

MORRISTOWN HOUSING AUTHORITY

NOTICE

REQUEST FOR PROPOSALS FOR ORDINARY LEGAL SERVICES

Under a Fair and Open Process in Accordance
with N.J.S.A. 19:44A-20.4 et. seq.

PROPOSALS MUST BE SUBMITTED BY

10:00 A.M. on May 19, 2017 to:

MR. ROY E. ROGERS
EXECUTIVE DIRECTOR
MORRISTOWN HOUSING AUTHORITY
31 EARLY STREET
MORRISTOWN, NEW JERSEY

Request for Proposal

The Housing Authority of the Town of Morristown will accept proposals for “Ordinary Legal Services” for the period of July 1, 2017 to June 30, 2018. It is the Housing Authority’s desire to retain and employ a duly qualified Attorney to act as General Counsel in all legal matters which may arise in connection with the business and management of its various housing programs. All legal services must be provided in accordance with the existing rules, orders, directives and regulations promulgated by the United States Department of Housing and Urban Development as well as all applicable state and federal laws.

SCOPE OF LEGAL SERVICES

The Scope of Legal Services being requested will pertain to all of the Housing Authority’s programs (including, but not limited to: Public Housing, Section 8 Program, Capital Fund Program, Community Development and other programs). The Offeror shall conduct the following Services:

- (a) Attend meetings of the Authority when requested;
- (b) Supervise drafting of all resolutions of the Authority;
- (c) Supervise, as to legality, the official minutes of the Authority’s meetings;
- (d) Confer with, and advise the officers and employees on Authority related legal matters, when required;
- (e) Consult with parties having business with the Authority, on such business, when requested to do so by the Authority;
- (f) Prepare contracts, legal instruments, legal documents, and other legal writings as may be required in the interest of the Authority;
- (g) Review and approve the legality of Contracts, legal instruments, legal documents and other written legal materials prepared by others and submitted to the Authority for action (including verification of all performance bonds);
- (h) Handle in an appropriate manner, all legal questions and matters arising out of or under legal contracts, legal instruments, legal documents, and other legal materials with or concerning the Authority;
- (i) Render legal opinions on all matters submitted by the Authority;
- (j) Perform all required legal work in connection with the financing of the Authority’s programs, projects, or activities, excepting that legal work which may be required of a bond counsel;
- (k) Provide legal advice, assistance, and counsel in all actions arising at the Housing Authority; including all tenancy matter including eviction, post eviction Orders to Show Cause and civil recovery litigation.
- (l) Appear for and represent the Authority in all litigation matters

- (m) Give notice to, and consult with, the Authority's insurance carriers in all cases of injury to person or loss or damage to property involving the Authority;
- (n) Coordinate all legal actions brought against the Authority, its officers and employees in conjunction with Authority business (including HDU approval of litigation);
- (o) Update all Housing Authority policies in accordance with applicable rules, orders, laws and suggestion of the Housing Authority;
- (p) Advise the Housing Authority on all matters pertaining to the Open Public Meetings Act;
- (q) Advise the Housing Authority on all matters concerning the NJ Local Public Contracts Law;

QUALIFICATIONS

The Offeror shall possess the following minimum qualifications:

- 1) Licensed to practice law in the State of New Jersey;
- 2) A Broad and practical knowledge of New Jersey Local Public Contracts Law, HUD Procurement Regulations, Title 24 of the Code of Federal Regulations, state and federal procurement guidelines and/or bidding procedures;
- 3) Broad experience in representing other Public Housing Agencies (PHA) including experience in corporate governance matters, contract law, employment law, and overall representation of public entities up and including litigation, including Public Bid contests/challenges;
- 4) Strong analytical, interpretive, and oral written communication skills;
- 5) Thorough understanding of HUD funded programs, Public Housing, Section 8, and related federal regulations;
- 6) Fully versed in NJ Local Public Contracts Law, NJ Open Public Meeting Act and State/Local Housing Authority Law, NJ Housing and Redevelopment Act;
- 7) Broad and practical knowledge of HUD PHA/Tenant Regulations, New Jersey Landlord/Tenancy law, including all types of summary dispossess actions applicable to public housing agencies; including detailed knowledge of HUD regulations governing State law applicable to PHA tenant due process requirements including all Federal Notice Requirements for each cause of action, Grievance Hearings, due process and related State and Federal HUD regulations.
- 8) Pretrial and Court room experience in representing NJ Public Housing Authorities in all form of eviction and post eviction litigation including knowledge of federal Landlord/Tenancy law applicable to Public Housing and Section 8 tenants including Due Process notice/eviction requirements and federal grievance procedures;

- 9) Broad experience and track record of success in representing Housing Authorities in civil litigation involving Landlord/Tenancy disputes including summary dispossess actions, Orders to Show Cause, and defiant trespass actions, civil recovery actions, as well as experience representing PHA's in tenant grievance hearings; including having represented PHA client in Public Housing Tenancy cases
- 10) Approvable by the United States Department of Housing and Urban Development;

PROPOSAL SUBMISSION

All qualified candidates interested in submitting a proposal for "Ordinary Legal Services" should submit a written proposal. The proposal should contain an hourly fee proposal, including a listing of the cost of each attorney, paralegals that the firm proposes shall perform the scope of services, and reimbursable expenses sought. Each Proposal shall further include the following information:

- 1) Firm's complete name, address, telephone and fax numbers and email address, including the name of the firm's proposed primary provider of services;
- 2) List and biography of all key attorneys who would be handling MHA matters;
- 3) Narrative identifying any Public Housing Authorities that the Attorney/firm has represented over the past ten (10) years to which Attorney/Firm firm has provided similar services; and
- 4) Detailed description of firm's specialized knowledge and understanding of Scope of Services and firm's overall experience and approach to performing such;

Finally, all proposals must also include the following documents:

- 1) Executed copy of HUD-5369-C (Certifications and Representations of Offerors);
- 2) Business Registration Certificate;
- 3) Certification regarding Non-Debarment, Suspension, Ineligibility and Voluntary Exclusion; and
- 4) Affirmative Action Compliance Notice;
- 5) Attorneys/Law Firm's Professional Liability Policy Declarations Page, demonstrating full coverage in effect.

All proposals should be sealed (envelope marked: “Proposal for Ordinary Legal Services”) and delivered to the Housing Authority of the Town of Morristown, 31 Early Street, Morristown, NJ on or before 10:00 a.m. on May 19, 2017. The MHA reserves the right to declare any proposal unresponsive which does not include the above required documentation or which is deemed incomplete in any way. Any such proposal may be subject to rejection at the sole discretion of the Authority.

PROPOSAL REVIEW

All proposals will be reviewed according to the “Competitive Proposal” process outlined in the HUD Procurement Handbook 7460.8 and HUD Notice PIH 90-47. The Authority utilizes the following proposal rating system that will be used to evaluate all proposals received in response to this RFP.

COMPETITIVE PROPOSAL EVALUATION SYSTEM

- 1) Familiarity with the New Jersey and HUD Public Housing Program Legal requirements including public housing and Section 8, as well as all applicable HUD rules and regulations to all areas of PHA operations, including annual PHA HUD regulatory matters applicable to PHA operations; (20 points)
- 2) Familiarity with all New Jersey statutes and HUD regulations including, NJ Public Contracts Law, HUD Procurement Regulations and Policy, Public sector employment law, NJ Civil Service Regulations, NJ Housing and Redevelopment Act, NJ Open Public Meetings Act, NJ Open Public Records Act, NJ Corporate Governance of Public Housing Authorities including, Title 24 of the Code of Federal Regulations, 24 CFR Part 85, and the NJ Housing and Redevelopment Law; (25 points)
- 3) Demonstrated experience and technical competence in providing legal services to public housing authorities based upon past experience representing NJ Public Housing Authorities, number of past and existing PHA clients, overall performance, experience and command of PHA general and litigation matters; this shall include litigation of NJ Public Contract Bid Challenges in the NJ Superior Court and contract and procurement matters; (20 Points)
- 4) Familiarity with all New Jersey statutes and federal regulations involving PHA landlord/tenancy matters; including all NJ Landlord Tenant Law, regulations and due process notices; HUD Regulations concerning mandatory PHA due process requirements to tenants including all causes of action and One Strike requirements. Demonstrated experience in handling and technical competence in landlord/tenancy litigation; (25 points)
- 5) Reasonableness of proposed fees. (10 points)

Total Point Score: 100