

REQUEST FOR PROPOSALS
Legal Services
for the
McKinney Housing Authority

McKinney Housing Authority
Roslyn Miller, Executive Director
603 N. Tennessee St.
McKinney, Texas 75069



An Equal Opportunity Employer and Equal Housing
Opportunity Provider

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ATTACHMENTS A and B

REQUEST FOR PROPOSALS

The McKinney Housing Authority is requesting proposals from qualified, responsible, professional firms, or individuals, interested in being selected as the Authority's legal services law firm.

A copy of this document will be available on Tuesday, July 18, 2023 electronically, on the MHA website at www.mckinneyha.org. Please direct all questions/comments to Roslyn Miller. Final day to provide written questions to MHA will be Friday , August 18, 2023. Answers to questions and a final addendum to RFP, if necessary, will be issued along with posting on our web site, Tuesday, August 15, 2023. Proposals are due to the MHA offices at 603 N. Tennessee St. McKinney, TX 75069, by 5pm CST, Monday, August 21, 2023.

PART I: GENERAL BACKGROUND INFORMATION

The McKinney Housing Authority (hereinafter, "MHA") is a public entity that was formed to provide federally subsidized housing and housing assistance to low-income families, within the City of McKinney, Collin County, Texas. The MHA is headed by an Executive Director (ED) and is governed by a five-person board of commissioners. The MHA is subject to the requirements of Title 24 of the Code of Federal Regulations (hereinafter, "CFR"), the Department of Housing and Urban Development (HUD), Texas Local Government Code 392, the MHA's procurement policy and various other rules, regulations and guidelines.

The MHA currently owns and/or manages: (a) 51 public housing units (b) 2 RAD multi-family apartment complex totaling 180 units (64 PBRA); (c) 136 units (86 PBRA) (c) 2 single-family homes; and (d) administers a total of 440 Section 8 Housing Choice Vouchers. The MHA currently has approximately eight employees.

In keeping with its mandate to provide efficient and effective services, the MHA is now soliciting proposals from qualified, responsible, professional firms, licensed and insured, interested in being selected as the Authority's legal services law firm to serve as representation and consulting on legal matters. 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.

Roslyn Miller is the MHA's Executive Director and Contracting Officer (CO).

PART II: MHA'S RESERVATION OF RIGHTS

- A.** The MHA 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 MHA to be in its best interests.
- B.** The MHA reserves the right not to award a contract pursuant to this RFP.
- C.** The MHA reserves the right to terminate any contract awarded pursuant to this RFP, for convenience upon thirty (30) days written notice to the successful respondent(s).
- D.** The MHA reserves the right to determine the days, hours and locations that the successful respondent(s) shall provide the services called for in this RFP.
- E.** The MHA reserves the right to retain all proposals submitted and not permit withdrawal for a period of sixty (60) days subsequent to the deadline for receiving proposals without the written consent of the MHA Contracting Officer.
- F.** MHA reserves the right to negotiate the fees proposed by the respondent entity.
- G.** The MHA 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.
- H.** The MHA shall have no obligation to compensate any respondent for any costs incurred in responding to this RFP.
- I.** 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 MHA, the CO and its Board of Commissioners.
- J.** The respondent agrees that he/she will inform the MHA Executive Director, Roslyn Miller, in writing within five (5) days of the discovery of any item listed herein or of any item that is issued thereafter by the MHA that he/she feels needs to be addressed. Failure to abide by this time frame shall relieve the MHA, but not the prospective

respondent, of any responsibility pertaining to such issue.

PART III: SCOPE OF SERVICES

A. General Overview

The MHA is seeking proposals from qualified, responsible, licensed and bonded professional firms, or individuals, interested in being selected as the Authority's legal services law firm.

B. Experience Criteria

The selected firm or individual must demonstrate the knowledge, skills, and expertise to perform a wide range of legal services and all aspects of work outlined in the Scope of Services below, in accordance with professional standards, HUD regulations, criteria and requirements, and local codes, regulations, ordinances, and statutes. The selected firm or individual must also be sensitive to the roles of MHA staff and Board, public housing residents, residents of the surrounding neighborhoods, and the City of McKinney.

C. Scope of Legal Services Requested

1. Provides legal advice, counsel, services and consultation to the Board of Commissioners, Chief Executive Officer (ED), and senior management staff on a wide variety of civil assignments, including but not limited to: Federal and State of Texas housing law, general non-profit law, labor law, general local, state and federal laws related to grant and contract issues, public disclosure issues, laws against discrimination, property/real estate law, development, tenant matters, contract law, board governance requirements and purchasing and procurement. Legal Counsel's advice includes methods to avoid civil litigation and identification of actions that will put the MHA at risk;

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2. Answers requests for legal opinions, in writing and verbally. Prepares written legal opinions at the request of the ED or the Board of Commissioners. Availability to answer staff questions by telephone or email;
3. Legal services relating to the eviction of tenants who are in violation or breach of their public housing lease agreement or applicable Federal regulations;
4. Works cooperatively with any special legal counsel retained by the MHA for special projects. Coordinates with other special counsel, as needed, to assure proper management of legal issues, and proper coordination and transition of legal information among special counsel;
5. Legal services and expertise regarding civil rights and fair housing requirements, including claims involving violations of the Civil Rights Act of 1964, the Rehabilitation Act of 1973 and the Americans with Disabilities Act;
6. Legal services and expertise on employment issues, including personnel rules, discrimination and wrongful termination claims, worker's compensation and compliance with OSHA requirements;
7. Provide guidance and legal advice on the Freedom of Information Act, Robert's Rules of Order, and Board bylaws, rules and procedures;
8. Assists the Board of Commissioners and MHA employees to understand the legal roles and duties of their respective offices and interrelationships with others;
9. Assists the Board of Commissioners and MHA employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential conflicts of interest, and prohibited transactions;
10. Prepares and reviews contracts, leases and other documents for legal correctness and acceptability. Negotiates said contracts, leases and other documents upon request;
11. Reviews and redrafts various MHA policies for legal correctness and

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acceptability. This would include as examples, the MHA Personnel Policy Manual, the MHA Procurement Policy, Family Medical Leave Act, etc.;

12. Attendance at regular and special Board of Commissioner meetings and attendance at other meetings as requested. Attend and participate in conference calls as requested. Perform other legal services and tasks, as requested;

13. Appears before courts and agencies to represent MHA's interests as needed.

D. General Requirements and Specifications

The following provisions will also apply:

1. MHA will carefully monitor and audit performance to ensure compliance with all the requirements set forth in this RFP;
2. Timeliness of response and accessibility to Legal Counsel is an important aspect of the requested services. Accessibility includes the ability to be generally available to attend meetings in person on short notice and the ability to be reached promptly by telephone, cell phone, or email;
3. Service response is also of high importance. When the MHA requests legal services, Legal Counsel should provide some estimated time of completion and keep the MHA requesting party apprised of any delays or special considerations.
4. The service provider shall provide detailed itemized statements on a monthly basis.

PART IV: PROPOSAL REQUIREMENTS

A. Proposal Organization

Respondents shall submit proposals incorporating the following elements:

Tab 1 - Profile of Firm Form

The Profile of Firm Form is included with this RFP package as Attachment A. This 2-page form must be fully completed, executed and submitted under this tab.

Tab 2 - Proposed Services

As more fully detailed within Part III Scope of Services, the respondent shall clearly detail within the information submitted documentation showing:

1. Provide a concise description of the firms experience and technical capability to deliver the proposed legal services and of the professional competence of the legal team that is presented as being involved in directing, participating and performing the work. Provide the respondent's demonstrated understanding of the MHA's requirements
2. Provide the respondent's demonstrated experience in performing similar work and demonstrated successful past performance. Detail the Management Plan including staffing of key positions, method of assigning work and procedures for maintaining level of service. Provide a complete list of the type of legal expertise and services that the firm offers. Detail what steps or procedures are in place to reduce legal expense costs?

Tab 3 - Managerial Capacity and Financial Viability

Provide a description of the background and current organization of the firm. Include an organizational chart and assignment of key responsibilities. Submit brief professional resumes for the persons identified within areas (5) and (6) of Attachment A Profile of Firm Form. Include the most recent audited financial reports.

Tab 4 - Client Information

The respondent shall submit a listing of former or current clients, including public housing authorities, for whom the respondent has performed similar or like services. The listing shall, at a minimum, include the client's name, the client's contact name, the client's telephone number and a brief description and scope of the services and the dates the services were provided.

Tab 5 - Equal Employment Opportunity

The respondent must submit a copy of its Equal Employment Opportunity Policy.

Tab 6 - Form HUD-5369-C, Certifications and Representations of Offerors, Non-Construction Contract

This form is included with this RFP package as Attachment B. This 2-page Form must be fully completed and executed and included under this tab.

B. Proposed Fees

The proposed fees shall be submitted in a separate sealed envelope within the RFP response package. Any respondent that does not comply may be rejected without further consideration. Unless otherwise stated, the proposed fees are all-inclusive of all related costs that the successful respondent will incur to provide the noted services, including, but not limited to: employee wages and benefits, clerical support, overhead, profit, licensing, insurance, materials, supplies, tools, equipment, long distance telephone calls, document copying not specifically agreed to by MHA, etc. Any costs for approved travel required will be reimbursed at reasonable cost, as pre-approved by the MHA.

Provide a list of hourly rates for all personnel that will be involved with the performance of any level of work, including partners, associates, paralegals, and clerical. Provide an annual retainer amount if believed appropriate for specific responsibilities. The successful respondent shall be responsible for paying for all typical copying costs necessary to provide the services on an hourly basis. In some cases the MHA may

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require the successful respondent to copy certain documents in a quantity greater than required by the requirements of the preceding information in this section. Such copying must have the prior written approval of the MHA and will be reimbursed by the MHA at a rate proposed and/or negotiated.

Pertaining to the ensuing contract, there shall be no escalation of the proposed unit costs allowed at any time during the awarded contract periods. The successful respondent guarantees, by submitting a proposal, that the firm will hold all proposed costs for a period of two years. For the third year contract period, if the successful respondent chooses to not hold or guarantee the originally proposed costs, they may only do so by delivery to the MHA of a written notice delivered to the CO at least one hundred and twenty days prior to the end of the contract period. The MHA will not force the successful respondent to renew the contract at the original pricing but will conduct a new competitive solicitation process. The successful respondent may respond to the new solicitation unless otherwise barred by the MHA for default or poor performance or other similar cause.

C. Incurred Costs

Respondents will be responsible for all costs incurred in preparing a response to this RFP. All material and documents submitted by prospective Investors will become the property of MHA and will not be returned. All proposals are subject to negotiation of terms.

D. Submission Responsibilities

It shall be the responsibility of each respondent to be aware of and to abide by all dates, times, conditions, requirements and specifications set forth within all applicable documents issued by the MHA, including the RFP document, and any addenda and required attachments submitted by the respondent. By virtue of completing, signing and submitting the completed documents, the respondent is stating his/her agreement to comply with the all conditions and requirements set forth within those documents.

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Failure to submit all information as required in this RFP may render a proposal non-responsive and eliminate the proposal from the possibility of award of a contract.

It is the responsibility of the respondent to address all communication and correspondence pertaining to this RFP process only to Roslyn Miller, Executive Director. Her contact information: Telephone (972)542-5641 Ext.104, Fax (972)542- 0908 or e-mail rmiller@mckinneyha.org.

Respondents must not make inquiry or communicate with any other MHA staff member or official (including members of the Board of Commissioners) pertaining to this RFP. Failure to abide by this requirement may be cause for the MHA to consider the respondent non-responsive and/or non-responsible.

PART V: PROCUREMENT PROCESS

A. RFP Purpose

It is desired that the RFP process will ensure cost competitiveness among respondents. MHA urges all interested respondents to carefully review the requirements of this RFP. Written proposals containing the requested information will serve as the primary basis for final selection.

B. Review and Selection Process

All proposals will be reviewed by MHA based on the evaluation criteria contained in this RFP. MHA will select the top firm based upon their proposal and ranking, the results of reference checks, the price proposal (not necessarily the lowest pricing), the attractiveness of other business terms, and willingness to work with the MHA's needs will be major considerations for those in the competitive range. The specific evaluation criteria and respective weighting are detailed in the Evaluation Criteria on page 13. MHA reserves the right to conduct negotiations with one or more respondents if, in the sole opinion of MHA, that method will provide the greatest benefit to MHA. Proposals from small business enterprises and business enterprises owned by women and minorities are encouraged.

C. Procurement Schedule

MHA anticipates the selection of a firm to provide legal services will occur according to the following schedule:

DATE	ACTIVITY
07/18/23	RFP issued and available
08/14/23	Final day to provide written questions
08/22/23	Final addendum to RFP issued
08/21/23	Proposals due at 5pm CST
08/24/23	MHA completes proposal reviews, reference checks and ranking.
08/28/23	Top ranked firms selected and interview process begins
08/29/23	Contract submitted for Board approval

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Proposal Evaluation Criteria

NO. POINT VALUE		CRITERION DESCRIPTION
1	25 points	SPECIALIZED EXPERIENCE: Based upon the opinion of the evaluators, demonstrated ability to advise, interpret, translate and understand all related Federal, State and local laws, codes, rules, regulations and related HUD requirements. Demonstrated experience with similar clients and/or housing providers/agencies.
2	10 points	QUALITY OF WORK: Based upon the opinion of the evaluators, demonstrated ability based on references to provide high quality professional legal advice, counsel, services and consultation.
3	10 points	PROFESSIONAL QUALIFICATIONS: Based upon the opinion of the evaluators, the technical competence of the legal team presented that will be involved, including principal attorneys, associates, legal
4	10 points	COST CONTROL: Based upon the opinion of the evaluators, demonstrated ability to provide valid legal cost estimates and ability to minimize legal expense where possible. Identify what steps or
5	15 points	PROPOSED COSTS: Based on the opinion of the evaluators, are the rates presented justified when compared to the historical legal
6	5 points	PRESENTATION: Points awarded based overall quality and professional appearance of respondent's submittal and ease of understanding the pertinent information based on the opinion of the
7	25 points	INTERVIEW: Points awarded based on the opinions of the members of the MHA Interview Team.
	100 points	Total Points

MHA will select the top firm based on their ranking and begin any necessary contract negotiations.

E. Proposal Submission

All proposals must be submitted and time-stamped received in the MHA's office located at 603 N. Tennessee St., McKinney, TX 75069, by no later than the submittal deadline stated herein (or within any ensuing addendum). A total of one original signature copy (marked "ORIGINAL") and 05 exact copies of the proposal submittal, shall be placed unfolded in a sealed package and addressed to:

McKinney Housing Authority
Attention: Roslyn Miller
603 N. Tennessee St.
McKinney, TX 75069

The package exterior must have the respondent's name and return address. Proposals submitted after the published deadline will not be accepted. In order to be considered, proposals must be received no later than 5:00pm CST. local time on Monday August 21, 2023 by mail or delivery. Proposals must be sealed in a box or envelope marked on the outside with the title of this RFP and the respondent's name, address and telephone number. All material must be submitted in 8-1/2 x 11 formats.

The above stated deadline is firm as to date and hour. A respondent may select any mode of delivery; however, the risk of non-delivery shall remain with the respondent. MHA will treat as ineligible for consideration and will return unopened any submission that is received after the deadline. Upon receipt of each proposal, MHA will date and stamp it to evidence timely or late receipt, and upon request, provide the respondent with an acknowledgment of receipt. Faxed or emailed submissions will not be accepted. All timely submissions become the property of MHA and will not be returned. Proposals will be held in confidence and not released in any manner until after contract award.

F. Selection Committee

MHA will appoint a selection committee. This selection committee will be responsible for overseeing the selection process and making a recommendation to the MHA

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Executive Director and Board of Commissioners. The committee will consist of representatives from the MHA and others as deemed appropriate by the Executive Director.

G. Interpretation

The intent of this RFP is to establish the general specifications for the professional services needed and to provide prospective respondents with sufficient information to enable them to provide an acceptable response to this RFP. Every effort has been made to outline requirements and to provide information in a format that is clear and concise. Nevertheless, questions may arise, or additional information may be needed. Questions and inquiries regarding this RFP must be submitted in writing and should refer to the specific paragraph in question. All inquiries must be received no later than August 21, 2023 and should be submitted to Roslyn Miller at the contact information listed on page 11.

Answers will be provided as written addenda to this RFP which will be on file and available for inspection at MHA offices not later than four (4) days prior to the proposal submission date. MHA will endeavor to provide copies of addenda to all potential respondents to whom this RFP has been mailed, but it will be the responsibility of each respondent to make inquiry as to the existence and content of addenda, as the same shall become part of this RFP and all respondents will be bound thereby, whether or not the addenda are actually received by the respondent.

H. Rules, Regulations and Licensing Requirements

The respondent and their staff must possess all of the required State of Texas licenses. In addition, the respondent shall comply with all laws; ordinances and regulations applicable to the services contemplated herein, especially those applicable to conflict of interest. Respondents 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.

I. Equal Opportunity Employment

Respondents agree that there will not be discrimination as to race, sex, religion, color,

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age, creed or national origin in regard to obligations, work and services performed under the terms of any contract ensuing from this RFP. Respondents must agree to comply with Executive Order #11246 entitled "Equal Employment Opportunity" and as amended by Executive Order #11375, as supplemented by the Department of Labor Regulations (41 CFR Part 60).

J. Contract Period

The MHA anticipates that it will initially award a contract for the period of one (1) year with the option, at the MHA's discretion, of four (4) additional one-year option period (per HUD regulation, legal services may be contracted for a maximum of only five years).

K. Right to Negotiate Final Fees

The MHA shall retain the right to negotiate the amount of fees that are paid to the successful respondent, meaning the fees proposed by the top-rated respondent may, at the MHA's option, be the basis for the beginning of negotiations. Such negotiations shall begin after the MHA has chosen a top-rated respondent. If such negotiations are not, in the opinion of the CO and Board of Commissioners not concluded within five business days, the HA shall retain the right to end such negotiations and begin negotiations with the next-rated proposer. The HA 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).