

JERSEY CITY HOUSING AUTHORITY (JCHA)

REQUEST FOR PROPOSAL: GENERAL COUNSEL LEGAL SERVICES, FOR A PERIOD OF ONE (1) YEAR

The JCHA requires the services of a company to provide **General Counsel Legal Services, For A Period of One (1) Year**

The JCHA RFP specification of requirements and services may be requested by faxing to 201-547-6643 or picked up at the Authority's Central Offices, 410 U.S. Highway #1, Bldg. #8 (Marion Gardens), Jersey City, New Jersey 07306, in the Purchasing Dept., (first floor) any work day between Tuesday, October 6, 2009 and through Wednesday, October 21, 2009.

All firms must submit 1 original and 5 copies of the proposal in a SEALED Envelope **LABELED APPROPRIATELY (PROPOSAL TITLE AND RETURN ADDRESS)** and received by the JCHA, c/o Kenneth Pinnock, Jr. Purchasing Agent, 410 U.S. Highway # 1, (Marion Gardens), Jersey City, New Jersey, 07306, *by or before Wednesday, October 21, 2009 at 2:00 P.M. EST*, using one of the following submission procedures:

HAND-CARRIED/MAILED/OVERNIGHT/EXPRESS MAIL DELIVERY

All bidders must supply a copy of the organization's "Business Registration Certificate" issued by the Division of Revenue in order to be eligible for award consideration.

Proposals received after this date and time for any reason shall not be considered and will be returned to the sender.

Kenneth Pinnock, Jr.
Purchasing Agent

Reference Number: R 0272 & R 0274

Publication Dates: TUESDAY & WEDNESDAY, OCTOBER 6 & 7, 2009

JERSEY CITY HOUSING AUTHORITY

REQUEST FOR PROPOSAL

SECTION I: PROPOSAL INSTRUCTIONS

LEGAL SERVICES GENERAL COUNSEL

"Building a Partnership with Communities"

Jersey City Housing Authority

400 U.S. Highway #1 (Marion Gardens), Jersey City, New Jersey 07306

SECTION I: PROPOSAL INSTRUCTIONS

INTRODUCTION

All responses for providing services under this RFP must include all of the elements described in this section. It is recommended that firms read the entire RFP before proceeding to draft any of the required elements of the proposal to be submitted.

The firm should provide a one or two-page letter of introduction briefly describing the firm and its work, especially as it relates to this prospective commission. Each firm must state the date it was established and years of corporate experience. The letter must specifically identify the principal of the firm who would be assigned to provide the requested services to the JCHA if the firm is awarded the contract.

The letter should include a statement that if the firm is selected by the JCHA, the firm will be ready to begin work on or about **December 2009**.

The JCHA reserves the right to reject any or all proposals, to waive any informality in the RFP process, or to terminate the process at any time if deemed by the JCHA to be in the best interest of the JCHA.

Proposals submitted shall not be withdrawn for a period of sixty (60) days subsequent to the deadline for receiving proposals without the written consent of the JCHA.

All proposals must then include the following elements:

1. STATEMENT OF PROFESSIONAL EXPERIENCE AND QUALIFICATIONS

- a) State the firm's professional experience which offers evidence of qualifications to perform the requested services as described in Section II of this RFP, Scope of Services: General Description. Specific work and expertise with directly related projects is of particular interest. The firm's proposal must include a list of recent and current clients including contact information. (Note: The JCHA will perform reference checks as part of the evaluation process and shall presume that the firm has no objection to the JCHA contacting listed clients to review the firm's work, including: work quality, compliance with requested scope of service, cost control, ability to meet schedules and client satisfaction.)

STATEMENT OF PROFESSIONAL EXPERIENCE AND QUALIFICATIONS (CONT'D)

- b) State the principal of the firm who will be assigned to perform the JCHA work. Ensure that in the description of the firm's **EXPERIENCE** it is very clear to what extent the principals to be assigned to the JCHA work were involved in the referenced experience. (Note: For proposal evaluation purposes, the experience of the principal to be assigned to the JCHA work will be given equal or greater weight than the experience of "the firm" as an entity.)

The JCHA is only interested in qualifications, experience, track records and technical competence, which are **DIRECTLY RELATED** to the Scope of Services of this commission.

c) **Conflict Check**

In order to assist the JCHA in performing a conflict check, each firm is asked to review its client list and as part of the firm's response to this RFP, advise the JCHA of the names of the firm's clients who might potentially or perceptually pose a conflict of interest in connection with work the firm may perform for the JCHA if awarded this contract. Proposals that fail to provide a response may be removed from further review and consideration.

In the event that a conflict of interest issue related to the JCHA, either directly or indirectly, arises during the tenure of the contract, the firm must notify the JCHA immediately in writing and is prohibited from representing either client. The JCHA will reassign any case that meets this criteria to another contracted JCHA legal firm.

Discovery of an undisclosed/existing conflict of interest shall be grounds for contract termination.

d) **Employment of Former Employees, etc.**

In order for the JCHA to comply with its Ethics Policy, which states that:

"The JCHA shall not, for a period of one year next subsequent to the termination of office of a member of the JCHA: a) award any contract which is not publicly bid to a former member of the JCHA; b) allow a former member of the JCHA to represent, appear for, or negotiate on behalf of any other party before the JCHA; or c) employ for compensation, except pursuant to open competitive examination in accordance with Title 11a of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of the JCHA."

STATEMENT OF PROFESSIONAL EXPERIENCE AND QUALIFICATIONS (CONT'D)

Thus, the firm must furnish, as a part of its response to this RFP, the names of any former employees, and/or Commissioners of the JCHA who may be employed by the firm and/or will participate in any way in the performance of this contract.

2. COST

- a. **The maximum hourly rate of for this commission is \$125.00; proposals that exceed the maximum will not be considered.** All proposals must clearly state the firm's hourly rate for services to be rendered in response to this RFP to be considered for an award. Failure to provide an hourly rate will remove the firm from further review and consideration.

NOTE: If the firm proposes that the required legal services will be provided by members of the firm who have different hourly billing rates, then the proposal must state the portion of the scope of work which will be provided by which firm members by the billing rates; weight the work by billing rates; and state a single, weighted, composite rate as the firm's "hourly rate" for proposal evaluation purposes. (For example, if the firm proposes that 50% of the scope of services would be performed by a Partner @ \$120/hr. and 50% by an associate @ \$100/hr., then the firms proposed hourly rate is \$110/hr.)

All of the firm's costs for performing the scope of services must be included in the stated hourly rate. The JCHA **will not pay for:** copies or faxes, overhead, logistical costs, secretarial, internet, regular travel (e.g., to and from the JCHA, to and from Jersey City governmental agencies, to and from HUD offices in Newark, N.J.) materials delivery to and from the JCHA and any other related cost, with only the following exceptions. The JCHA will pay for business related travel outside of New Jersey if and when specifically directed by the JCHA and then in accordance with the JCHA's approved Travel Policy for JCHA Commissioners and staff. The JCHA will pay for legal document filing fees, overnight priority mail delivery, other "out of pocket" extraordinary costs not reasonable and usually considered part of a legal firm's overhead and logistical support cost.

COST (cont'd)

JCHA RFP: LEGAL SERVICES
SECTION I: PROPOSAL INSTRUCTIONS

Note: For proposers' information – if the firm is selected for this commission, JCHA payment will be made monthly based upon a positive review of billable hours, which must be submitted to the JCHA by the 10th of each month. Payments will be made approximately within thirty (30) to forty-five (45) calendar days after receipt of invoice. Invoices shall be submitted on a monthly basis, even if there is no activity with each invoice accompanied by a status report of all on-going legal activities. Invoices must be sent to the Executive Director or designee for review and approval.

2. LEGAL REPRESENTATION AT MEETINGS:

- b. The JCHA will only allow for billable hours for one attorney per firm.

General Counsel will be required to attend all Board meetings. However, attendance at other meetings requiring General Counsel will be requested at the discretion of the Executive Director or designee.

All other Legal Service areas (Labor/Development/Tenancy, etc.) will be requested on an "as-needed" basis to attend the Board/Legal Service meetings. The Executive Director or designee will be responsible for requesting ("as-needed") Attorney attendance at meetings outlined in the respective Scope of Services.

NOTE: "Special Litigation," as defined in HUD Notices is not included in the Scope of Service for this contract. As per HUD Notices "Special Litigation" may require independent procurement and require separate HUD approved contracts. (All proposing firms should indicate their knowledge of the applicable HUD procedures (as per HUD Litigation Handbook) where and if such a case arises.

3. DOCUMENT REQUIREMENTS

Provide all formal documents, certifications, etc., as specified in SECTION IV of this RFP.

4. ADDITIONAL ELEMENTS

It is the sole responsibility of the firm to provide all information requested and meet all requirements of this RFP. If any of the required information is not provided or requirements not met, the JCHA may, at its sole discretion, remove the proposal from any further consideration. All information must be clear, concise and complete.

5. SUBMITTAL REQUIREMENTS:

Proposal submission must be structure according to the sections listed below, pages numbered (where applicable), sections tabbed and proposals bound:

Section 1. Letter of Introduction (one or two pages), must include the following:

- a. Brief description of firm and its work.
- b. Date established and years of experience.
- c. Indicate ability to start work according to request.

Section 2. Professional Experience/Qualifications, must include the following:

- a. Qualified details of firm's specific work and expertise with directly related projects and the principal's role as related to the required *Scope of Services*.
- b. Recent (past five years) and current client list (fill out attached form).
- c. Principal/s of firm assigned to project, including resume, which specifically outlines extent of their involvement in referenced experience.

Section 3. Statements

- a. Conflict Check
- b. Ethics Policy: Employment of Former Employees, etc

Section 4. Budget

- a. Cost
- b. Percentage of work performed by principal/s

Section 5. Required Documents

- a. Section IV of the RFP

All firms must submit one (1) original and five (5) copies in a SEALED ENVELOPE LABELED APPROPRIATELY (PROPOSAL TITLE AND RETURN ADDRESS) and received by the JCHA, c/o Kenneth Pinnock, Jr., Purchasing Agent, 400 U.S. Highway # 1, (Marion Gardens), Jersey City, New Jersey, 07306, by or before **October 21st, 2009 at 2:00 P.M., using one of the following submission procedures: Hand-Carried / Mailed / Overnight/Express Mail Delivery. Proposals received after this date and time for any reason shall not be considered and will be returned to the sender.**

If your firm has any questions about the general procurement process for this RFP and/or the Scope of Services, please direct them to Kenneth Pinnock, Jr., JCHA Purchasing Agent, in writing via email kpinnock@jcha.us or via fax @ (201) 547-6643.

JERSEY CITY HOUSING AUTHORITY

REQUEST FOR PROPOSAL

SECTION II: SCOPE OF WORK

LEGAL SERVICES GENERAL COUNSEL

“Building a Partnership with Communities”

Jersey City Housing Authority
400 U.S. Highway #1 (Marion Gardens), Jersey City, New Jersey 07306

SECTION II: SCOPE OF SERVICES: GENERAL COUNSEL

A. BOARD OF COMMISSIONERS and EXECUTIVE STAFF

1. Provide counsel, attend meetings, review JCHA compliance with federal, state and local governing statutes, regulations and codes, ensuring comprehensive protection from legal exposure, statutory updates, responses and representation for all Board related matters to the Board and Executive Staff.
2. Attend 12 regular meetings/yr. (one/mo.) and two special Board meetings/yr. Review the pre-Board meeting agenda and associated materials, approx. 15 Resolutions relevant to General Counsel scope of work/mo., and twelve issues/yr., which requires research and a special opinion beyond standard certification to legal sufficiency of proposed actions.
3. Review agenda items with the JCHA Executive Director on the Monday prior to the Board meeting.

B. PROCUREMENT

1. Provide counsel, recommendations, and representation to insure compliance with federal, state and local statutory, regulatory, policy, procedural and practice issues related to all procurement (except Hope VI developments).
2. Prior to execution of contracts resulting from the procurement process, do a final review of bid documents, agreements and related materials and make recommendation to ensure legal sufficiency of contracts. *(Keep in mind that under part A. Board of Commissioners...of this scope, review of the procurement process has already been performed as part of the review of the pre-Board agenda and attendant back-up material).* There are approximately 100 such contracts executed each year by the JCHA.

C. CONTRACTS AND AGREEMENTS

1. Draft, review, make recommendations, edit and/or facilitate completion of contracts and agreements with federal (usually HUD), State (usually DCA) and local government entities, regarding funding commitments, property ownership and/or provision of services, e.g. Capital Fund Program amendments to the ACC and related Declarations of Trust.
2. Provide review, advice, negotiations and opinions regarding Capital Fund borrowing.
3. Do the same as (B.1) above with Resident Corporations, usually for provisions of management, housing support, security and/or social services, including employment of qualified staff within given financial parameters and performance standards.

SECTION II: SCOPE OF SERVICES: GENERAL COUNSEL (cont'd)

D. CONTRACT DISPUTES AND LITIGATION.

1. Sometimes the JCHA and contractors/service providers/suppliers (and occasionally professional service firms) become involved in a dispute over, for example, work quality, timeliness, failure to perform.... which cannot be resolved through normal administration negotiations. Some of these disputes are not resolvable without appropriate legal action ranging from formal, written legal notices stating the JCHA's position and the consequences of non compliance through calling in the applicable performance bonds through full litigation. Often, meetings and negotiations with the involved parties are necessary to try to resolve or settle the issue.
2. Represent the JCHA in pending and/or actual litigation relating to the general administration, management and operations of the JCHA, including advice and assistance to avoid and/or (with JCHA approval) pursue or settle prospective litigation. (This provision does not include litigation relating to individual tenancy, labor disputes, HOPE VI development construction or individual Housing Choice Voucher cases; these areas are covered under other specialized legal service agreements).

E. RESIDENT OCCUPANCY AND OWNER INTERRELATIONSHIPS

1. Provide review, advice and opinions as required for federal (usually HUD), State (usually DCA) and local legislation, rules, regulations and codes governing public housing resident eligibility, selection, assignment, continued occupancy and overall resident-owner interrelationships, as such relates to JCHA policy, practice, operating parameters and options. (HOPE VI related tenant selection proposals are covered under another special legal services agreement and are not part of this Scope of Services).
2. Beyond all general areas relating to the above, provide same for special areas such as: One Strike anti-narcotics policies, HUD FHEO rules, special security, utility allowances, rent exemptions, as well as informing the JCHA of changes in federal, state and local legislation and attendant rules affecting the public housing programs.

F. INSURANCE OVERSIGHT

1. Provide general oversight of and occasional intervention regarding JCHA insurance coverage agreements and contract for: general liability, public officials' liability, fidelity bonding, lead-based paint, property and fire, workers compensation, data processing, employee life, and business vehicles. Upon request, provide the Board and Executive Staff with an insurance workshop explaining all referenced and related insurance coverage.

SECTION II: SCOPE OF SERVICES: GENERAL COUNSEL

D. INSURANCE OVERSIGHT (cont'd)

2. The oversight requires reviewing all policies for sufficiency of coverage and minimization of exposure and checking with JCHA staff and/or the respective insurance entities (approx, once every 3 mos.) to ensure that all pending or emergent issues, cases, etc. are being handled properly and expeditiously, so as to protect the interest of the JCHA. The oversight may require occasional (2x/yr.) direct intervention, giving the JCHA independent critique of how certain issues and/or cases are being handled by respective insurance entities, advising the Board of Commissioners and JCHA senior staff of broader implications for the JCHA of individual cases, and/or advocating the JCHA's position or recommendations with respective insurance entities. Provide quarterly reports on pending cases to the Board and executive staff.

NOTE: The JCHA has coverage and policies in all referenced insurance areas with appropriate, licenses companies with their own legal counsel. The work under this provision of the Scope of Services is NOT drafting, establishing coverage, tracking cases, representation of JCHA in individual cases, or other tasks, which are the responsibility of the respective insurance entities.

G. RELATED GENERAL ADVICE AND REPRESENTATION

Provide as needed, including but not limited to new Asset Management Model.

H. LEGAL SERVICE REQUEST

The Executive Director or designee must provide authorization for the performance of work.

The **total number of hours estimated** for the work outlined in the Scope of Service is approximately **800 hours**

REQUEST FOR PROPOSAL

SECTION III: PROPOSAL EVALUATION

**LEGAL SERVICES
GENERAL COUNSEL**

"Building a Partnership with Communities"

Jersey City Housing Authority
400 U.S. Highway #1 (Marion Gardens), Jersey City, New Jersey 07306

SECTION III: PROPOSAL EVALUATION CRITERIA

The JCHA will evaluate all proposals received based upon two (2) criteria with ranking points as follows:

FOR "EXPERIENCE, PAST PERFORMANCE AND QUALIFICATIONS"

MAXIMUM SCORE: 30 POINTS

- **Highest Ratings:** The professional experience described in the proposal demonstrates **extensive** ability, in quality and scale, as is required to perform the Scope of Services. "Extensive" in terms of this RFP is deemed as working for large Public Housing Authority, Redevelopment Agency, or a Non-Profit/Private Property management company experienced with federal rental subsidies.
- **Middle Ratings:** The professional experience described in the proposal demonstrates **moderate** ability, in quality and scale, as is required to perform the Scope of Services described in this RFP. "Moderate" in terms of this RFP is deemed working for small to medium-size Public Housing Authority, Redevelopment Agency, or a Non-Profit/Private Property management company experienced with federal rental subsidies.
- **Lower Ratings:** The professional experience described in the proposal demonstrates **limited** ability, in quality and scale, as is required to perform the Scope of Services described in this RFP. "Limited" in terms of this RFP is deemed as no experience working for Public Housing Authority, Redevelopment Agency, or a Non-Profit/Private Property management company experienced with federal rental subsidies.

Note: References will be evaluated as part of the above referenced category and scored as excellent, good and fair (multiple references will be requested and averaged into one composite rating).

Select firms may be interviewed prior to completion of the evaluation process.

If two or more firms meet the standard in any of the above categories, the firm with professional experience, which is most similar, will receive higher scores.

SECTION III: PROPOSAL EVALUATION CRITERIA

SECTION III: PROPOSAL EVALUATION CRITERIA, cont.

FOR "COST"

MAXIMUM POINTS: 10

The Cost criteria will be scored in relative terms, i.e., lowest relative costs receiving the highest relative scores, with scoring differences proportional to cost differences.

Note: The JCHA has determined a maximum hourly rate for this commission. If the proposed rate, is in excess of the JCHA maximum rate, the JCHA may terminate any further consideration of the proposal.

JERSEY CITY HOUSING AUTHORITY

REQUEST FOR PROPOSAL

SECTION IV: DOCUMENT REQUIREMENTS

LEGAL SERVICES GENERAL COUNSEL

"Building a Partnership with Communities"

Jersey City Housing Authority

400 U.S. Highway #1 (Marion Gardens), Jersey City, New Jersey 07306

SECTION IV: DOCUMENT REQUIREMENTS

All proposals **must** include:

1. **A copy of the organization's/firm's "Business Registration Certificate" issued by the Division of Revenue (Mandatory).**
2. Incorporation certification or affidavit stating the date partnership was established, including the names and addresses of corporate ownership/partners.
3. Professional licenses, certifications relevant to the scope of services.
4. If the firm or individual intends to subcontract any portion of this commission, a statement regarding to whom, with attendant corporate identification and certifications. Sub-contractors will be evaluated as part of the proposer's team.
5. If not included in the PROFESSIONAL EXPERIENCE sections of the proposal, summary resume of the principal to be assigned to prospective JCHA work.
6. Certified statement that neither the firm or nor members of the firm or individual are debarred, suspended or otherwise prohibited from professional practice by any Federal, State or local oversight, regulatory or law enforcement authority.
7. Statement that the firm or individual is financially sound and has financial resources sufficient to successfully execute this prospective JCHA agreement.
8. Evidence of all appropriate and applicable insurance coverage carried by the firm or individual, including policy coverage periods. JCHA must be named as additionally insured.
9. Statement that the firm operates in full compliance with all applicable civil rights and non-discrimination statutes, executive orders, rules and regulations.

CURRENT AND PRIOR LIST OF CLIENTS FORM

PLEASE PRINT (LEGIBLY) OR TYPE

Name of Submitting Firm: _____

RFP for: _____

1

Firm / Agency Name:		Name	Title
Address			
Telephone No. () ()	Fax No. () ()	Email Address (optional)	
Nature of Firm's Responsibility (Brief Description of the Type of Work / Services Provided)			
Contract Value		Date Service(s) Provided	
\$		From	To:

2

Firm / Agency Name:		Name	Title
Address			
Telephone No. () ()	Fax No. () ()	Email Address (optional)	
Nature of Firm's Responsibility (Brief Description of the Type of Work / Services Provided)			
Contract Value		Date Service(s) Provided	
\$		From	To:

3

Firm / Agency Name:		Name	Title
Address			
Telephone No. () ()	Fax No. () ()	Email Address (optional)	
Nature of Firm's Responsibility (Brief Description of the Type of Work / Services Provided)			
Contract Value		Date Service(s) Provided	
\$		From	To:

4

Firm / Agency Name:		Name	Title
Address			
Telephone No. () ()	Fax No. () ()	Email Address (optional)	
Nature of Firm's Responsibility (Brief Description of the Type of Work / Services Provided)			
Contract Value		Date Service(s) Provided	
\$		From	To:

5

Firm / Agency Name:		Name	Title
Address			
Telephone No. () ()	Fax No. () ()	Email Address (optional)	
Nature of Firm's Responsibility (Brief Description of the Type of Work / Services Provided)			
Contract Value		Date Service(s) Provided	
\$		From	To:

6

Firm / Agency Name:		Name	Title
Address			
Telephone No. () ()	Fax No. () ()	Email Address (optional)	
Nature of Firm's Responsibility (Brief Description of the Type of Work / Services Provided)			
Contract Value		Date Service(s) Provided	
\$		From	To: