

GAINESVILLE HOUSING AUTHORITY

Request for Qualifications Labor and Employment Legal Services



RFQ 2020-015

Closing November 20, 2020 at 5:00 PM EST

Pamela E. Davis

10/15/2020

GAINESVILLE HOUSING AUTHORITY

Where Housing Matters

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Advertisement for Request for Qualifications (RFQ)

The Gainesville Housing Authority (GHA) herein solicits Request for Qualifications (RFQ) from qualified, licensed, and responsible firms interested in providing GHA with Labor and Employment Legal Services (RFQ 2020-015).

Date and Time for Receiving Proposals:
Friday, November 20, 2020 by 5:00 p.m. EST

Proposals are to be submitted electronically through Demand Star at
<https://network.demandstar.com>

Specifications and instructions for proposal submission and the criteria that will be used to evaluate submissions are available at:
PamelaD@gnvha.org or www.gainesvillehousingauthority.org

By: Ms. Pamela E. Davis, CEO
Gainesville Housing Authority, Gainesville Florida

Gainesville Housing Authority is an Equal Opportunity Employer



OCT. 16, 23, 2020 -GVILLE SUN
OCT. 21, 2020 GUARDIAN

I. BACKGROUND

The Gainesville Housing Authority (GHA) Chief Executive Officer (CEO) and Board of Directors (BOD) are reviewing qualifications for legal services.

Since our establishment in 1966, by a charter of the City of Gainesville, Gainesville Housing Authority (GHA) has been committed to advocating and providing affordable housing for eligible individuals and families. GHA works closely with the U.S. Department of HUD, the City and area agencies and organizations to provide services and opportunities, not only to our residents, but to the entire community. Gainesville Housing Authority includes a 5 member Board of Commissioners and 44 staff members.

The Authority desires to provide additional housing opportunities to low and low to moderate-income residents of Alachua County located in northwest Florida. The Authority is a dual program authority with public housing (ACC) capacity and administers the Housing Choice Voucher Program sponsored by the United States Department of Housing and Urban Development (HUD).

The Mission: Gainesville Housing Authority (GHA) is an innovative, performance-driven, customer-focused business; advocating for preserving and developing quality affordable housing and self-sufficiency opportunities.

The Vision: Gainesville Housing Authority (GHA) will be the leader in developing affordable housing while promoting self-sufficiency and improving the quality of life for members of the community.

The Authority has multiple public housing properties and desires to construct either new development and/or consider redevelopment, or rehabilitation of public housing properties through a public/private partnership with a qualified developer. The selected company will also be required to provide legal services for our non-profit organization – Gainesville Housing Development and Management Corporation (GHDMC)

The Authority has approximately 1,775 Housing Choice Vouchers, 543 Public Housing units, and 28 Affordable Housing units.

II. SCOPE OF LEGAL SERVICES REQUIRED

GHA intends to award a contract to a qualified lawyer or firm to provide labor and employment legal services necessary for the operation of the agency. The attorney or firm selected should at a minimum be able to provide the following services:

1. Provide legal advice and represent the Authority in legal matters which include, but are not limited to: employment contract review, employee leaves of absence, unemployment benefits, and retirement benefits.
2. Provide legal advice and represent the Authority in legal matters which include compliance with, but are not limited to: FMLA/CFRA, ADA, Title VII, ADEA, FLSA, PEPR, and applicable State Laws.
3. Provide legal advice and represent the Authority in legal matters which include, but are not limited to: wrongful termination, reasonable accommodations, retaliation, discrimination, harassment, and reductions in workforce; wage, hour and overtime standards; disciplinary actions; grievance processing and responses; collective bargaining and labor contract application and interpretation; employment-related meetings, hearings, litigation and binding arbitrations; conduct review and analysis in hiring and termination practices, workplace policies and procedures.
4. Be accessible to provide legal assistance to the Authority on an emergency basis.
5. Assist and cooperate with the Authority, its officers, agents, and employees on all labor and employment legal matters pertaining to the Authority.
6. Make written or oral reports to the Board as necessary regarding status of any legal actions in which the Authority may be involved.
7. Provide updated regarding legal developments that may impact the Authority.
8. Render legal services required in connection with claims against the Authority and conduct of litigation to which the Authority may be a party.
9. Represent the Authority in all legal proceedings required in the enforcement of Authority labor and employment practices and policies.
10. Assist in preparing labor and/or employment related correspondence or other documents as may be necessary to protect the Authority's interest for both the present and future.
11. Assist in the interpretation of regulations by Local, State, and Federal agencies.
12. Provide training as requested on compliance with labor and employment related laws and ordinances.

In submitting a response, the RFQ responder acknowledges that GHA shall not compensate the responder for any submission or contract negotiation costs, including costs of preparation, appearances for interviews, and/or travel expenses. It is essential that the responder selected as General Counsel will have the necessary knowledge, skills, and experience to implement all aspects of the work. All work is to be performed with the highest degree of professional standards, in compliance with HUD regulations, GHA policies and procedures, criteria and requirements, and State and local laws and regulations.

III. PROPOSAL REQUIREMENTS:

Each response should include:

1. Statement of Responder's Qualifications and Experience

This statement should include a brief biographical summary of the principal members of the firm with a highlight of the individual(s) who would primarily serve GHA. Three (3) appropriate references should be included from clients with similar types of needs such as governmental, nonprofit or Housing Authority bodies or groups. Provide client name, contract name, address, and telephone number and indicate length and nature of relationship with the entity.

The response should supply the following information (not all inclusive):

- a. Qualifications/Experience of the firm
- b. Qualifications/Experience of the individual(s) performing the services
- c. Professional References
- d. Cost for Services
- e. Payment Schedule
- f. Proof of Professional Liability Insurance
- g. Evidence that primary attorney and assigned attorneys are licensed by the Florida Bar.

2. Transition

- a. Each response should include a description of how the firm intends to assume responsibility of existing legal matters and how soon the firm, if selected, would be in a position to provide services.

3. Other

- a. At the responder's option, any relevant background data not specifically referenced above may be included to enhance the response submission.

4. Forms that must be included in the submittal:
 - a. HUD-5369-B Representations, Certifications, and Other Statements of Bidders Public and Indian Housing Programs.
 - b. HUD-5369-C Certifications and Representations of Offerors
 - c. HUD-5370-C1 General Conditions for Non-Construction Contracts
 - d. Noncollusive Affidavit
 - e. Florida Statutes on Public Entity Crimes
 - f. Certification Regarding Drug-Free Workplace Requirements
 - g. Section 3 Business Concerns

IV. MINIMUM QUALIFICATIONS

The qualifications GHA is seeking include the following:

1. All members of the firm practicing in Florida must be admitted to practice before the Bar in the State of Florida.
2. A member of the firm must be admitted to practice in Federal, State, and Local courts.
3. Familiarity with legal matters which include compliance with, but are not limited to: FMLA, ADA, Title VII, ADEA, FLSA, and applicable State Laws
4. Experience with litigation.
5. Familiarity with collective bargaining and labor contracts.
6. At all times the firm and all individuals assigned to perform legal services must be free from conflicts of interest because of any other engagements, work performed or personal or business dealings. Any possible conflict must be disclosed.

V. EVALUATION AND AWARD OF CONTRACTS:

GHA will review and screen all written responses based on the qualifications and criteria for selection. One or more finalists may be selected to be interviewed before the Board of Commissioners who will select a firm from the finalists.

The final determination for awarding the contract will be made by the evaluation committee, which will be the Housing Authority's Board of Commissioners. The firm selected will serve as the attorney to Gainesville Housing Authority, Commissioners and its management.

This RFQ will result in a fixed-fee contract, the terms of which will be negotiated between GHA and the selected responder. The contract shall commence on the date specified therein and shall terminate upon completion of all services required pursuant to the contract unless terminated as

provided therein. The term of the contract shall not exceed three years with subsequent multi-year renewal options.

The evaluation of the professional qualifications of the proposals will be judged as stated:

1. Professional qualifications, relevant experience, and evidence of the responder’s ability to perform the work

Point Value 0-25
 Sub-total possible points: 25

2. Qualifications of individual(s) assigned as primary counsel with relevant PHA 1590 experience

Point Value 0-25
 Sub-total possible points: 25

3. Capability to provide legal services in a timely manner

Point Value 0-20
 Sub-total possible points: 20

4. Fee Structure

Point Value 0-15
 Sub-total possible points: 15

5. Additional Considerations –

- A. Section 3 business.

Point Value 0-5

- B. Minority Firm.

Point Value 0-5

- C. Women’s business enterprises.

Point Value 0-5

Sub-total possible points: 15

Maximum possible points 100

B. **AWARD OF CONTRACT:** After evaluation of the proposals received in response to the RFQ, the Agency shall engage in individual discussions and interview the proposers deemed fully qualified, responsible and suitable on the basis of initial responses, and with professional competence to provide the required services. Repetitive informal interviews are permitted. Proposers shall be encouraged to elaborate on their qualifications, performance data, and staff expertise relevant to the proposed contract. At the conclusion of the informal reviews and on the basis of evaluation factors the Authority shall rank, in the order of preference, the interviewed proposers whose professional qualifications and proposed services are deemed most meritorious. Negotiations shall then be conducted with the Proposer ranked first. If a contract satisfactory and advantageous to the Agency can be negotiated at a fee considered fair and reasonable, the award shall be made to that proposer. Otherwise, negotiations with the Proposer ranked first shall be formally terminated and negotiations conducted with the Proposer ranked second, and so on, until a contract can be

negotiated at a fair and reasonable fee. Should the Agency determine in writing and in its sole discretion that only one proposer is fully qualified, or that one offer is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to the Proposer.

VI. REQUIRED SUBMISSION TIMELINE:

The proposer must submit their proposal through the Demand Star website <https://network.demandstar.com>, by Friday, November 20, 2020, at 5:00 PM EST. The Contract Officer for this proposal is Pamela E. Davis, CEO of the Gainesville Housing Authority. She can be reached at 352-872-5500 Ext. 7119 or pamelad@gnvha.org.



GAINESVILLE HOUSING AUTHORITY
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ATTACHMENT 1

NONCOLLUSIVE AFFIDAVIT

GAINESVILLE HOUSING AUTHORITY
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NON-COLLUSION AFFIDAVIT OF CONTRACTOR

_____, does hereby state:

(Name)

1. S/He is the _____ of
(Owner, Partner, Officer, or Representative)
_____, hereinafter referred to as Contractor.
(Business Name)

2. S/He is fully knowledgeable of the preparation and contents of the Subcontractors proposals which were submitted to (Contractor) : _____, for the specific work required in connection with a Gainesville Housing Authority (GHA) project titled _____ and located at: _____.

3. Said Contractor's proposal is genuine and is not a collusive or sham proposal;

4. Neither the Contractor nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including myself, has in any way colluded, conspired connived or agreed, directly or indirectly, with any other bidder, firm, or person to submit a collusive or sham proposal in connection with such contractor has in any manner, directly or indirectly, sought by unlawful agreement or connivances with any other bidder, firm, or person to fix the price or prices in said Contractor's Proposal, or to secure through collusion, conspiracy, connivance or unlawful agreement any advantage against GHA, or any person interested in the proposed Contract; and

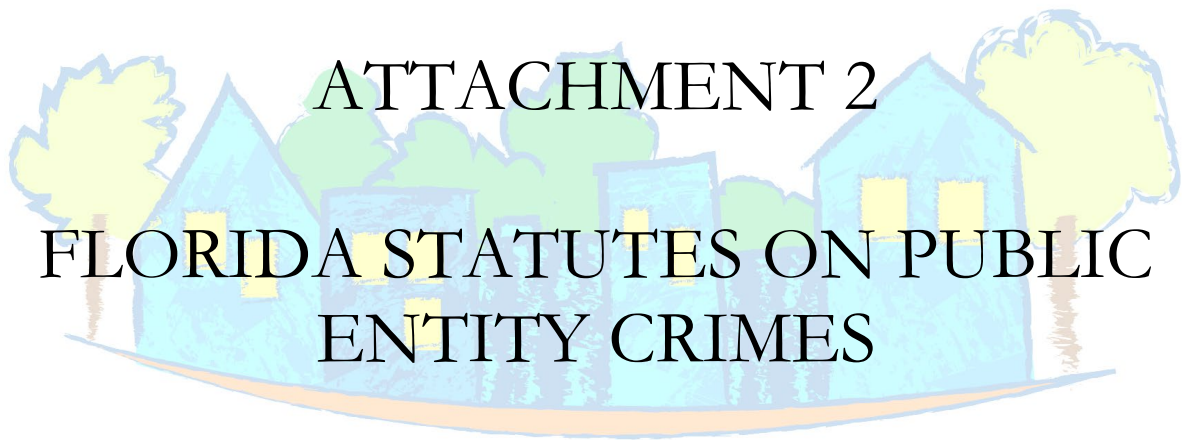
5. The price or prices quoted in the Contractor's Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties of interest, including myself.

Signed: _____

Title: _____

Date: _____

Witnessed by: _____



ATTACHMENT 2
FLORIDA STATUTES ON PUBLIC
ENTITY CRIMES

GAINESVILLE HOUSING AUTHORITY
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SWORN STATEMENT UNDER F.S. SECTION 287.133(3)(A), ON PUBLIC CRIMES

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid, Proposal, or Contract # _____.
2. This sworn statement is submitted by (*entity*) _____, whose business address is _____ and (*if applicable*) Federal Employer Identification (*FEIN*) is _____ (If you're a sole proprietor and you have no FEIN, then the last four (4) digits of your Social Security number _____).
3. My name is _____ and the relationship to the entity named above is _____.
4. I understand a "public entity crime" as defined in Paragraph 287.133(a)(g). Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
5. I understand "convicted" or "conviction" as defined in Paragraph 287.133(a)(b), Florida Statutes, means finding of guilt or a conviction of a public entity crime with or without an adjudication of guilt, in any federal or state trial court of records relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
6. I understand an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
 1. A predecessor or successor of a person convicted of a public entity crime; or
 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The Gainesville Housing Authority (GHA) ownership by one of the shares constituting income among persons when not for fair interest in another person, or a pooling of equipment or income among persons when not for fair market value under the length agreement, shall be a prima facie case that one person controls another person. A person who was knowingly convicted of a public entity crime, in Florida during the preceding 36 months shall be considered an affiliate.
7. I understand a "person" as defined in Paragraph 287.133(1)(e), Florida Statute, means any natural person or entity organized under the laws of the state or the United States with the legal power to enter into a binding contract for provision of goods or services led by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

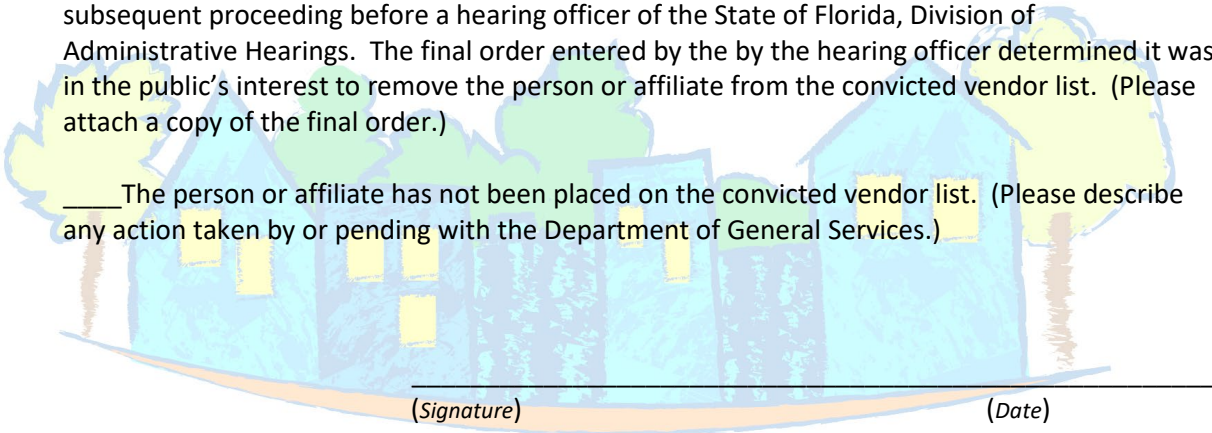
8. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies)

___ Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in neither management of the entity, nor affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

___ The entity submitting this sworn statement or one or more of the officers, directors, executives, partners, shareholders, employees, members or agents who are active in management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. (Please attach a copy of the final order.)

___ The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the by the hearing officer determined it was in the public's interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

___ The person or affiliate has not been placed on the convicted vendor list. (Please describe any action taken by or pending with the Department of General Services.)



STATE OF FLORIDA
COUNTY OF _____

GAINESVILLE HOUSING AUTHORITY

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_____, PERSONALLY
APPEARED BEFORE ME, the undersigned authority, who after first being sworn by me,
affixed his/her signature at the space provided above on this _____ day of
_____, 20__, and is personally known to me, or has provided
_____ as identification.

(Notary Signature)

NOTARY STAMP

A stylized illustration of a neighborhood with several houses in shades of blue and green, interspersed with trees in shades of yellow and green. The houses have yellow windows and doors. The entire scene is set against a light blue background with a white outline at the bottom.

ATTACHMENT 3
CERTIFICATION REGARDING
DRUG-FREE WORKPLACE
REQUIREMENTS

GAINESVILLE HOUSING AUTHORITY
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FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Name of Contractor _____

Contract _____

Contractor _____

Date _____

The contractor acknowledges that the site(s) expected to be used for the performance of work under this contract are covered under the statement of a Drug-Free Workplace.

Place of Performance:

Total estimated number of employees expected to be engaged in the performance of the contract at the site(s) noted above _____.

(Contractor's Signature) (Date)

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ATTACHMENT 4
SECTION 3 BUSINESS PREFERENCE

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**CERTIFICATION FOR BUSINESS CONCERNS SEEKING SECTION 3
PREFERENCE IN CONTRACTING AND DEMONSTRATION OF CAPABILITY**

Name of Business _____

Address of Business _____

Type of Business: Corporation Partnership
 Sole Proprietorship Joint Venture

Attached is the following documentation as evidence of status:

For Business claiming status as a Section 3 resident-owned enterprise:

- Copy of resident lease
- Copy of receipt of public assistance
- Copy of evidence of participation in a public assistance program
- Other evidence

For Business entity as applicable:

- Copy of Articles of Incorporation
- Assumed Business Name Certificate
- List of owners/stockholders and % ownership of each
- Organization chart with names, titles and brief function statement
- Certificate of Good Standing
- Partnership Agreement
- Corporation Annual Report
- Latest Board minutes appointing officers
- Additional documentation

For business claiming Section 3 status by subcontracting 25 percent of the dollar awarded to qualified Section 3 business:

- List of subcontracted Section 3 business(es) and subcontract amount

For business claiming Section 3 status, claiming at least 30 percent of their workforce are currently Section 3 resident or were Section 3 eligible residents within 3 years of date of first employment with the business:

- List of all current full-time employees
- List of employees claiming Section 3 status
- PHA/IHA Residential lease less than 3 day of employment
- Other evidence of Section 3 status less than years from 3 years from date of employment

Evidence of ability to perform successfully under the terms and conditions of the proposed contract:

- Current financial statement
- Statement of ability to comply with public policy
- List of owned equipment
- List of all contracts for the past two years

Authorizing Name and Signature

Attested by:

(Corporate Seal)



ATTACHMENT 5

A stylized illustration of a neighborhood with several houses in shades of blue and green, interspersed with trees in shades of yellow and green. The houses have yellow windows and doors. The trees have simple, rounded canopies. The entire scene is set against a light blue background.

REPRESENTATIONS, CERTIFICATIONS, AND OTHER STATEMENTS OF BIDDERS

HUD 5369-B

GAINESVILLE HOUSING AUTHORITY
Available online at www.gainesvillehousingauthority.org
Where Housing Matters

ATTACHMENT 6

CERTIFICATIONS AND REPRESENTATIONS OF OFFERORS

HUD 5369-C

GAINESVILLE HOUSING AUTHORITY
Available online at www.gainesvillehousingauthority.org

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ATTACHMENT 7

GENERAL CONDITIONS FOR NON-CONSTRUCTION CONTRACTS

HUD 5370-C1

GAINESVILLE HOUSING AUTHORITY
Available online at www.gainesvillehousingauthority.org

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