

# **Opelika Housing Development, Inc.**

## **Request for Proposals**

**For**

**Legal Services**

**For**

**Mixed-Finance Projects Utilizing  
Low-Income Housing Tax Credits**

**Opelika, Alabama**

Opelika Housing Development, Inc.  
1706 Toomer Street  
Opelika, AL 36801  
P.O. Box 268  
Opelika, AL 36803-0268

September 9, 2017

**REQUEST FOR PROPOSAL**

The Opelika Housing Development (OHD) requests the submission of sealed written proposals from qualified Offerors to provide legal services in the areas of Public and Affordable Housing Development and Acquisitions for Mixed-Finance Projects utilizing Low-Income Housing Tax Credits (LIHTC).

The successful Offeror will be utilized on an “as needed” basis.

This Request For Proposal (RFP) contains specific submission requirements, general scope of service requirements, as well as terms, conditions, and other pertinent information necessary for submitting a proposal. Interested Offerors can obtain the Request for Proposals package from:

**Opelika Housing Development  
1706 Toomer St  
Opelika, AL 36801**

Questions and inquiries concerning this Request for Proposal shall be addressed in writing to:

**Opelika Housing Development  
P.O. Box 268  
Opelika, AL, 36803-0268  
or  
opelikaha@opelikaha.org**

The proposals must be enclosed in an envelope labeled as follows:

**“Proposal for OHD Legal Services:  
Mixed-Finance Projects Utilizing Low-Income Housing Tax Credits”**

**Name of the Respondent:** \_\_\_\_\_

**Proposal Due Date and Time:** \_\_\_\_\_

The proposal must be delivered to the OHD no later than 10:00 A.M. CST on October 2, 2017. Late or incomplete proposals will not be considered for award of contract.

The following schedule will be applicable for this Request for Proposal:

Advertisement of Availability: \_\_\_\_\_ September 9, 2017

Issue RFP: \_\_\_\_\_ September 9, 2017

Proposal Submittal Date: \_\_\_\_\_ October 2, 2017

**Akinola Popoola  
President/CEO  
Opelika Housing Development**

## **I. INVITATION TO SUBMIT PROPOSALS**

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The Opelika Housing Development (OHD) as part of its mission to provide safe, decent and sanitary housing for low-income persons, hereby seeks proposals from qualified Offerors to provide legal services related to the financing, acquisition, and development of affordable housing using mixed-source financing, including Low-Income Housing Tax Credits. The selected attorney(s) will be utilized on an “as needed” basis.

## **II. GENERAL BACKGROUND**

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### **OHD's Activities**

OHD is a non-profit, agency that provides decent, safe, sanitary and affordable housing to low-income families in the Opelika metropolitan area. OHD is primarily funded by the U.S. Department of Housing and Urban Development (“HUD”).

### **III. SCOPE OF LEGAL SERVICES FOR MULTI-FAMILY HOUSING**

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OHD's goal in issuing this RFP is to obtain qualified legal representation in financing the acquisition and development of affordable housing for low-income residents in and around the city of Opelika.

#### **Description of Services**

OHD plans to develop a project located within the city of Opelika limits using a mixed-finance approach.

The legal services to be provided are described below. The listing is illustrative only and requirements are not limited to said listing.

- general consultation and legal advice in the development and acquisition of affordable housing;
- legal advice in structuring business deals to develop and acquire affordable housing;
- legal advice in financing the development and acquisition of affordable housing, including utilization of tax credits, and other innovative finance mechanisms;
- preparation and negotiation of the documents required for the closing of a mixed-finance transaction; and
- legal services as may be necessary or as requested by the President/CEO.

## IV. SELECTION PROCESS

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### A. Legal Services Provider

The Offeror must be capable of handling the legal matters involved in financing, acquisition and development of a mixed-finance project. The following will be viewed as favorable by the selection committee:

- a) Previous experience representing Housing Authorities, and non profits;
- b) Previous experience involving layered financing including, but not limited to, 4% and 9% Low-Income Housing Tax Credits.

### B. Proposal Requirements

The Offeror, i.e., the Respondent, is required to submit the following information, although OHD reserves the right to request additional information upon review of initial submissions:

#### 1. Letter of Transmittal

The letter must be signed by the person authorized to commit the organization to perform the services in the proposal.

#### 2. Table of Contents

#### 3. Executive Summary

Provide a brief summary of your firm's approach to the work associated with the requested services, to include an understanding of the scope of services required and unique or innovative approaches to be utilized in performing these services.

#### 4. Experience

Describe how long the Attorney or Law Firm has been in business under the present name and structure. Provide any other names under which the firm has done business and the dates it operated under each name and the locations at which it operated under each name.

Describe the experience of Offeror conducting comparable services during the most recent five-year period similar in scope to OHD's project. Provide list of companies or governmental organizations to which your firm is/are currently providing services in the area of mixed-source financing of affordable housing.

For each entity include:

- The term (beginning and ending dates) of your contract agreement(s).
- A brief description of the scope of work.

- The name, address, and telephone number of the individual that administered your contract(s).
- Explain the roles performed by the proposed personnel in the previous projects.

## **5. Qualifications**

Provide the qualifications and experience the firm has in the various categories described above in the Scope of Legal Services, and resumes of all persons who would be assigned to provide the requested services.

Describe Offeror's experience with public housing legal issues including applicable State of Alabama and Federal public housing regulations.

List all key members of the firm who will be committed to this project. Indicate the level of effort and function of each member of the project. Prepare an organizational structure to show how the key members will be involved. Include resumes of these individuals.

## **6. Cost**

Provide a list of hourly rates for attorneys and paralegals.

The Offeror's fee, while a secondary component, will be considered in addition to other technical factors in determining the offer most advantageous to the OHD. Offeror's must acknowledge that payments will be made at closing and paid from funds available at financial closing in the proposal. PHA funds will not be used to pay for legal fees.

## **7. Organizational Documents**

Include in a separate section for attachments the following:

- A statement that the firm is financially sound and has financial resources sufficient to successfully perform the services described herein.

## **8. Insurance**

The successful Offeror shall provide the OHD with evidence of all appropriate and applicable insurance coverage carried by the firm, including policy coverage periods. Offerors shall furnish OHD with certificates of insurance showing that the following insurance is in force and will insure all operations under this RFP. Required insurance levels are as follows:

- Proof of Professional Liability Insurance in the amount of at least \$1,000,000.

## **C. Evaluation Process and Selection Criteria**

Proposals will be evaluated by a OHD selection committee. The selection committee will present its recommendations to the OHD Board of Directors who will make the final selection.

Proposals will be evaluated using the four (4) Evaluation Criteria outlined below.

OHD reserves the right to accept or reject in part, or reject all proposals and to re-solicit new proposals. OHD may also reject any proposals that are incomplete or non-responsive and any proposals that are submitted after the deadline.

## **Proposal Evaluation Criteria**

In evaluating the submitted proposals, the OHD will consider the following criteria:

- 20 Points      Relevant experience and qualifications.
- 20 Points      Reasonableness of contract price.
- 20 Points      Offeror's specific experience representing entities developing/acquiring low-income, affordable, and mixed finance housing developments.
- 20 Points      Offeror's experience working in the State of Alabama working with the AHFA and HUD
- 20 Points      Offeror's experience with public housing legal issues including applicable State of Alabama and Federal regulations affecting public housing authorities.

**Total Possible Points – 100**

## V. SUBMISSION PROCESS AND CONDITIONS

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### A. Submission Package

An unbound original and three (3) bound copies (a total of four) of the complete submission package must be received by the OHD Purchasing Office by 4:00 P.M. CST on October 2, 2017. The original and all copies of the submission package must be submitted in a sealed envelope and addressed to:

**Opelika Housing Development  
RFP for Legal Services for Mixed-Finance Projects  
1706 Toomer St  
Opelika, AL 36801**

On the outside of the envelope should be the Respondent's name and address, phone number, the due date of October 2, 2017 and the RFP title "Request for Proposals for Legal Services for Mixed-Finance Projects Utilizing Low-Income Housing Tax Credit." The submission package must be signed by an officer of the Respondent who is legally authorized to enter into a contractual relationship in the name of the Respondent. In the absence of a corporate seal, the submission package must be notarized by a Notary Public.

### B. Anticipated Schedule of Events

Event	Date
1. RFP Available for Distribution	September 9, 2017
2. Deadline for Receipt of RFP	October 2, 2017
3. Selection of Attorney or Law Firm	October 2017

### C. Withdrawal of Proposals

Proposals may **not** be withdrawn for ninety (90) days from the submission deadline date.

### D. Mistakes in Proposals

If a mistake in a proposal is suspected or alleged, the proposal may be corrected or withdrawn during any negotiations that are held. If negotiations are not held, or if best and final offers have been received, the Respondent may be permitted to correct a mistake in its proposal and the intended correct offer may be considered based on the conditions that follow:

1. The mistake and the intended correct offer are clearly evident on the face of the proposal.
2. The Respondent submits written evidence that clearly and convincingly demonstrates both the existing offer and such correction would not be contrary to the fair and equal treatment of other Respondents.

Mistakes after award shall not be corrected unless OHD makes a written determination that it would be disadvantageous to OHD not to allow the mistake to be corrected. The approval or disapproval of requests of this nature shall be in writing by OHD.

## **E. Conflict of Interest**

The development team warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest. Conflict of interest is defined as a situation in which the nature of work under this contract and the Respondent's organizational, financial, contractual or other interests are such that:

1. Award of the contract may result in an unfair competitive advantage; or
2. The Respondent's objectivity in performing the contract work may be impaired. In the event the Respondent has an organizational conflict of interest as defined herein, the Respondent shall disclose such conflict of interest fully in the proposal submission.
3. The Respondent agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to OHD which shall include a description of the action which the Respondent has taken or intends to take to eliminate or neutralize the conflict. OHD may, however, terminate the contract if it is in its best interest.
4. In the event the Respondent was aware of an organizational conflict of interest before the award of this contract and intentionally did not disclose the conflict, OHD may terminate the contract for default.
5. The provisions of this clause shall be included in all subcontracts and consulting agreements wherein the work to be performed is similar to the service provided by the Respondent. The Respondent shall include in such subcontracts and consulting agreements any necessary provisions to eliminate or neutralize conflicts of interest.
6. No member of or delegate to the U.S. Congress or Resident Commissioner shall be allowed to any share or part of this contract or to any benefit to arise. This provision shall be construed to extend to this contract if made with a corporation for its general benefit.
7. No member, officer, or employee of OHD, no member of the governing body of the locality in which the project is situated, no member of the governing body in which the OHD was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, shall, during his or her tenure, or for one year there after, have any interest, direct or indirect, in this contract or the proceeds thereof.
8. OHD reserves total discretion to determine the proper treatment of any conflict of interest disclosed under this provision.

## **F. Incurred Costs in Preparing Proposals**

Respondent will be responsible for all costs incurred in preparing a response to this RFP. All material and documents submitted by prospective development teams will become the property of the OHD and will not be returned. Any Respondent selected for further negotiations, as well as a Respondent ultimately selected to enter into a contractual agreement with the OHD, will be responsible for all costs incurred by it during negotiations.

## **G. Awards**

A contract shall be awarded in accordance with the terms and conditions of this RFP to the one or more Respondent(s) whose proposal(s) are most advantageous to OHD considering price, technical and other factors as specified in this RFP. OHD reserves the right to negotiate and award any element of this RFP, to reject any or all proposals, or to waive any minor irregularities or technicalities in proposals received, as the best interest of OHD may require.