



*Connecting people to homes, hope and opportunity. Jennifer Westerman, CEO*

## **REQUEST FOR PROPOSALS FOR**

### **REAL ESTATE DEVELOPMENT AND CONSTRUCTION LEGAL SERVICES and HOUSING AUTHORITY LAW SERVICES**

**Housing Authority of the City of Longview, dba  
Housing Opportunities of SW Washington (HOSWWA) and  
Joint Pacific County Housing Authority (JPCHA)**

820 11<sup>th</sup> Ave.  
Longview, WA 98632  
(360) 423-0140

Date of Issuance: August 30, 2021

Contact: RFP Committee HOSWWA  
Jennifer Westerman  
Jennifer.Westerman@hoswwa.org

Proposals are due no later than 4:00 pm (PST) on September 14, 2021



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## **I. Purpose**

The Housing Authority of the City of Longview, dba Housing Opportunities of Southwest Washington (HOSWWA), is seeking proposals from experienced law firms and/or solo practitioners licensed in the State of Washington to provide legal services for a period of three years, with an option to extend on a yearly basis thereafter, up to an additional two years. Successful respondent will provide comprehensive Real Estate Development and Construction Legal Services to the Housing Authorities on an as needed basis.

## **II. Background**

The Housing Authority of the City of Longview is a public body, corporate and politic, of the State of Washington that is authorized by and operates under the authority of the State Housing Authorities Law (RCW 35.82) and the Housing Cooperation Law (RCW 35.83). The agency operates under jurisdictional agreements in Cowlitz (except Kelso, Kalama), Pacific, Lewis and Wahkiakum Counties.

HOSWWA is governed by a six-member Board of Commissioners that provide oversight and control of the agency. The CEO is appointed by the Board and takes responsibility for day-to-day operations of the Housing Authority. Board members are appointed by the Mayor of Longview.

HOSWWA has a staff of 42 and manages a portfolio of 379 units of affordable housing serving seniors, disabled and families with children. HOSWWA also administers more than 1500 Housing Choice Vouchers located throughout the agencies four County jurisdiction. Additionally, HOSWWA runs an award-winning program serving homeless Veterans that provides housing in a supportive services environment.

Funding for HOSWWA's programs comes from the US Department of Housing and Urban Development (HUD); US Department of Agriculture Rural Development (USDA RD), Washington State Housing Finance Commission and the IRS for the Low-Income Housing Tax Credit (LIHTC) program, US Veterans Administration (VA), Washington State Department of Commerce and other competitive state and local grants.

HOSWWA also provides management and development services to the Joint Pacific County Housing Authority and serves as its staff. It is intended that the firm selected through this RFP will serve both agencies.

## **III. Scope of Services**

HOSWWA is soliciting proposals from law firms and/or solo practitioners to provide legal services to the agency on an as-needed basis in the following areas:

- Public Contract and Construction Law;
- Real Estate Development;
- Land Use Law;
- Housing Authority and affordable housing law
- Relevant local, state and federal laws and regulations.

Services may include but are not limited to:

- Contract negotiation and administration
- Reviewing procurement of construction and development services;
- Negotiation, preparation and review of contracts, agreements, opinions, and other documents related to real estate development and/or acquisition and rehabilitation work;
- Represent the Authority with real estate acquisition and real estate disposition matters involving public and private real estate opportunities and other property related issues, ie title, condemnation, environmental mitigation, residential and commercial leases, ADA, etc;
- Advice and legal review in connection with the preparation of LIHTC equity investor and construction lender solicitation materials. Advice and legal review and analysis in connection with the evaluation of tax credit and construction loan proposals from equity investors and construction lenders, to include assistance with negotiation.
- Provide counsel and legal advice related to Bond Finance.
- Draft, review and make recommendations on mixed-finance proposals and documents including but not limited to: Ground Lease, Regulatory and Operating Agreement, Declaration of Restrictive Covenants, Management Agreements, Developer Agreements, Partnership Agreements, etc.
- General legal services related to Housing Authority Law and composition of Housing Authorities including jurisdictional issues.

#### **IV. Contract Term**

The duration of the contract shall be for one to three years and may be extended for two additional one-year options, not to exceed five years in the aggregate. The contract may be terminated at any time by either party with a written 30-day notice of termination.

## V. Content of Proposals

HOSWWA requests that interested respondents submit a proposal containing the following:

- A. Letter summarizing the respondent's interest in providing legal services to the Housing Authority, contact person at the firm, describing respondents understanding of the services required and a brief statement of the firm's areas of specialization.
- B. Brief description of the firm's capability to perform the services described in the scope of work to include:
  - a. Professional qualifications to perform services,
  - b. Specialized experience and technical competence,
  - c. Experience and work with other affordable housing providers and private sector landlords,
  - d. Familiarity with federal and state laws and regulations pertaining to housing authorities and public agencies.
- C. Summary of key personnel who would be assigned and represent HOSWWA for specific services. Please include resumes, background and relevant experience as well as location of staff.
- D. Names and Contact information for at least 3 references from current and former clients for whom the firm has performed similar work.
- E. Proposed all-inclusive hourly rate.
- F. Provide a copy of respondent's valid Washington State Bar Association license.
- G. Provide a proposed form of contract for services that the firm would execute with HOSWWA.
- H. Provide a certified statement for non-debarment, suspension, or prohibition from professional practice by any Federal, State, or Local Agency. The statement shall read: "This is to certify that \_\_\_\_ (Firm's name) and any attorney's involved with this work, is not debarred, suspended, or otherwise prohibited from contracting by any Federal, State, or Local Agency."
- I. Copy of paperwork which documents your firm's MWBE status (if applicable) or a description of how your firm would partner or joint venture with other certified small, MWBE firms.

**VI. Evaluation Criteria and Selection**

Proposals will be evaluated by HOSWWA’s RFP Committee designated by the CEO. The RFP Committee will review the submissions based on the scoring criteria listed below. The Committee reserves the right to hold interviews with firms submitting proposals if necessary. A maximum of 100 points is available.

- A. Firm’s Qualifications and Relevant Experience –25 points
- B. Qualifications and relevant experience of Staff Assigned to this Contract including professional qualifications to perform services, broad knowledge of regulations applying to public agencies. –50 points
- C. Estimated fees and expenses. –15 points
- D. Demonstration of status as MWBE and/or joint venture documentation. –10 points

**VII. Schedule and Deadline**

Due to COVID-19 restrictions, HOSWWA is accepting electronic applications by email. Full pdf application must be submitted **by 4 p.m. on September 14, 2021** to [Jennifer.Westerman@HOSWWA.org](mailto:Jennifer.Westerman@HOSWWA.org) subject line: Development Legal RFP Response: (firm name)

The anticipated selection is as follows:

Activity	Project Date
RFP Available for Distribution	8/30/2021
Last day for Questions	9/12/2021
Issuance of Addendum (if any)	9/13/2021
Receipt of proposals by HOSWWA deadline	9/14/2021
Selection by RFP Committee no later than	9/30/2021

**VIII. Insurance Requirements**

Firm selected must be able to meet HOSWWA’s insurance requirements:

- General Liability: \$1,000,000 per occurrence
- Automobile liability: \$1,000,000 per occurrence
- Workers’ Compensation and Employer’s liability: \$1,000,000 per occurrence
- Professional Errors and Omissions Liability: \$1,000,000 per occurrence

**IX. HOSWWA’s Reservation of Rights**

- HOSWWA 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 to be in the HOSWWA’s best interest.
- HOSWWA reserves the right to not award a contract pursuant to this RFP.
- HOSWWA reserves the right to negotiate fees proposed by any proposer entity.
- HOSWWA 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.

**X. Level of Effort and Funding**

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

**XI. Rules, Laws and Regulations**

Respondent selected shall comply with all laws, ordinances, and regulations applicable to the services contemplated herein, especially those applicable to conflicts of interest. HOSWWA will presume that Respondents are familiar with all federal, state, and local laws, ordinances, codes, rules and regulations that may in any way affect the services. /