



WESLACO HOUSING AUTHORITY

# Request for Proposal – Legal Representation RFP#16002-20

600 North Airport Drive, Weslaco, TX 78596

## 1.1 Background

The Weslaco Housing Authority (WHA) is chartered in the State of Texas. As a public benefit corporation, the WHA provides subsidized housing within the City of Weslaco, Texas (City), in accordance with federal legislation. The WHA's major funding comes from grants and subsidies by the United States Department of Housing and Urban Development (HUD). The WHA also earns rent, administrative fees, and receives private donations.

The WHA's governing body is a five-member Board of Commissioners appointed by the Mayor of Weslaco. The WHA's Executive Director, George Pina, has been leading the organization since July 25, 2018. The Authority currently has 11 employees.

The WHA's comprehensive reporting entity includes the following:

Housing Authority of the City of Weslaco  
(WHA)

WHA also provides monthly rental assistance to a maximum 612 qualifying low and moderate-income families in Weslaco, Texas, through HUD's Housing Choice Voucher program (formerly known as Section 8).

For both public housing residents and assisted housing clients, WHA offers (in partnership with numerous community organizations) a variety of supportive services. These services include counseling, case management, drug education and violence prevention, job training, medical assistance, and youth enrichment.

## 1.2 Solicitation

The Weslaco Housing Authority (WHA) is issuing this Request for Proposal ("RFP") to qualified and experienced legal practices interested in providing **Legal Representation** services as set forth in the Scope of Services section.

WHA reserves the right to award separate agreements for **Legal Representation** services based on criteria that WHA determines to be appropriate, or to award a General Counsel agreement for representation on general matters.

Responders will be required to perform all services requested under this RFP in accordance with best practices, professional, and ethical standards pertaining to the practice of **Legal Representation** services.

## 1.3 Procurement Authority

All matters and issues related to this RFP, and any contract resulting from the RFP shall be governed by the regulations included in **24 C.F.R 85.36**; and procurement principles set forth in the HUD Handbook on Procurement for Public and Indian Housing Authorities, Handbook 7460.8, Rev-2; applicable State and Local laws and the Statement on Procurement Policy for the Weslaco Housing Authority.

The selected Legal Service Representative shall be thoroughly knowledgeable of Federal and State Laws relating to affordable housing, public housing authorities, and the applicable laws.

#### **1.4 Laws and Regulations**

This procurement may be funded in whole or in part by grants provided by the US Department of Housing and Urban Development. Applicable laws and regulations will govern this procurement and any subsequent agreement. In addition, applicable laws and regulations of the State of Texas and Hidalgo County Texas, will apply to the resulting awarded agreement(s).

#### **1.5 Obtain Copies of this Solicitation**

Single copies of the response package may be obtained, at no cost by visiting the WHA website at: [www.cowha.org](http://www.cowha.org).

Hard Copies may be available in person as the address below:

**Weslaco Housing Authority  
600 North Airport Drive  
Weslaco, Texas 78596**

Persons wishing to be mailed copies may request via email: [weslacoha@cowha.org](mailto:weslacoha@cowha.org)

## PART II – SUPPLEMENT INSTRUCTIONS TO RESPONDENTS

### 2.1 Submission of Response

The instructions below provide guidance on what the qualification-based submittal should contain and how it should be organized. **Respondents should deliver two (2) complete sets, (one (1) original and one (1) copy) and a digital file on a CD or JUMP DRIVE in PDF format.** All submittals must be assembled in the order described in this RFP, in a sealed envelope or box clearly marked with the words “**RFP #16002 Legal Representation**”

Sealed responses to this solicitation must be received by the WHA no later than, Monday, November 23, 2020 at 2:00 p.m., at the Weslaco Housing Authority, 600 North Airport Drive, Weslaco, TX 78596.

All Proposals must be submitted in accordance with the conditions and instructions provided herein. All Proposals must remain open for acceptance for one hundred and eight days (180) from due date.

### 2.2 Time Table

The submission of proposal(s) in response to the RFP will be evaluated in accordance with the schedule below.

Schedule Procedures	Date	Time
RFP Date of Issue	November 5, 2020	12:00 am (CT)
Deadline to Submit Questions	November 16, 2020	2:00 pm (CT)
Deadline for Proposal Submissions	November 23, 2020	2:00 pm (CT)
Announce Award to Successful Responder	December 2, 2020	1:00 pm (CT)

Every effort will be made to maintain this schedule. However, all dates are subject to change if it is deemed to be in the best interest of the WHA.

### 2.3 Interpretations/Questions

During the period between issuance of the RFP and the Proposal due date no oral interpretation of the RFP’s requirement will be given to any prospective responded. Request for interpretation must be made, in writing, at least five (5) days before the submission due date and time to: Email: [weslaco@cowha.org](mailto:weslaco@cowha.org)

### 2.4 Addendum and Update Procedures for the RFP

During the period of advertisement for this RFP, the WHA may wish to amend, add to, or delete from, the contents of this RFP. In such situations, the WHA will issue an addendum to the RFP setting forth the nature of the modifications(s). The WHA will email (or send via regular postal mail or fax upon written request of the Respondents) any addenda to Respondents of the RFP Solicitation. Interested parties may also view addenda on the WHA’s website [www.cowha.org](http://www.cowha.org). It shall be the responsibility of each Respondent to insure they have any/all additional addenda relative to this RFP.

## **2.5 Proposal Format**

All proposals shall be submitted in 8 ½ x 11-inch format, preferably in three (3) ring binders. Larger size pages or inserts may be used provided; they fold into 8 ½ x 11 inches. All copies of the submittal must be identical in content and organizations. The format of the Respondent's Proposal should be structured the same as the format of the RFP. Proposals should be organized into sections and tabbed for ease of review. Provide a comprehensive Table of Contents at the front of the proposal. Organize the proposal in response to the Submission Requirements, taking care to address all issues identified in the Scope of Service. The front cover of the proposal should bear the name of the RFP, the date, and the Respondent's name, address, phone, fax number, and email address.

## **2.6 Submittal Forms**

Provide, as a part of the Proposal, all required certifications and HUD forms, licenses, and proof of insurance. All forms that require a signature or initials must bear an original initial or signature.

## **2.7 Acceptance of Proposals**

Proposals must be signed, sealed, and received in completed form at the WHA, no later than the Proposal closing date and time. Proposals submitted after the designated closing date and time will not be accepted for any reason and will be returned unopened to the originator.

The WHA reserves the right to accept or reject any or all proposals, to take exception to these RFP specifications or to waive any formalities. Respondents may be excluded from further considerations for failure to comply with the specifications of this RFP.

The WHA also reserves the right to reject the proposal of Respondents, who have previously failed to perform properly or to complete on time, a contract of similar nature; that is not in a position to perform the contract. Alternatively, who habitually without just cause neglected the payment of bills or disregarded its obligations to subcontractors, providers of materials, or employees.

## **2.8 Time for Reviewing Proposals**

Proposals received prior to the closing date and time will be securely kept, unopened. No Proposals received after the closing date and time will be considered. All Proposals properly received will be evaluated by WHA's Evaluation Committee appointed by the Executive Director. The Evaluation Committee will analyze proposals within the 10 days of the date and time due and a recommendation for Award of Contract or not to award to the WHA Board of Commissioners.

## **2.9 Withdrawal of Proposals**

Proposals may be withdrawn by means of a written request or faxed requests dispatched by the Respondent in time for delivery in the normal course of business prior to the time fixed for receipt and must be signed by the Respondent. In addition, withdrawals must be postmarked prior to the date and time set for proposal opening. Negligence on the part to the Respondent in preparing their proposal confers no right to make modifications or withdraw proposal after the due date and time.

## **2.10 Award of Contract**

Contact shall be awarded to the Respondent submitting a proposal according to the evaluation criteria contained herein, provided the proposal is in the best interest of the WHA. The Respondent to whom the award is made will be notified at the earliest practical date.

### **2.11 HUD Debarment and Suspension List**

The Respondents and all subcontractors' names or businesses must not appear on the HUD's Debarment and Suspension list ([www.epls.gov](http://www.epls.gov)).

### **2.12 Certification of Legal Entity**

Prior to execution of the contract agreement, the Respondent shall certify that joint ventures, partnerships, team agreements, new corporations, or other entities that either exist or will be formally structured are, or will be, legal and binding under Texas State Law and the City of Weslaco, Texas.

### **2.13 Cost Borne by Respondent**

All cost related to the preparation of this RFP and any related activities are the responsibility of the Respondent. The WHA assumes no liability for any costs incurred by the Respondent throughout the entire selection process.

### **2.14 Best available Data**

All information contained in this RFP is the best data available to the WHA at the time of the RFP was prepared. The information given in the RFP is not intended as representation having binding legal effect. This information is furnished for the convenience of Respondents and the WHA assume no liability for any errors or omissions.

### **2.15 Contact with the WHA Staff, Board Members, and Residents**

Beyond the above referenced written communications, except for the current legal representative, respondents and their representatives may not make any other form of contact with the WHA Staff, Board Members, or Residents. Any improper contact by or on behalf of Respondents may be grounds for disqualification.

### **2.16 Licenses**

The awarded individual/firm or lead firm shall have and maintain all required licenses necessary to conduct business in the City of Weslaco and the State of Texas. All licenses must be kept up to date for the duration of the awarded contract. Copies of all licenses must be in the Procurement/Contract Office prior to contract execution.

### **2.17 Respondent Responsibilities**

Each Respondent is presumed by the WHA to have thoroughly studied this RFP and become familiar with the contents, locations, nature of requests, covered by the RFP. Any failure to understand completely any aspect of this RFP is the responsibility of the Respondent.

## **2.18 No Claim Against WHA**

The Respondent shall not obtain, by submitting a proposal in response to this RFP, any claim against WHA or WHA's property for reason of all or any part of any of the following: the selection process; the rejection of any or all offers; the acceptance of any offer; entering into any agreements or the failure to enter any agreements; any statement, representations, acts or omissions of the WHA or any person or entity acting on its behalf; the exercise of any discretion set forth in or concerning any of the foregoing; and any other matters arising out of the foregoing.

## **PART III – SUBMISSION REQUIREMENTS**

Listed below are the sections that must be included in Respondent's proposal. Each section must be clearly labeled using the bold-faced titles listed below. The required submission must be bound, and each section tabbed.

### **3.1 Company Information**

Please furnish a brief history of your company including how long you have been in business, major offices located in Weslaco, Texas and/or major offices located in the southern United States (Attachment C).

### **3.2 Staffing and Qualifications**

The Respondent must submit a concise description of its managerial and financial capacity to deliver the proposed services, including brief professional resumes for the persons identified within areas (5) and (6) of Attachment C, Form Profile of Firm. Such information shall include the proposer's qualifications to provide the services, a description of the background and current organization of the firm.

### **3.3 Relevant Experience and Past Performance**

The Respondent shall submit a listing of former or current clients, including the public housing authorities, for whom the proposer has performed similar or like services to those being proposed herein. The listing shall, at a minimum, include:

- a. The client's name;
- b. The client's contact name;
- c. The client's telephone number;
- d. A brief description and scope of the service(s) and the dates the services were provided.

### **3.4 Respondent's Approach and Response to Scope of Service**

3.4.1 Provide a detailed narrative that demonstrates the approach intended for use by the Respondent.

3.4.2 The approach outlined should be consistent with the objectives and requirements set forth in the RFP and should address how services will be immediately provided upon execution of a contract.

### 3.5 Proposal Cost

Respondents shall provide a firm total cost along with a detailed itemized breakdown of total cost. Please show all expected expenditure to include all anticipated travel. Unless otherwise stated, the proposed fees are all-inclusive of all related costs that the successful proposer 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 the WHA; etc. Any costs for approved travel required by the will be reimbursed at reasonable cost, as pre-approved by the WHA.

Item No.	Cost Year 1	Cost Year 2-3	Cost Option Years 4-5	U/M	Description
1	\$	\$	\$	Per Hour	Partner, including clerical
2	\$	\$	\$	Per Hour	Associate, including clerical
3	\$	\$	\$	Per Hour	Paralegal, including clerical
4	\$	\$	\$	Per Hour	Other Support Staff
5	\$	\$	\$	Each	Anticipated travel cost
6	\$	\$	\$	Each	<b>Reimbursable Copy Costs:</b> The successful proposer shall be responsible for paying for all typical copying costs necessary to provide the services on an hourly basis. However, in some cases, the WHA may require the successful proposer to copy certain documents in a quantity greater than required by the requirements within the preceding sentence. Such copying must have the prior written approval of the WHA and will be reimbursed to the successful proposee by the WHA at the rate proposed and/or negotiated.

### 3.6 Required Certifications/Forms

Each proposal shall contain a copy of the following HUD forms, which may be downloaded from the Procurement page of the WHA web site: [www.cowha.org](http://www.cowha.org).

A. Attachment A – Form HUD-5369-B, Instructions to Offerors – Non-Construction



- B. Attachment B – Form HUD 5369–C, Certifications and Representations of Offerors – Non-Construction Contract**
- C. Attachment C – Form Profile of Firm**
- D. Attachment D – Certification for Section 3 Business Preference**
- E. Attachment E – Form HUD 5370–C, General Conditions for Non-Construction Contracts**

#### **PART IV - SCOPE OF SERVICES**

#### **4.0 SCOPE OF WORK (SOW)/TECHNICAL SPECIFICATIONS (T/S)**

The WHA is seeking proposals from qualified, licensed, and bonded entities to provide the following detailed services:

#### **4.1 Specifications**

The WHA is seeking proposals from qualified licensed, insured, and bonded entities to provide a wide range of legal services. These services are a necessary supplement to the daily operation of the WHA. The successful proposer shall be the legal advisor to the WHA Board of Commissioners (BOC) and the WHA Executive Director (ED) and services include, but are not limited to the following:

4.1.1 Review of BOC meeting agendas; compliance with the Texas Open Meeting Law; governance requirements contained in the relevant Code of Federal Regulations (CFR), WHA policies and procedures and By-laws and actions that will put the WHA at risk for liability exposure;

4.1.2 Regulations pertaining to Federal, State and local government, including housing, real estate, procurement and contractual issues;

4.1.3 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 (ADA);

4.1.4 Employment issues, including personnel rules; collective bargaining agreements; discrimination and wrongful termination claims; worker’s compensation and compliance with OSHA requirements;

4.1.5 The WHA shall retain the right to have the successful proposer provide services in any matter that the WHA believes the legal firm is qualified to provide and if, in the opinion of the ED, it is in the best interests of the WHA to do so.

4.1.6 The successful proposer will only be providing work pertaining to legal issues commonly addressed by a legal counsel and the successful proposer will not be requested to provide any non-legal program work such as those commonly provided by professional services consulting firms.

4.1.7 As may be further detailed herein, the WHA may, on an as-needed basis, require the successful proposer to provide services pertaining to WHA-related matters within the

following areas, each pertaining to applicable Federal, State, and local regulations, statutes, laws and codes:

4.1.7.1 Human Resources;

4.1.7.2 Accounting, Finance and related audits;

4.1.7.3 Operations;

4.1.7.4 Maintenance;

4.1.7.5 Development and Modernization;

4.1.7.6 Information Technology;

4.1.7.7 Housing Programs;

4.1.7.8 Section 8;

4.1.7.9 U.S. Department of Housing and Urban Development (HUD);

4.1.7.10 Real Estate and Tax Credit; and

4.1.7.11 Any other matter the WHA needs services for.

4.1.8 Please note that the preceding is not intended to be an all-inclusive listing of all of the legal issues that the WHA may retain the successful proposer to provide but is intended to be a representative listing of issues that the WHA has previously required such services for.

4.1.8.1 If the successful proposer does not have in-house a qualified person to provide any services required by the WHA, the successful proposer may retain another counsel who has such qualified person. Such retention must have the prior written approval of the WHA. Any billing/payment for such additional counsel will be at the same hourly rate listed within the contract (meaning, the successful proposer may not add-on an additional amount to the contracted hourly fee for retaining and overseeing such additional counsel). As the WHA will contract with the successful proposer only, all ensuing payments for any contracted matter will be made by the WHA to the successful proposer only.

4.1.9 The WHA reserves the right to, at any time during the ensuing contract period, and without penalty to the legal counsel retained as a result of this RFP, conduct additional competitive solicitations to retain additional legal counsel when, in the opinion of the ED, it is in the best interests of the WHA to do so. Accordingly, the legal counsel retained as a result of this RFP shall have the right to also respond to any such additional solicitation process, if conducted.

#### **4.2 Current Contractor**

The WHA's current contractor for these services is as follows:

Marissa Carranza Hernandez, MACH Attorney at Law, PLLC, of Pharr, Texas who serves as General Counsel and handles matters of a general, civil nature and was last retained in December of 2017.

#### **4.3 Contract Terms**

The WHA anticipate that it will initially award a contract for a period of three (3) years with the option, at the WHA discretion, to renew for two additional one-year terms.

### **PART V - PROCUREMENT PROCESS**

#### **5.1 Evaluation Process**

The following procedures will be followed for the evaluation:

- A. An evaluation committee is formed.
- B. All submittals are evaluated individually on the Evaluation Criteria in Section 5.2. The evaluation will consist of a qualitative review of the proposal to determine how it meets the minimum requirements.
- C. The WHA reserves the right to make an award based solely on the proposal or to negotiate further with one or more proposers.
- D. The WHA may request that Respondents make oral presentations concerning their qualifications to the WHA's Evaluation Committee and/or the Board of Commissioners. Presentations will be scheduled by the WHA on an individual basis. Furthermore, the WHA may request either an on-site or telephonic interview with Respondents in which the Evaluation Committee has deemed competitive.
- E. The WHA reserves the right to make no award or decline to enter negotiations should it believe that no Respondent to this RFP would be capable of delivering the necessary level of service within an acceptable price range and/or the time period.

#### **5.2 Evaluation Criteria**

##### **A. Qualifications: 25 Points**

- A. Maximum consideration will be given to those Respondents having the greatest amount of experience in performing work as required herein, and who can demonstrate sufficient capacity to timely perform the work given current and projected workload.

##### **B. Relevant Experience and Past Performance: 35 Points**

- A. Maximum consideration will be given to those Respondents, who demonstrate through their submittal, a documented track record of successfully performing services of the same type required by this RFP.
- B. Maximum consideration will also be given to those Respondents who exhibit a successful track record of performing similar services for public housing authorities.

##### **C. Respondent's Approach and Response to Scope of Service: 15 Points**

- A. The Respondent's approach and response to the Scope of Service will be evaluated through an assessment of the proposal submitted.
- B. Maximum consideration will be given to those Respondents, who demonstrate through

their submittal, the ability and plan for performing the required work.

**D. Proposal Cost: 20 Points**

- A. Maximum consideration will be given to those Respondents, who demonstrate through their submittals, the ability to perform the required work at reasonable cost to the WHA.

**E. Local Business: 5 Points**

- A. Consideration will be given to those Respondents who maintain their “principal office” within Hidalgo County, Texas and demonstrate the ability to be personally available to the WHA on short notice.

**Additional Points:**

**Minority Business Enterprise (MBE) and Woman Business Enterprise (WBE) (Attachments B and C) And Section 3 (Attachment D) Participation:**

<b>MBE / WBE participation</b>	<b>10 points</b>
<b>Section 3 participation</b>	<b>10 points</b>

Maximum consideration will be given to those Respondents, who demonstrate through their submittals, that WHA’s stated participation goals, in terms of MBE, WBE, and Section 3 business enterprise contracting, and Section 3 resident employment and training, will be met.

**5.3 Summary of Evaluation Criteria**

**Technical:**

Qualifications	25 Points
Relevant Experience and Past Performance	35 Points
Respondent’s Approach/Response to Scope of Service	15 Points
Proposal Cost	20 Points
Local Business	<u>5 Points</u>
<b>Total</b>	<b>100 Points</b>

**ADDITIONAL POINTS:**

MBE and WBE Participation	10 Points
Section 3 Participation	<u>10 Points</u>
	<b>Total 20 Points</b>

**Total Possible Totals 120 Points**