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INTRODUCTION

The New Rochelle Housing Municipal Authority (hereinafter, "NRMHA") is a public entity that was formed in 1948 to provide federally subsidized housing and housing assistance to low-income families within Westchester County. The NRMHA is headed by an Executive Director (ED) and is governed by a seven-person Board of Commissioners and is subject to the requirements of Title 24 of the Code of Federal Regulations (hereinafter, "CFR").

Currently, the NRMHA owns and/or manages: 100 Low-Income Public Housing (LIPH) apartments; 203 Low-Income Housing Tax Credit (LIHTC) units and administers a total of 705 Housing Choice Vouchers (HCV)/formerly Section 8. The NRMHA currently has approximately 20 employees. Major revenue sources for the NRMHA are received from the Department of Housing and Urban Development (HUD), rental income, interest income and services provided to residents (laundry, vending, etc.). The NRMHA has various affiliates including but not limited to New Rochelle Affordable Housing Inc., a not-for-profit affiliate of NRMHA.

In keeping with its mandate to provide efficient and effective services, the NRMHA is now soliciting proposals from qualified and insured entities to provide general legal services to the NRMHA. All proposals submitted in response to this solicitation must conform to all of the requirements and specifications outlined within this document and any designated attachments in its entirety.

REQUEST FOR PROPOSALS (RFP) NO. RFP 23-001, General Legal (Local) Services

RFP INFORMATION AT A GLANCE

HA CONTACT PERSON	Catrina Shivers, Director of Operations Telephone 914-636-7050, ext. 215 711 Fax: 914-235-1781 Email: cshivers@nrmha.org
HOW TO OBTAIN THE RFP	Contact Catrina Shivers by one of the methods listed above.
HOW TO FULLY RESPOND TO THIS RFP BY SUBMITTING A PROPOSAL SUBMITTAL	Submit 1 original and 4 copies of your "hard copy" proposal to the NRMHA office: New Rochelle Municipal Housing Authority 50 Sickles Avenue, New Rochelle, NY 10801
PROPOSAL SUBMITTAL RETURN & DEADLINE	Thursday, June 15, 2023 by 4:00 p.m.

1.0 HA'S RESERVATION OF RIGHTS:

- 1.1** The NRMHA reserves the right to reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by the NRMHA to be in its best interests.
- 1.2** The NRMHA reserves the right not to award a contract pursuant to this RFP.
- 1.3** The NRMHA 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).
- 1.4** The NRMHA reserves the right to determine the days, hours, and locations that the successful proposer(s) shall provide the services called for in this RFP.
- 1.5** The NRMHA 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 NRMHA Contracting Officer (CO).
- 1.6** The NRMHA reserves the right to negotiate the fees proposed by the proposer entity.
- 1.7** The NRMHA 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.
- 1.8** The NRMHA shall have no obligation to compensate any proposer for any costs incurred in responding to this RFP.
- 1.9** The NRMHA shall reserve the right, at any time during the RFP or contract process, to prohibit any further participation by a proposer or reject any proposal submitted that does not conform to any of the requirements detailed herein. Each prospective proposer agrees to abide by all terms and conditions listed within this document and further agrees that he/she will inform the CO in writing within five (5) days of the discovery of any item listed herein or of any item that is issued thereafter by the NRMHA that he/she feels needs to be addressed. Failure to abide by this time frame shall relieve

the NRMHA, but not the prospective proposer, of any responsibility pertaining to such an issue.

2.0 SCOPE OF WORK (SOW)/TECHNICAL SPECIFICATIONS (T/S):

NRMHA currently has National Legal Counsel to represent NRMHA in matters involving HUD, HCV, LIHTC and redevelopment. This RFP is seeking local counsel to:

- Act as **Counsel** to the NRMHA.
- Have particular expertise in and prepare **opinions, resolutions, and reports** at the request of the Board of Directors or Executive Director or their designee(s) in:
 - Matters of a **commercial and business** nature;
 - Matters in the housing industry and **real estate** laws of New York;
 - Matters pertaining to federal, regulatory, or local **statutes**;
 - Matters relating to **personnel** rules, regulations, and procedures;
- Undertake such **legal research** as shall be requested by the Board or the Executive Director or their designee.
- Represent the NRMHA in connection with matters before the legislature, Board of Commissioners, and other agencies.
- Represent the NRMHA in **litigation** matters.
- Review **contracts, leases**, bid invitations and other documents for work if requested.
- Provide legal assistance and advice during any negotiations with the NRMHA's union.
- **Attend special meetings** of the Board of Commissioners when requested by the Executive Director and provide opinion and advice at such meetings.
- Upon request, represent and appear for the NRMHA in **all routine litigation**, specifically including all tenant eviction procedures and collection of rent. A case shall be considered "routine" if it does not require substantial litigation services. Whenever the Attorney is of the opinion that litigation is not routine, he shall promptly notify in writing the NRMHA. If it is in agreement with the Attorney's opinion, the NRMHA shall retain special litigation counsel in compliance with HUD procurement regulations.
- At the direction of the Executive Director, give notice to and consult with the NRMHA's **Insurance Carriers** on all occasions where the interests of the Authority are involved.
- Offer advice concerning any policy issues relating to the affiliated **Not-For-Profit** Corporation.
- Provide advice relating to generalized **tax-exempt** or other **bond issues**.
- Consultation and advice pertaining to **Civil Service Law**.
- Upon request, advise the NRMHA relating to **modernization programs** under the Capital Fund Program (CFP), or any other types of modernization programs funded by HUD, NYSDHCR or local PHA, for covered projects. Included are the examination and review of invitations to submit proposals; attendance at and participation in meetings relative to preparation of proposal and contract signing; review of proposal documentation as necessary; general advice during administration of CFP.
- At the direction of the Executive Director, advice on and resolution of all instances of non-renewal of Leases for the **Housing Choice Voucher (HCV) Program (formerly referred to as Section 8)**; includes communications with landlord, participant, and others. Similar services relating to expiring vouchers held by program participants.

3.0 PROPOSAL FORMAT:

3.1 Proposal Submittal: The NRMHA intends to retain the successful proposer pursuant to a “Best Value” basis, not a “Low Proposal” basis ("Best Value," in that the NRMHA will, as detailed within the following Section 4.0, consider factors other than just cost in making the award decision). Therefore, so that the NRMHA can 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 NRMHA has published herein or as issued by addendum.

RFP Section	Description
3.1.1	Form of Proposal: This Form is attached hereto as Attachment A . This Form must be fully completed, executed where provided thereon and submitted as a part of the proposal submittal.
3.1.2	Form HUD-5369-C (8/93), Certifications and Representations of Offerors, Non-Construction Contract: This Form is attached hereto as Attachment B to this RFP document. This Form must be fully completed, executed where provided thereon and submitted as a part of the proposal submittal.
3.1.3	Profile of Firm Form: The Profile of Firm Form is attached hereto as Attachment C . This Form must be fully completed, executed, and submitted as a part of the proposal submittal.
3.1.4	Proposed Services: As more fully detailed within Section 2.0, <i>Scope of Work/Technical Specifications</i> , of this document, the proposer shall, at a minimum, clearly detail the following:
3.1.4.1	The proposer’s Demonstrated Understanding of the HA’s Requirements.
3.1.4.2	The proposer’s Technical Capabilities (in terms of personnel, equipment, and materials) and Management Plan (including staffing of key positions, method of assigning work and procedures for maintaining level of service, etc.).
3.1.4.3	The proposer’s Demonstrated Experience in performing similar work and the proposer’s Demonstrated Successful Past Performance (including meeting costs, schedules, and performance requirements) of contract work substantially similar to that required by this solicitation.
3.1.5	Managerial Capacity/Financial Viability: The proposer must submit a concise description of its managerial and financial capacity to deliver the proposed services, including brief professional resumes for the person(s) who will be providing the service. Such information shall include the proposer's qualifications to provide the services; a description of the background and current organization of the firm.
3.1.6	Client Information: The proposer shall submit a listing of former or current clients, including the Public Housing Authorities for whom the proposer has performed similar or like services to those being proposed herein. The listing shall, at a minimum, include:
3.1.6.1	The client’s name;
3.1.6.2	The client’s contact name;
3.1.6.3	The client’s telephone number;

3.1.6.4	A brief description and scope of the service(s) and the dates the services were provided;
3.1.7	Equal Employment Opportunity: The proposer must submit a copy of its Equal Opportunity Employment Policy, if applicable.
3.1.8	Subcontractor/Joint Venture Information (Optional Item): The proposer shall identify hereunder whether or not he/she intends to use any subcontractors for this job, if awarded, and/or if the proposal is a joint venture with another firm.
3.1.9	Section 3 Contractor Certification: This Form is attached hereto as Attachment G . This Form must be fully completed, executed where provided thereon and submitted as a part of the proposal submittal.
3.1.10	Other Information (Optional Item): The proposer may include any other general information that the proposer believes is appropriate to assist the HA in its evaluation.
3.1.11	Proposal Fee: Please note that the proposed fees submitted by each proposer are inclusive of all necessary costs to provide the proposed services, including, but not limited to employee costs and benefits; clerical support; overhead; profit; supplies; materials; licensing; insurance; travel; transportation; etc.

3.2 Escalation: Pertaining to the ensuing contract, there shall be no escalation of the proposed unit costs allowed at any time during the awarded contract periods.

4.0 PROPOSAL SUBMISSION:

All proposals must be submitted and time-stamped received in the designated NRMHA office by no later than the submittal deadline stated herein (or within any ensuing addendum). A total of 1 original signature copy (marked "**ORIGINAL**") and four **(4) exact copies**, shall be placed unfolded in a sealed package and addressed to:

New Rochelle Municipal Housing Authority
 Attention: Catrina Shivers, Director of Operations
 50 Sickles Avenue
 New Rochelle, NY 10801

The package exterior must clearly denote the above noted RFP number and must have the proposer's name and return address. Proposals received after the published deadline will not be accepted.

4.1 Submission Conditions: DO NOT FOLD OR MAKE ANY ADDITIONAL MARKS, NOTATIONS OR REQUIREMENTS ON THE DOCUMENTS TO BE SUBMITTED! Proposers are not allowed to change any requirements or forms contained herein, either by making or entering onto these documents or the documents submitted any revisions or additions; and if any such additional marks, notations or requirements are entered on any of the documents that are submitted to the NRMHA by the proposer, such may invalidate that proposal. If, after accepting such a proposal, the NRMHA decides that any such entry has not changed the intent of the proposal that the NRMHA intended to receive, the NRMHA may accept the proposal and the proposal shall be considered by the NRMHA as if those additional marks, notations, or requirements were not entered on such. By submitting a proposal, the proposer is thereby agreeing to abide by all terms and conditions published herein and by addendum pertaining to this RFP.

- 4.2 Submission Responsibilities:** It shall be the responsibility of each proposer to be aware of and to abide by all dates, times, conditions, requirements, and specifications set forth within all applicable documents issued by the NRMHA, including the RFP document, and any addenda and required attachments submitted by the proposer. By virtue of completing, signing, and submitting the completed documents, the proposer is stating his/her agreement to comply with the conditions and requirements set forth within those documents. Written notice from the proposer not authorized in writing by the CO to exclude any of the NRMHA requirements contained within the documents may cause that proposer to not be considered for award.
- 4.3 Addendums:** All questions and requests for information must be addressed in writing to the Contact Person, Catrina Shivers (hereinafter referred to as CP). The CP will respond to all such inquiries in writing by addendum to all prospective proposers (i.e., firms or individuals that have obtained the RFP Documents). During the RFP solicitation process, the CP will NOT conduct any *ex parte* (a substantive conversation—“substantive” meaning, when decisions pertaining to the RFP are made—between the HA and a prospective proposer when other prospective proposers are not present) conversations that may give one prospective proposer an advantage over other prospective proposers. This does not mean that prospective proposers may not call the CP—it simply means that, other than making replies to direct the prospective proposer where his/her answer has already been issued within the solicitation documents, the CP may not respond to the prospective proposer’s inquiries but will direct him/her to submit such inquiry in writing so that the CP may more fairly respond to all prospective proposers in writing by addendum.

5.0 ATTACHMENTS:

Attachment	Attachment Description
A	Form of Proposal
B	Form HUD-5369-C (8/93), <i>Certifications and Representations of Offerors, Non-Construction Contract</i>
C	Profile of Firm Form
D	Form HUD-5369-B (8/93), <i>Instructions to Offerors, Non-Construction</i>
E	HA Sample Contract Form (please note that this contract is being given as a sample only--the NRMHA reserves the right to revise any clause herein and/or to include within the ensuing contract any additional clauses that the NRMHA feels it is in its best interests to do so)
F	Form HUD-5370-C (01/2014), <i>General Conditions for Non-Construction Contracts Section I (With or without Maintenance Work)</i>
G	Section 3 Contractor Certification

6.0 PROPOSAL EVALUATION:

- 6.1 Evaluation Factors:** The following factors will be utilized by the NRMHA to evaluate each proposal submittal received; award of points for each listed factor will be based upon the documentation that the proposer submits within his/her proposal submittal:

NO.	MAX POINT VALUE	FACTOR TYPE	FACTOR DESCRIPTION
1	25 points	Objective	COST
2	15 points	Subjective (Technical)	The proposer's DEMONSTRATED UNDERSTANDING of the REQUIREMENT ;
3	20 points	Subjective (Technical)	The proposer's TECHNICAL CAPABILITIES (in terms of personnel, equipment, and materials) and the MANAGEMENT PLAN (including staffing of key positions, method of assigning work and procedures for maintaining level of service, etc.).
4	20 points	Subjective (Technical)	The proposer's DEMONSTRATED EXPERIENCE in performing similar work and the proposer's DEMONSTRATED SUCCESSFUL PAST PERFORMANCE (including meeting costs, schedules, and performance requirements) of contract work substantially similar to that required by this solicitation as verified by reference checks or other means.
5	5 points	Subjective (Technical)	The OVERALL QUALITY AND PROFESSIONAL APPEARANCE OF THE PROPOSAL SUBMITTED , based upon the opinion of the evaluators.
6	15 points	Objective	SECTION 3 CONTRACTOR CERTIFICATION. If your organization meets the eligibility requirements of a Section 3 Business Concern, you qualify for these points. See Attachment G.
	100 points	100 points	Total Points

6.2 Evaluation Method:

- 6.2.1 Initial Evaluation for Responsiveness:** Each proposal received will first be evaluated for responsiveness (e.g., meets the minimum of the published requirements). The NRMHA reserves the right to reject any proposals deemed by the NRMHA not minimally responsive (the NRMHA will notify such firms in writing of any such rejection).
- 6.2.2 Evaluation Committee:** The NRMHA anticipates that it will select a minimum of a three-person committee to evaluate each of the responsive "hard copy" proposals submitted in response to this RFP.
- 6.2.3 Evaluation:** The CO will evaluate and award points pertaining to Evaluation Factors No. 1 and 6 (the "Objective" Factors). The appointed evaluation committee, independent of the CO or any other person at the NRMHA, shall evaluate the responsive proposals submitted and award points pertaining to Evaluation Factors No. 2, 3, 4, and 5 (the "Subjective" Factors). Upon final completion of the proposal evaluation process, the evaluation committee will forward the completed evaluations to the CO.

- 6.2.4 Potential "Competitive Range" or "Best and Finals" Negotiations:** The NRMHA reserves the right to, as detailed within Section 7.2.N through Section 7.2.R of HUD Procurement Handbook 7460.8 REV 2, conduct a "Best and Finals" Negotiation, which may include oral interviews, with all firms deemed to be in the competitive range. Any firm deemed not to be in the competitive range shall be notified of such in writing by the NRMHA in a timely manner as possible, but in any case, within no longer than ten (10) days after the beginning of such negotiations with the firms deemed to be in the competitive range.
- 6.2.5 Determination of Top-ranked Proposer:** Typically, the subjective points awarded by the evaluation committee will be combined with the objective points awarded by the CO to determine the final rankings.
- 6.2.5.1 Minimum Evaluation Results:** To be considered to receive an award a proposer must receive a total calculated average of at least 70 points.
- 6.2.5.2 Ties:** In the case of a tie in points awarded, the award shall be decided as detailed within Section 6.12.C of HUD Procurement Handbook 7460.8 REV 2, by "drawing lots or other random means of selection."
- 6.2.6 Notice of Results of Evaluation:** If an award is completed, upon request all proposers will receive notice of the results of the evaluation. Such notice shall inform all proposers of:
- 6.2.6.1** Which proposer received the award;
- 6.2.6.2** Where each proposer placed in the process as a result of the evaluation of the proposals received;
- 6.2.6.3** The cost or financial offers received from each proposer;
- 6.2.6.4** Each proposer's right to a debriefing and to protest.
- 6.2.7 Restrictions:** All persons having familial (including in-laws) and/or employment relationships (past or current) with principals and/or employees of a proposer entity will be excluded from participation on the NRMHA evaluation committee. Similarly, all persons having ownership interest in and/or contract with a proposer entity will be excluded from participation on the NRMHA evaluation committee.

7.0 CONTRACT AWARD:

- 7.1 Contract Award Procedure:** If a contract is awarded pursuant to this RFP, the following detailed procedures will be followed:
- 7.1.1** By completing, executing, and submitting the Form of Proposal, Attachment A, the "proposer is thereby agreeing to abide by all terms and conditions pertaining to this RFP as issued by the NRMHA. Accordingly, the NRMHA has no responsibility to conduct after the submittal deadline any negotiations pertaining to the contract clauses already published.

- 7.2 Right to Negotiate Final Fees:** The NRMHA shall retain the right to negotiate the amount of fees that are paid to the successful proposer, meaning the fees proposed by the top-rated proposer may, at the NRMHA's options, be the basis for the beginning of negotiations. Such negotiations shall begin after the NRMHA has chosen a top-rated proposer. If such negotiations are not, in the opinion of the CO successfully concluded within 5 business days, the NRMHA shall retain the right to end such negotiations and begin negotiations with the next-rated proposer. The NRMHA shall also retain the right to negotiate with and make an award to more than one proposer, as long as such negotiation(s) and/or award(s) are addressed in the above manner (i.e., top-rated first, then next-rated following until a successful negotiation is reached).
- 7.3 Contract Service Standards:** All work performed pursuant to this RFP must conform and comply with all applicable local, state, and federal codes, statutes, laws, and regulations.