



REQUEST FOR PROFESSIONAL LEGAL SERVICES

**COPIES OF REQUESTS FOR PROPOSALS MAY
BE OBTAINED COMMENCING MONDAY,
July 30, 2018 BEGINNING AT 9:00A.M.**

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ADVERTISEMENT

The Cape May Housing Authority invites proposals for Legal Services for Fiscal Year 2018-2019. Proposals will be accepted by the Cape May Housing Authority from any company or firm meeting the proposal requirements.

Proposals must be received no later than 2:00 p.m. on Thursday, August 16, 2018 at the Cape May Housing Authority office, 639 Lafayette Street, Cape May, New Jersey 08204. At that time, all proposals will be opened and read aloud publicly. The Cape May Housing Authority reserves the right to reject any or all proposals or waive any informality in the proposals. No contract shall exist until an agreement is signed with no penalty.

Copies of the Requests for Proposals and its documents may be obtained commencing Monday, July 30, 2018 at 9:00a.m. at the office of the Cape May Housing Authority, 639 Lafayette Street, Cape May, New Jersey 08204 from the undersigned.

**Carol Hackenberg, PHM
Executive Director**

Invitation for Proposals

Request for Proposal For Professional Legal Services

The Cape May Housing Authority (“CMHA” or “the Authority”) invites proposals for Professional Legal Services as follows:

For the retention of Professional Legal Services for a one-year period commencing October 1, 2018 to September 30, 2019.

Copies of the Requests for Proposals and its documents may be obtained commencing Monday, July 30, 2018 at 9:00AM at the offices of the Cape May Housing Authority, 639 Lafayette Street, Cape May, NJ 08204.

The Cape May Housing Authority reserves the right to reject any or all proposals or waive any informality in proposal(s).

All proposals shall be rated based upon conformity with the specifications attached.

Instructions for Mailing/Delivery of Proposal

The proposal documents shall be enclosed in an envelope, which shall be sealed and clearly labeled, “Professional Legal Services” – Not To Be Opened Until August 16, 2018 at 2:00p.m. Three copies will be sufficient.

The proposer shall be responsible for the placement of his/her firm’s name on the outside of the proposal envelope.

Requests for additional information should be directed to Carol Hackenberg, Executive Director, 639 Lafayette Street, Cape May, NJ 08204 or call at (609)884-8703.

**REQUEST FOR PROPOSAL FORM
PROFESSIONAL LEGAL SERVICES**

I. We, _____,
agree to perform the services requested in accordance with the
attached Scope of Services for the following:

FISCAL YEAR ENDING SEPTEMBER 30, 2019:

BILLING RATE PER HOUR _____

ESTIMATED MAN DAYS _____

COST FOR PERFORMING SERVICES _____

II. **Name, address, and telephone number of three references that the Cape
May Housing Authority may contact and explanation of relationship to
reference (i.e. proposer performed similar type of work to be used as reference).**

1. _____
_____ Relationship _____

2. _____
_____ Relationship _____

3. _____
_____ Relationship _____

III. **Other items attached to proposal:**
(Lead person should list required items).

Instructions to Proposers

I. Proposal Contents

A. All proposals shall be submitted on the attached form and must be signed and sealed by an officer of the proposing company. CMHA may refuse to consider a proposal if it is not on the form furnished, if there is any alteration to the form, if the proposal fails to comply in any way with the proposal requirements, or if the proposer fails to submit a complete package.

B. A complete proposal package shall consist of the following and shall be submitted in the order listed below:

1. Proposal form signed by the proposer and a witness. The signed form must be sealed if the proposer is a corporation.

2. Affidavit of Non-Collusion signed by proposer and notarized. The signed form must be sealed if the proposer is a corporation.

3. Affidavit of Non-Default signed by proposer and notarized. The forms must be sealed if the proposer is a corporation.

4. Drug-Free Workplace Certification signed and notarized with Attachment "A" listing sites where proposer is presently working for CMHA.

5. Evidence that proposer meets minimum qualifications.

6. Resumes of principals of firm and resumes of individuals assigned to work on the contract.

7. Summary of proposed work plan.

8. Summary of experience of firm performing similar work.

9. List references.

10. Further explanation of proposal, if required.

11. Other documents required by the Request for Proposal and listed on the proposal form.

C. Quotations are to adhere exactly to the specifications herein described. However, once proposers comply with the requirement, they are free to submit whatever alternative or additional proposal they deem suitable; and CMHA is free to accept or reject such alternative proposal.

D. Proposals must be submitted either typewritten, in ink, indelible pencil or ball-point pen. Erasures and/or corrections must be initialed by a responsible official.

E. Proposer must submit two copies of the proposal to the CMHA.

II. Opening of Proposals

A. Proposals received prior to the proposal opening date will be kept unopened until the specified proposal opening date. No responsibility will be attached to any officer or employee of the CMHA for the premature opening of a proposal not properly addressed and/or identified.

B. The envelope in which the proposals are mailed must be securely sealed and marked with the name of the services to be provided and addressed to the Cape May Housing Authority, 639 Lafayette Street, Cape May, N.J. 08204. Proposals will be received until the date and time set forth in the Invitation for Proposals (page 4 of this package) at which time they will be publicly opened and read aloud.

III. Interpretations

A. No oral interpretation or representation will be made to any proposal as to these instructions and specifications. Failure to do so will be at his/her risk. No warranty is made or implied as to the information contained in the Proposal Specifications.

B. Any request for an interpretation of specifications shall be directed in writing to the person named in the Invitation for Proposals (Page 4 of this package).

C. No inquiry received within five (5) days of the date fixed for opening of proposals will be given consideration.

D. Any information given to a prospective proposer concerning this request for proposals will be furnished to all prospective proposers as an amendment to the request for submitting a proposal, or if lack of such information would result in a competitive disadvantage to uniformed proposers. All such addenda shall become a part of these proposal documents. Failure of the Authority to send, or any proposer to receive, any such interpretation shall not relieve any proposer from an obligation under his/her proposal as submitted. It shall be the proposer's responsibility to make inquiry as to addenda issued.

IV. Audits

A. The successful proposer binds himself/herself to permit the CMHA and HUD to examine and/or audit at any time the records pertaining to the services provided.

V. Time for Review

A. The proposer agrees that the Authority shall be permitted a maximum of sixty (60) days from the date of opening of proposals for issuing a "Notice of Acceptance" and beginning contract negotiations with a proposer. This term may be extended:

1. By mutual agreement of the parties in writing; or
2. Automatically, if approval has not been received from HUD and if such approval is required.

VI. Rejection

A. The Authority reserves the right to reject any and all proposals and to waive any informality in proposals received whenever such rejection or waiver is in the interest of the Authority.

B. CMHA reserves the right to limit its Notice to Proceed to certain tasks or portions thereof, subject to available funding.

VII. Withdrawal of Proposals

A. Any withdrawal of proposal by telegram or by mail is authorized provided it is received prior to the time of the scheduled proposal opening. A proposal may also be withdrawn in person by the proposer or authorized representative, provided the representative's identity is made known and the representative signs a receipt for the proposal, but only if the withdrawal is made before the exact time set for opening of proposals.

B. The only acceptable evidence to establish the date of receipt of withdrawal sent either by registered or certified mail is the U.S. Postal Service postmark on the wrapper or on the original receipt form the U.S. Postal Service. If neither postmark shows a legible date, the withdrawal shall be considered to have been mailed late.

C. Negligence on the part of the proposer in preparing his/her proposal confers no right of withdrawal or modification of his/her proposal after such proposal has been opened.

VIII. Mathematical Error

A. In case of mathematical error in extension of prices in the proposal, the unit price shall govern.

IX. A. In selecting a contractor, the CMHA will consider the proposal price, the ability of the contractor to perform the Scope of Services (information in the proposal package), comments from references, and other information deemed relevant. The ability to perform will be measured by the ability of the contractor as demonstrated by financial stability and performance of similar contracts.

B. A Review Committee will be established to review and evaluate all proposals and to rate all proposers. The Review Committee will conduct a preliminary evaluation of all proposals and may contact references listed in the proposal. The Review Committee may recommend rejection of all proposals or may continue its review. Thereafter, the Review Committee may meet with proposers to obtain additional information or clarification. Thereafter, the Review Committee may negotiate the exact Scope of Services (which may include charges in the RFP and negotiation of price if deemed in the best interest of the CMHA) with the highest proposer, if a satisfactory proposed contract cannot be negotiated with the highest proposer, the negotiations will be terminated. The CMHA may then enter into negotiations with another qualified proposer, or the CMHA may re-advertise.

C. CMHA's Review Committee will make a recommendation to the CMHA's Board of Commissioners concerning award of a contract. The CMHA's Board of Commissioners may vote to authorize the CMHA's Executive Director to negotiate and conclude a contract with a proposer, subject to certain conditions. If a proposer is recommended for an award, the proposer will be asked to produce the documents listed below; and negotiations will continue.

1. Two copies of the proposed agreement signed and sealed by the proposer.
2. Two copies of the cover page of the specifications, signed by the proposer.
3. An original and a copy of the required insurance.
4. Other documents discussed during contract negotiations.

D. The CMHA's funding source must be approved before the Executive Director has the power to sign a contract.

E. Proposer acknowledges and agrees that no contract shall exist until signed by both parties. Additionally, until a recommendation of award has been officially made, any bidder will be deemed to have waived any all rights to obtain a contract with the CMHA or seek damages against the CMHA.

<p style="text-align: center;">PROPOSER EVALUATION RATING FACTORS PROFESSIONAL LEGAL SERVICES</p>
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All proposals received by the specified date shall be subject to an evaluation. Although the following criteria will be utilized in making the selection, no one single or multiple set of criteria used will be the determining factor in the selection of a proposer with whom the Cape May Housing Authority may commence negotiation of an agreement or in the final selection of Professional Legal Services firm.

The final contract award will be made upon basis of which of the submitted proposals best respond to the criteria listed below.

CRITERIA

1. Overall Legal approach and methodology (10 points).
2. Demonstrated experience and competence in the Legal Services of government agencies (15 points).
3. Proposer's knowledge of legal practices and procedures affecting the Housing Authority. Ability to analyze and interpret laws', regulations and legal documents; knowledge of federal, state, administrative, and municipal court proceedings; general background and practice in real estate law, including construction lending and permanent lending and tax-free bond lending for multi-family facilities; general litigation experience in New Jersey Superior Court, federal practice, and some degree of Appellate practice (25 points).
4. Capability and capacity to accomplish work within the required time period (15 points).
5. Specialized experience of key personnel in Housing Authority Programs (15 points).
6. Firm's Equal Opportunity Policy. Each proposer must ensure that all employees and applicants for employment are not discriminated against because of race, color, religion, sex, or national origin (10 points).
7. Professional Legal Fee (10 points)

Affidavit of Non-Collusion
(Prime Proposer)

State of }
 }
County of }

ss.

_____, being duly sworn according to law, deposes and says:

1. That he/she is _____, (a partner/officer of _____) the firm making the foregoing proposal; that such proposal is genuine and not collusive or sham; that said proposer has not colluded, conspired, convened, or agreed – directly or indirectly – with any proposer or person, to put in a sham proposal or to refrain from proposing, and has not, in any manner – directly or indirectly – sought by agreement or collusion, or communication or conference, with any person, to fix the proposal price of affiant or of any other proposer, or to fix any overhead, profit or cost element of said proposal price, or of that of any other proposer, or to secure any advantage against the Cape May Housing Authority, or any person interested in the proposed contract; and that all statements in said proposal are true.

2. The proposer further certifies that he/she has not been convicted or found liable for any act prohibited by state or federal law involving conspiracy or collusion with respect to proposing or bidding on any public contract within the last three years. Such act or conviction does not automatically disqualify a proposer, but may be grounds for administrative suspension or grounds for consideration by CMHA as to whether or not CMHA should decline to award a contract to such a proposer on the basis of a lack of responsibility. If proposer has been convicted of any act prohibited by state or federal law involving collusion with respect to proposing or bidding on any public contract within the past three years, proposer should attach an explanation of the circumstances of that conviction:

Firm Name
BY: _____

Signature of proposer if the proposer is an individual

Sworn to and subscribed
Before me this _____
day of _____, 2018

Signature of partner if the proposer is a partnership

Notary Public
(SEAL)

Signature of partner if the proposer is a partnership

Title

SCOPE OF SERVICES

The Housing Authority of the City of Cape May requests proposals for the retention of Legal services for a one year period from October 1, 2018 to September 30, 2019.

Criteria

Education and experience: A jurist Doctorate Degree and a minimum of five-years of experience with a public agency preferably with a public housing authority. A license to practice in the State of New Jersey is a requirement.

Scope of Responsibility

Serve as legal counsel for the Housing Authority of the City of Cape May in court proceedings and litigation; preparation of legal documents such as contracts, leases, petitions, depositions, answers, and motions; advise managerial staff on matters pertaining to legal rights, obligations, and other phases of law as it pertains to the Housing Authority of the City of Cape May; conduct tenant grievance hearings and employee grievance conferences, when appropriate; represent the Authority at fact-finding conferences concerning EEO complaints; compile evidence in cases to formulate defense or to initiate legal action; review procurement contracts, bid proposals, and professional service agreements for compliance with standard operating procedures and local, state, and federal law; research, analyze, and develop and/or provide opinions toward the development of Authority-wide policies and procedures to ensure compliance with applicable laws and regulations; interface with HUD legal counsel in order to comply with changing regulations on law, low-rent housing programs, and for approval of contracts; review constitution, legislative decisions, and other legal documents for compliance with applicable laws and regulations, and to provide legal advice; serve as legal counsel to and advise the Board of Commissioners; and must attend all Board Meetings.

Knowledge, Skills and Abilities

Knowledge of legal practices and procedures affecting the Housing Authority and its programs; ability to analyze and interpret law's regulations and legal documents; ability to communicate orally and in writing; knowledge of federal, state, administrative, and municipal court proceedings; ability to maintain effective working relations with employees and the general public; general background and practice in real estate law, including construction lending and permanent lending and tax-free bond lending for multi-family facilities; general litigation experience in New Jersey Superior Court, Federal practice, and some degree of Appellate practice.

Retainage Fee

Please explain what services would be provided with regard to the retainage fee and the dollar amount for such retainage.

NOTE: The above-listed criteria is not – nor should it be construed to be – an exhaustive list of all responsibilities, skills, efforts, or working conditions associated with this Request for Proposal and the employment with the Authority.

Elements of the Proposal

Experience

Qualifications shall be evaluated according to a weighted system, which is available for review.

<u>Check one in each section</u>	<u>Weights</u>
A. General Experience	
• Less than seven years	<input type="radio"/>
• Over seven years	<input type="radio"/>
B. Landlord/Tenant	
• Zero to three years	<input type="radio"/>
• Three to seven years	<input type="radio"/>
• Seven to fifteen years	<input type="radio"/>
• Over fifteen years	<input type="radio"/>
C. Fair Housing Complaints	
• Zero to three years	<input type="radio"/>
• Three to seven years	<input type="radio"/>
• Seven to fifteen years	<input type="radio"/>
• Over fifteen years	<input type="radio"/>
D. CONTRACT	
• Zero to three years	<input type="radio"/>
• Three to seven years	<input type="radio"/>
• Seven to fifteen years	<input type="radio"/>
• Over fifteen years	<input type="radio"/>
E. Litigation	
• Zero to three years	<input type="radio"/>
• Three to seven years	<input type="radio"/>
• Seven to fifteen years	<input type="radio"/>
• Over fifteen years	<input type="radio"/>
F. Collection	
• Zero to three years	<input type="radio"/>
• Three to seven years	<input type="radio"/>
• Seven to fifteen years	<input type="radio"/>
• Over fifteen years	<input type="radio"/>

G. Labor/Management Negotiations

- Zero to three years
- Three to seven years
- Seven to fifteen years
- Over fifteen years

H. Grievance Proceedings

- Zero to three years
- Three to seven years
- Seven to fifteen years
- Over fifteen years

I. Legal Experience Regarding Housing Issues

- Zero to three years
- Three to seven years
- Seven to fifteen years
- Over fifteen years

J. Administrative Law

- Zero to three years
- Three to seven years
- Seven to fifteen years
- Over fifteen years

K. Real Estate Acquisition

- Zero to three years
- Three to seven years
- Seven to fifteen years
- Over fifteen years

L. Experience in Representing a NJ-PHA

- Zero to three years
- Three to seven years
- Seven to fifteen years
- Over fifteen years

M. Experience in Negotiating with U.S. Department of HUD

- Zero to three years
- Three to seven years
- Seven to fifteen years
- Over fifteen years

N. Knowledge & Experience – Federal Housing Statutes & Regulations

- Less than seven years
- Over seven years

O. Experience – NJ Municipal Zoning & Planning

- Less than seven years
- Over seven years

P. Experience – Tax-Free Bond Issues on Multi-Family Units

- Less than seven years
- Over seven years

Resources

Secretarial or Administrative Staff

- One
- Two
- Three or more

Office Equipment

Computer Capability

- None
- Computer(s)

Fax Machine

- None
- Fax Machine(s)

Proximity to Housing Office

- Zero to five miles
- Five to ten miles
- Over ten miles

Fee for Legal Services (Per Hour)

- \$125.00 per hour or less
- \$126.00 to \$175.00 per hour
- Over \$175.00 per hour

Please attach resume addressing applicant's ability to meet the following:

1. Criteria
2. Scope of responsibility
3. Knowledge, skills and abilities

An Interview may be required

Cape May Housing Authority General Conditions
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1. **Organization:**

Contractor must be organized under the laws of the State of New Jersey or licensed to do business in the state. The CMHA may request a copy of documentation evidencing such organization or license prior to the execution of a contract.

2. **Cancellation by Contractor:**

Contractor must be given a ninety-day (90) day written notice prior to cancellation of the contract.

3. **Board Approval:**

Any contract is subject to cancellation and rejection by the members of the Cape May Housing Authority Board of Commissioners without liability. Therefore, at their next regularly scheduled, properly convened meeting following the date hereof, notwithstanding any contrary statements or representations of any member, officer, or employee of the Cape May Housing Authority, the Board of Commissioners has the power or authority to waive or limit the effect of this paragraph nor the control of the members of the Cape May Housing Authority over the approval of any contract. In the event that the members of the CMHA Board of Commissioners cancel or reject this contract at their aforesaid meeting, the contract shall be null and void and of no effect as to the Cape May Housing Authority; and there shall be no liability on the part of the Cape May Housing Authority hereunder.

4. **Changes:**

A. No changes, additions, or deletions shall be made to the contract without prior written consent of the CMHA. All amendments must be signed by both parties.

B. Any changes in the Scope of Services agreed to by the parties shall not invalidate the contract, nor shall it release the contractor from any guaranty given by him pursuant to the contract, or release the contractor from any other obligations of the contract. All such work shall be executed under the conditions of the contract for an amount agreed to by the CMHA and the Contractor.

AFFIDAVIT OF NON-DEFAULT

AFFIDAVIT
(PRIME PROPOSER)

STATE OF _____ :

COUNTY OF _____ : SS.

_____, being duly sworn according to law, deposes and says;
1 that he/she is _____ (a partner/officer of the firm of _____ et.), the party making the foregoing Proposal or Proposals.

2. He/she further certifies as follows:

(1) that all the statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith.

(2) that for the period beginning (10) years ago the date of this certification, and except as shown by me on the attachment, I have not experienced defaults or non-compliance under any contract for the U.S. Department of Housing and Urban Developments, or any other governmental agency with which I have contracts.

(3) to the best of my knowledge there are no unresolved findings raised as a result of HUD work under any of my contracts.

(4) there has not been a suspension or termination of payments under any HUD contract in which I have had a legal or beneficial interest attributable to my fault or negligence.

(5) I have not been convicted of a felony and am not presently, to my knowledge, the subject of a complaint or any indictment charging a felony. (A felony is any offense that is punishable by imprisonment for more than one year, but does not include any offense classified as a misdemeanor under the laws of a state or punishable by imprisonment for two years or less).

(6) I have not been suspended, debarred, or otherwise restricted by any Department or Agency of the Federal Government of any State Government or of the City of Cape May or the Cape May Housing Authority or from doing business with such Department or Agency.

(7) I have not defaulted on an obligation covered by a bond and have not been the subject of a claim under any fidelity bond.

(8) all the names of the parties, known to be principals in this contract, in which I propose to participated are included on resumes submitted with this proposal.

(9) to my knowledge I have not been found by HUD or the state of New Jersey to be in non-compliance with any of the applicable civil rights laws.

(10) I am not a Member of Congress or a Resident Commissioner, nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.

(11) I am not an officer, employee, or commissioner of the Cape May Housing Authority who is prohibited or limited by law from contracting with the Cape May Housing Authority.

(12) for the period of beginning (5) years prior to the date of this certification, and except as shown by me on the attachment, I have not been suspended, debarred, or otherwise disqualified by the U.S. Department of Housing and Urban Development, or any other governmental agency with which I have contracted, from doing business with any governmental agency.

(13) statements above (if any) to which I cannot certify have been deleted by striking through the words with a pen. I have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances which I think helps to qualify me as a responsible principal for participating in this project.

Firm's Name

By:

Signature of Proposer if the Proposer is an Individual

Sworn to and subscribed
Before me this _____
Day of _____, 2018

Signature of Partner if the Proposer is a Partnership

Signature of Officer if the Proposer is a Corporation

Notary Public

(Title)

Drug-Free Workplace Certification

Drug-Free Workplace Act of 1988
41 U.S.C. 701, et seq.
54 Fed. Reg. 4945, et seq.

The _____ (name of contractor), hereafter “the contractor”) certifies that it will provide a drug-free workplace by:

A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Contractor’s work place and specifying the actions that will be taken against employees for violation of such prohibition;

B. Establishing a drug-free awareness program to inform employees about:

1. The dangers of drug abuse in the workplace;
2. The contractor’s policy of maintaining a drug-free workplace;
3. Any available drug counseling, rehabilitation, and employee assistance programs; and
4. The penalties that may be imposed upon employees for violations occurring in the workplace;

C. Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by Paragraph A;

D. Notifying the employee in the statement required by Paragraph A that, as a condition of employment under the contract, the employee will;

1. Abide by the terms of the statement; and
2. Notify the contractor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;

E. Notify the Cape May Housing Authority (CMHA) within ten (10) days after receiving notice under Subparagraph D2 from an employee or otherwise receiving actual notice of such conviction;

F. Taking one of the following actions, within thirty (30) days of receiving notice under Subparagraph D2 with respect to any employee who is convicted:

1. Taking appropriate personnel action against such employee, up to and including termination; or

2. Requiring such employee to participate satisfactorily in a drug-abuse assistance or rehabilitation program approved for such purposes by federal, state, or local health, law enforcement, or other appropriate agency.

G. Making good-faith effort to continue to maintain a drug-free workplace through implementation of Paragraphs A, B, C, D, E, and F.

A listing of sites for performance of work done in connection with contracts between the contractor and the CMHA is annexed hereto as Exhibit "A".

Dated: _____, 2018

Name of Contractor

Signature of president or appropriate party

Sworn to and subscribed
Before me this _____
Day of _____, 2018

Notary Public (SEAL)

Attach Exhibit "A"