this RFP, or to reject, in whole or in part, any and all proposals received in response to this RFP, upon its determination that such cancellation or rejection is in the best interest of RFP. The UMHA further reserves the right to waive any minor informalities or the failure of any Proposer to comply therewith, if it is in the public interest to do so. Finally, the UMHA reserves the right to terminate the RFP process at any time, if deemed by the UMHA to be in its best interests.

The UMHA reserves the right to reject and not consider any proposal that does not meet the requirements of this RFP, including but not necessarily limited to incomplete proposals and/or proposals offering alternate or non-requested services.

The UMHA reserves the right to cancel this RFP or contracts resulting from the project in the event of the unavailability of funding or any other reason.

The UMHA reserves the right not to award a contract pursuant to this RFP. Proposals which appear unrealistic in the terms of management commitments or are indicative of failure to comprehend the complexity of this RFP and subsequent contracts may be rejected.

The UMHA reserves the right to terminate a contract awarded pursuant to this RFP, at any time for its convenience upon 10 days written notice to the successful proposer(s).

This request does not commit the UMHA to award a contract or to pay for any costs incurred in the preparation of any proposal to this request. The Proposer assumes all responsibility for submission of proposal and meeting of required deadlines. The UMHA reserves the right to negotiate the fees proposed by the proposer entity.

The UMHA reserves the right to accept or reject any or all of the proposals received. It also reserves the right to negotiate with all qualified and approved proposers or to cancel all or any part of this request for proposal. Proposers may be required to participate in negotiations that could result in revisions to the proposal.

The UMHA reserves the right to retain all proposals submitted and not permit withdrawal for a period of 60 days subsequent to the deadline for receiving proposals without the written consent of the UMHA Contracting Officer (CO).

The UMHA may award a contract based solely on the proposal received without further discussion with the proposer. Therefore, proposals received should reflect the most favorable terms from a cost/benefit standpoint. The may request additional data, discussion or a presentation of the proposal.

The UMHA will reject the proposal of any Proposer who is debarred by the U. S. Department of Housing and Urban Development (HUD) from providing services to public housing authorities and other HUD grantees, and reserves the right to reject the proposal of any Proposer who UMHAs previously failed to perform any contract properly for the UMHA.

The determination of the criteria and process whereby proposals are evaluated and the decision as to who shall receive a contract award, or whether or not an award shall be made as a result of this RFP shall be at the sole and absolute discretion of the UMHA.

The purpose of this RFP is to solicit meaningful proposals so that the UMHA may select, from among a range of proposals that which best meets its needs and requirements. It is further desired that the RFP process will ensure cost-competitiveness among Proposers. The UMHA urges all interested Proposers to carefully review the requirements of this RFP. Written proposals containing the requested information will serve as the primary basis for final selection, supplemented by other means as described below.

All proposals will be reviewed by the UMHA based on the evaluation criteria contained in this RFP. The UMHA will select the top proposer based upon our evaluation of the proposal, and the fee proposal (not necessarily the lowest pricing). The specific evaluation criteria and respective weighting are detailed in this proposal. The UMHA reserves the right to include interviews by telephone or in person if it determines this is necessary.

The UMHA expects to enter into contract negotiations with the top ranked individual, during which the UMHA and the proposer will resolve any necessary issues that need to be addressed prior to entering into a contract. If, in the sole judgment of the UMHA, these negotiations are not successful, we reserve the right to enter into negotiations with other individuals, proceeding in the order of their initial ranking. Proposals may be withdrawn by written request prior to award.

Due care and diligence has been used in preparation of this information, and it is believed to be substantially correct. However, the responsibility for determining the full extent of the exposure and the verification of all information presented herein shall rest solely with the proposer. The UMHA and its representatives will not be responsible for any errors or omissions in these specifications, nor for the failure on the part of the proposer to determine the full extent of the exposures.

The successful Proposer may not assign their rights and duties under an award without the written consent of the UMHA. Such consent shall not relieve the assignor of liability in the event of default by the assignee.

The UMHA is committed to promoting participation in our contracts by businesses owned and operated by minorities and women and Section 3 Business Concerns. It is the policy of the UMHA to use best good faith efforts, consistent with applicable federal regulations, to fully promote participation and utilization of these firms in all areas of contracting. Selected Proposers are expected to demonstrate diligence to achieve participation and utilization.

Upon award, the selected Proposer will be required to enter into a confidentiality agreement to safeguard client data and protect proprietary information.

The UMHA reserves the right to determine the days, hours and locations that the successful proposer(s) shall provide the services called for in this RFP.

Proposer will ensure that it and persons working on its behalf do not undertake any representation or other relationship that places it in an actual or potential conflict of interest position with any other entity. The UMHA requires the proposer to disclose the conflict in writing to the Executive Director. The UMHA's consent and waiver to the conflict must be obtained in writing.

The selected proposer shall furnish the UMHA original Certificates of Insurance evidencing the required coverage on the effective date of the Agreement(s) resulting from this RFP.

The proposer shall give the UMHA permission to perform credit check and Lexis Nexus check during the course of evaluating proposal.

The UMHA retains the right of final approval of any sub-contractor of the selected individual or firm who must inform all sub-contractors of this provision.

All documents produced under contract to the UMHA must be submitted to the UMHA both in hard copy and a digital format that meets the UMHA's requirements, using Microsoft Word and other programs in a PC-compatible format. All documents and products created by the selected individual or firm and their sub-contractors shall become the exclusive property of the UMHA.

By responding to this RFP, the Proposer acknowledges that for any contract signed as a result of this RFP, the authority to proceed with the work is contingent upon the availability of funding.

The UMHA is committed to affirmatively further fair housing for all persons regardless of race, color, national origin, religion, sex, sexual orientation, or familial status. We comply with Title VIII of the Federal Civil Rights Act of 1968, also referred to as the "Fair Housing Act," which prohibits discrimination against occupants on the basis of race, color, religion, sex or national origin. The UMHA also adheres to the Federal Fair Housing Amendments Act of 1988 Section 504 of the federal Rehabilitation Act of 1973, the Americans with Disabilities Action (ADA) of 1990, the New York State Human Rights Law, and Section 602 of the New York State Private Housing Finance Law. The "Fair/Equal Housing Opportunity" logo must be displayed on any advertisements in connection with the project. All contractors retained for our projects must promote fair housing and comply with the Fair Housing Act and fair housing laws and regulations.

The contract may be terminated by either party upon written ten (10) days' notice prior to cancellation. The UMHA will award a contract according to the Evaluation Criteria contained herein, provided the Proposal is in the best interest of the UMHA. The proposer to whom the award is made will be notified at the earliest practicable date. No award may be made to a person who is on the list of entities ineligible to receive awards from UMHA, State of New York, or the United States, as furnished from time to time by HUD.

All costs incurred in the preparation and presentation of proposals shall be wholly borne by each proposer. All supporting documentation and manuals submitted with each proposal will become the property of the UMHA unless otherwise indicated by the proposer at the time of submission.

The UMHA is not liable for any costs incurred by any proposer prior to issuance of a Notice to Proceed.





Any materials submitted by proposer that is to be considered as confidential must be clearly marked as such.

Pricing Items for Solicitation #: RFP #: RAD-2023-01 - REQUEST FOR PROPOSAL (RFP) FOR LEGAL SERVICES FOR PUBLIC HOUSING REDEVELOPMENT & REAL ESTATE TRANSACTIONS

Pricing Item#	Agency Stock Code	Qty	U/M
1		1	Hour(s)
Specification: Fee schedule and average hourly billing rate of proposed staff, or equal. We understand that rates vary among staff. Please include in your fee proposal a breakdown of fees and rates. The submission of the separate fee proposal tab is mandatory. No Alternate Specification Allowed Reason: N/A Vendor SKU: NOT REQUIRED for this item. No Bid: NOT ALLOWED for this item. You must bid this item. No Charge: NOT ALLOWED for this item. You must enter pricing for this item.			

Step 1

Download the RFP Document (s):

Filename	Size
 UMHA Noncollusive Affidavit Form.pdf	11.49 KB
 HUD Form 5369-a Representations, Certifications.pdf	190.72 KB
 form HUD-5369-B Instructions to Offerors, NonConstruction For Reference Only.PDF	212.49 KB
 form HUD-5370-C General Conditions for Non-Construction Contracts Reference Only.pdf	274.31 KB

Note: One of the files available for downloading might be a ZIP file.

Step 2

Once you have reviewed the document(s), do you wish to [ask a question or make a comment?](#)

Step 3

[View Questions and Answers](#)

Step 4

[Respond to this RFP Online](#)

You are ready to begin the response process, or will do so in the near future.
This proposal will appear on your "Vendor's Workbench" area under "RFPs Responses Drafts."

OR

[Respond 'Might Bid'](#)

You are reviewing the solicitation and considering whether to respond.

OR

[Respond 'No Bid'](#)

You will not receive any further notices pertaining this RFP.

End of Solicitation # RFP #: RAD-2023-01 05/23/2023 11:14:18 AM AKDT

Contact

Customer Support: 859-940-0257

© Copyright 2023, International eProcurement