

# **TOWN OF WESTERLY HOUSING AUTHORITY**

5 CHESTNUT STREET, WESTERLY, RHODE ISLAND, 02891  
TELEPHONE (401)596-4918/ FAX (401)348-0714

REQUEST FOR PROPOSALS  
A/E PROFESSIONAL SERVICES  
FOR  
RENOVATIONS AND IMPROVEMENTS  
AT  
WESTERLY HOUSING AUTHORITY  
9 DIXON STREET & 5 CHESTNUT STREET

## **WESTERLY HOUSING AUTHORITY** **LANDLORD/TENANT AND RELATED LEGAL COUNSEL**

### **BACKGROUND**

The Westerly Housing Authority is requesting proposals for professional services necessary to prepare specifications and blueprints for completion of renovations and improvements under HUD's Capital Improvements

### **SCOPE OF SERVICES**

#### **LEGAL COUNSEL FOR THE WESTERLY HOUSING AUTHORITY TO REPRESENT ON VARIOUS HOUSING LEGAL MATTER INCLUDING RESIDENT AND LEASE INFRACTIONS,**

The interested party should contact **Lucienne Andrew, Executive Director** at **401-596-4918** or **landrew@westerlyhousing.org** for information or to inspect the properties.

### **PROPOSAL CONTENT**

In submitting a proposal, the company is asked to provide current background data on their firm and principal employees. The proposal should contain examples of work completed, which is similar to proposed work. Finally, the proposal should contain a fee for the scope of work.

Any Bidder which is a corporation not chartered under the laws of the State of Rhode Island must submit an affidavit certifying that said corporation is authorized to do business in the State of Rhode Island. Bidders are also required to comply with the requirements of Public Law 1975, c.127 which pertains to "Non-Discrimination" and "Affirmative Action", and Public Law 1977, c.33, which requires a Statement of Corporate Ownership, Bidders are also required to comply with Form HUD-5370 EZ, General Contract Conditions for Small Construction/Development Contracts.



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Authority reserves the right to reject any or all resumes and to accept the resume it deems to be in the best interest of the Authority. Bids over Two Thousand Dollars require compliance with the Davis Bacon Act (Prevailing Wage) and submission of required compliance documents.

## SELECTION PROCESS

The Housing authority will evaluate proposals and make a decision based on the following factors:

1. Evidence of ability to perform the work as indicated by the profile of the principles and staffs' professional and technical competence and experience of their facilities;
2. Capability to provide professional services in a timely manner;
3. Past performance in terms of cost control, quality of work, and compliance with performance schedules for similar projects;
4. Price and;
5. Other factors, such as Minority and Women's Business or Indian preference requirements determined to be appropriate by the Housing Authority.

A selection will be made based on the Authority's opinion of the proposal which most comprehensively responds to the needs of the Housing Authority, with all factors coming under consideration.

## SUBMISSION SCHEDULE

Please submit proposals by **October 8<sup>th</sup>, 2021** to:

**Lucienne Andrew**

**Westerly Housing Authority, 5 Chestnut Street, Westerly, R.I. 02891** or email:  
**landrew@westerlyhousing.org.**



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## **RFP Landlord/Tenant and Related Legal Services**

### **1. INTRODUCTION AND GENERAL INFORMATION**

#### **A. PURPOSE**

The Westerly Housing Authority, Rhode Island (the Authority) is seeking the services of one or more qualified law firms or attorneys to serve as its legal counsel for landlord/tenant related legal actions in the District and Superior Courts of the State of Rhode Island and for such other legal and/or administrative proceedings as may be determined by the Authority.

#### **B. BACKGROUND**

In accordance with Rhode Island General Law (§45-25-1 et seq), As part of its goals and objectives, the Authority is mandated to plan, develop, and operate affordable, safe and decent housing to serve lower income residents of Westerly, Rhode Island. A significant portion of the funds required to develop and operate the Authority's housing facilities and housing assistance programs is provided by the United States Department of Housing and Urban Development. The Authority and its operations are subject to and regulated in accordance with applicable Federal, State and local laws, rules and regulations and ordinances.

The powers of the Authority are vested in six (6) commissioners. The commissioners employ an Executive Director and have authorized her to administer, to manage, and to direct the offices and business of the Authority, subject to the policies, control, and direction of the commissioners

In the City of Westerly, the Authority owns and operates approximately 123 dwelling units of public housing (the housing), located in nine developments, made up of a mixture of elderly, elderly/handicapped, and family developments and numerous scattered sites. The Authority also administers and provides Housing Assistance payments for approximately 198 Section 8 participants.

#### **C. DESCRIPTION OF PROJECT**

This project is to procure legal services from one or more duly licensed attorneys/firms to assist and represent the Authority in legal proceedings pertaining to landlord/tenant and related housing assistance matters. The initial term is one year with an option for the Authority to renew annually for up to four (4) additional years; five (5) years total.



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## **II. SCOPE OF SERVICES**

The selected firm or attorney(s) will be required to provide the following range of services to the Authority on an ongoing, as need, basis during the term of an agreement to be negotiated by the parties for Legal Services:

- A. Attending and representing the Authority at meetings when requested.
- B. Attending and representing the Authority at grievance hearings and/or other regulatory or administrative hearings.
- C. Preparing, filing, serving, reviewing, and managing of legal pleadings, documents, papers, contracts, waivers and appearing on behalf of the Authority in eviction and other legal proceedings.
- D. Perform such other legal drafting as may be required.
- E. Appearing and representing the Authority in legal actions and proceedings commenced in State Courts of the State of Rhode Island.
- F. Appearing and representing the Authority in legal actions and proceedings commenced at the RI Commission for Human Rights.
- G. Advising and assisting the Authority in handling of all legal questions and matters arising under rental occupancy agreements and applicable Federal and State Laws and regulations.
- H. Giving notice to and consulting with the Authority's General Counsel in cases and matters involving claims against the Authority.
- I. Providing monthly reporting and billing of all activities undertaken on behalf of Authority related to projects developed, owned and/or operated by the Authority and to programs administered by the Authority.
- J. Assist the Authority in such other matters related to its operations as may from time to time become necessary.

A Respondent who believes that specific other services are necessary and appropriate may offer such services. Any services that exceed the scope of this RFP must be clearly identified.

## **III. PROPOSAL FORMAT AND CONTENT**

### **1. Submittal Format**

**Proposals must include the following:**

- a) Cover Letter
- b) Executive Summary
- c) Introduction to the Firm/Attorney
- d) Project Staffing and Subcontractors
- e) Understanding the Authority
- f) Descriptions of all Legal Fees and Costs
- g) References
- h) Other Required Information
- i) Appendices



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## **2. Submittal Content**

- a) The **Cover Letter** must contain a brief summary of the key points of the Proposal. It must also include:
- I. identification of the Respondent's staff members involved in the project;
  - II. an acknowledgement of receipt of this RFP, all RFP addenda (if any), and a statement that it is understood that all conditions contained in this RFP can be incorporated into any resulting contract;
  - III. a statement that the Proposal will remain in effect for sixty (60) days after receipt by the Authority;
  - IV. a statement affirming that all information contained in the Respondent's Proposal is factual and is accurate (deliberately misrepresenting facts will be grounds for dismissal from consideration on this project);
  - V. the signature of an individual who is authorized to bind the legal consultant contractually.
- b) **Executive Summary**: Concisely highlight the key points of your Proposal.
- c) **Introduction to the Firm**: Describe the firm's experience with landlord/tenant matters and public housing programs. This section shall include a clear delineation of Respondent's qualifications in the provision of legal services and a representative list of current or former clients. If you were discharged or lost any such engagement in any way, please explain.
- d) **Project Staffing and Subcontractors**: Identify all key personnel and intended subcontractors. All key personnel who will have authority to enter an appearance in any Court of Law on behalf of the Authority must be a licensed attorney. All subcontractors shall be duly licensed and insured to provide any services rendered on behalf of the Authority. A brief summary of experience relevant to this project must be provided. This section should indicate the level of commitment, approximate number of hours, and assignments of key personnel and any subcontractors. Resumes should be included in this section, as well as professional certifications.
- e) **Understanding the Authority**: Comment on matters that affect public housing tenants and matters pertinent to the Authority within the State of Rhode Island, to demonstrate your ability to meet the criteria set forth in Section IV.A.1. of this RFP.
- f) **Description of all Legal Fees and Related Costs**: (A) Provide separate quotations of: i. Hourly fees with ceiling price per case; and ii. Fixed prices/fees for each type of action commenced (i.e. non-payment vs for cause) in District Court; (B) Proposed hourly rate for providing other legal and/or related services; (C) Describe all reimbursable and other expenses (including filing and Sheriff's/Constable fees).



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- g) **References:** The names, addresses, and telephone numbers of at least three clients whom the Respondent has listed in response to section III.B.2.c. Emphasis should be placed on current clients to which advice or legal services are provided for landlord/tenant related matters.
- h) **Other Required Information:**
- I. Disclose and describe any conflict of interest that might arise for your firm in connection with this engagement.
  - II. Describe any regulatory or criminal investigation or pertinent litigation involving your firm that could affect your ability to serve as outside counsel.
  - III. Indicate which sheriff or constable(s) you propose to utilize to serve process. (The proposed firm(s) shall be subject to the Authority's approval.)
  - IV. Discuss any other information that you believe the Authority should consider in evaluating your Proposal.
- i) **Appendices:** may include any information not solicited that the Respondent believes to be relevant and important to the understanding of the Proposal. Unnecessary attachments are strongly discouraged.

## **4. PROPRIETARY INFORMATION**

All Proposals become the property of the Authority and may be subject to public review. If any proprietary information is contained in or attached to the written Proposal, it must be clearly identified for the Authority to ensure protection of such information.

## **IV. EVALUATION AND SELECTION PROCESS**

### **A. EVALUATION CRITERIA**

The following factors will be considered by the Evaluation Committee; although some factors are more important than others, all factors are considered necessary:

1. **Experience of Respondent:**
  - a. General experience of the Respondent as an attorney or law firm, including:
    - I. demonstrated understanding of the critical issues and potential difficulties involved with management of housing facilities that are owned and operated by state or local governments;
    - II. awareness of critical matters that affect Public Housing Authority's receiving and administrating financial assistance from the U.S. Department of Housing and Urban Development; and,
    - III. demonstrated understanding and familiarity with Rhode Island Landlord Tenant law and eviction procedures and practices; and,
    - IV. resources and ability to move quickly to undertake and complete required services.



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- b. Evidence of past successful work of a similar nature.
- c. Expertise of assigned personnel.  
Qualifications and favorable references for key personnel, and sub-contractors and consultants, if any.

## **2. Fee Proposal:**

- a. Separately state the following billing options:
  - I. Hourly fee for District Court Landlord/Tenant Cases with ceiling price for each type of action commenced in District Court (i.e. non-payment vs for cause) that the contractor exceeds at its own risk; and
  - II. Fixed fee for each type of action commenced in District Court (i.e. non-payment vs for cause).
- b. Hourly rates for providing all other legal services not included above (i.e. Superior Court, Administrative Hearing, Regulatory proceedings, etc.).
- c. Statement/Price of reimbursable expenses and/or other fees or costs.

## **B. NEGOTIATION OF CONTRACT**

The evaluation will result in the choice of one or more selected Respondent(s). The Authority will seek to negotiate a contract with selected Respondent(s) to advise and assist the Authority in landlord/tenant and other legal matters. The Respondent's proposed work program must be developed in sufficient detail so that it is capable of serving as an attachment in any resulting contract.

If the Authority is unable to negotiate a satisfactory contract with one or more of the selected Respondents within a reasonable time, the Authority reserves the right to negotiate with any or all of the other Respondents without advertisement or the issuance of another RFP.

The contract(s) which ultimately may result from this RFP will be governed by the laws of the State of Rhode Island and applicable HUD requirements.

## **V. TERMS AND AGREEMENTS**

### **A. TERM OF CONTRACT**

The initial term of the contract will be for a period of one year with up to four (4) subsequent annual renewals at the PHA's discretion.

### **B. EQUAL OPPORTUNITY COMPLIANCE**

The selected Respondent must agree to abide by and follow all applicable Federal and State Minority Hiring laws, Equal Opportunity Employment Rules and Regulations, and Executive Orders and any and all other applicable Rhode Island employment laws, rules or regulations.



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## **C. HANDICAPPED**

The selected Respondent will not discriminate against any employee or application for employment because of physical or mental handicap for any position for which the employee or applicant is qualified, and in the event of noncompliance, the Authority may declare the selected Respondent in breach and take any necessary legal recourse, including termination or cancellation of the contract.

## **D. RELATIONSHIP AS INDEPENDENT CONTRACTOR**

The relationship of the selected Respondents with the Authority under any resulting contract shall be that of independent contractor. Nothing in this RFP or any resulting contract shall be construed to designate the selected Respondent, or any of its employees or subcontractors, as employees, agents, joint venturers, or partners of the Authority.

## **E. CONFLICT OF INTEREST**

A Respondent submitting a Proposal thereby certifies that: No officer, agent, or employee of the Corporation has a pecuniary interest in the Proposal or has participated in contract negotiations on the part of the Respondent; the Proposal is made in good faith without fraud, collusion, or connection of any kind with any other Respondent for the same call for Proposals; and, the Respondent is competing solely in his/her/its own behalf without connection with, or obligation to, any undisclosed person or firm.

## **F. TERMINATION**

1. If the selected Respondent or the Authority fails to fulfill in a timely and proper manner its obligations, or if either party violates any of the agreements of the negotiated contract, either party shall have the right to terminate the contract by giving written notice to the other party. Termination of the contract shall in no way limit any legal rights of either party.
2. The Authority reserves the right to terminate the contract without cause at any time by giving the selected Respondent ten (10) days' written notice. The selected Respondent shall be entitled to reasonable compensation for any services rendered prior to the date of termination subject to damages the Authority may have suffered due to breach of contract. Any finished or unfinished work prepared on behalf of the Authority shall become the property of the Authority.
3. Any resulting contract may be considered null and void if it is learned that the selected Respondent deliberately misrepresented facts or provided false information in the Proposal or to the Authority.





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## **H. BILLING PROCEDURES**

Final billing procedures shall be negotiated during development of the contract.

Respondents will be required to provide separate Invoices for each PHA Development (AMP) and Invoices must contain date, name, address, phone number, purchase-order number or contract number, amount due, and summary of each matter pending and description of the work done.

## **I. INSURANCE**

The selected Respondent, prior to contract execution, may be required to submit a valid, currently dated Certificate of Insurance that is satisfactory to the Authority as evidence that the selected Respondent is adequately insured throughout the period of the contract by a recognized and responsible insurer authorized to do business in Rhode Island. Minimum limits shall include:

- Comprehensive General Liability, \$1,000,000 Combined Single Limit;
- Business Automobile, \$500,000 Combined Single Limit;
- Malpractice / Errors and Omissions, \$1,000,000; and,
- Workers' Compensation Coverage as required by Rhode Island state law.

The Certificate of Insurance should name the Authority as an additional named insured. Any exclusions or exceptions to the types of claims and amounts which may be collected against a legitimate claim must be clearly delineated. The insurer will be required to provide the Authority with notification of any cancellation or change in the insurance coverage during the period of the contract between the selected Respondent and the Authority. Such notification must be made not less than thirty (30) days prior to the date said cancellation or change becomes effective.

Failure to maintain the insurance required shall be cause for immediate termination of the contract by the Authority.

The Authority reserves the right to consider and accept alternate forms and plans of insurance or to require additional or more extensive coverage for any individual requirement. The requirement for Workers' Compensation coverage shall not be waived when required.

