

REQUEST FOR PROPOSALS
LAGUNA HOUSING DEVELOPMENT AND MANAGEMENT ENTERPRISE
LEGAL SERVICES

DEADLINE FOR SUBMISSION: FRIDAY, JULY 14, 2023
4:00 PM (MT)

Email Submittal: winonab@lagunahousing.org

- A. Request for Proposal (RFP):** Laguna Housing Development and Management Enterprise (LHDME) is requesting proposals from qualified law firms (Firm) for Attorney Services. The Firm will assist LHDME for a term not to exceed one year from date of contract execution. LHDME is the Tribally Designated Housing Entity for the Pueblo of Laguna. LHDME manages 79 Low-Rent Unit constructed under the Housing Act of 1937 (37 Act); 2 units acquired under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA); and 16 Non-Program Apartments.

The work to be performed under the proposal is on a project subject to section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)). Section 7(b) requires that to the greatest extent feasible (1) preference and opportunities for training and employment shall be given to Indians, and (2) preferences in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. All entities submitting proposals and claiming Indian Preference must include documentation satisfactory to show that they are Indian-owned.

In addition to the § 7(b) compliance requirements, the successful proposer must comply and ensure subcontractor compliance with the Copeland Act Requirements (29 C.F.R. Part 3); 24 C.F.R. part 200 Certifications, including but not limited to HUD requirements related to reporting, patent rights, and/or copyrights and other rights to data; HUD procurement regulations; LHDME Procurement Policy; and all other applicable laws, rules, and regulations.

- B. Scope of Services:** The LHDME scope of services include general counsel, personnel and tenant related services, construction and NAHASDA related services.
1. General Counsel – Services related to General Counsel may include:
 - a. Legal Advice, counsel, services and consultation to Director and Board of Directors on a wide variety of assignments, including but not limited to: NAHASDA regulations, labor Law, public disclosure issues, property and real estate, construction, policy and procedure, conflict of interest and ethical standards.
 - b. Drafting and/or review of all legal documents, contracts, agreements, certifications, resolutions and such other legal drafting/review as may be required.
 - c. Appearance, representation and defense of LHDME in court, in all litigated matters arising out of operation of the Tribally Designated Housing Entity, except as herein otherwise provided.
 2. Personnel and Tenant Services – Services related to personnel and tenant services may include, but not limited to:
 - a. Preparation and review of resolutions, contracts, leases, and other necessary documents.
 - b. Negotiate said contracts, leases, and other necessary documents.
 - c. Review and redraft policies for legal acceptability.
 3. Construction Services – Services related to Construction services may include, but not limited to:
 - a. Master lease and Residential lease for housing projects.
 - b. Review and redraft Construction contracts.

- c. Advising and representing LHDME with regard to issues and claims arising out of construction contracts.
 - 4. NAHASDA Services – Services related to any and all areas of NAHASDA, but not limited to:
 - a. Program monitoring review
 - b. Self-Monitoring review
 - c. Review and advice on HUD related correspondences
- C. **Evaluation of proposals:** LHDME will use the following criteria in making selections. (100 points)
Supportive information may include information related to the Firms professional experience and performance and shall be limited to ten (10) pages maximum.
 - 1. Capacity and Experience, minimum of 15 years' experience of Indian Housing Law - 25 points
 - a. Describe how your organization meets the minimum qualifications, resources available to provide services required, recent and relevant services related to Indian Housing Law, and a brief description of the history of your firm, reference list of current clients
 - b. A broad and practical knowledge of HUD rules, regulations, requirements, law and related procedures
 - 2. Successful Performance - 25 points
 - a. Describe how your staff will meet the experience and minimum qualifications of the RFP
 - b. Skills, capabilities, capacity and work experience related to successful completion of scope of work within a timely and satisfactory manner
 - c. Certifications that the firm/individual is not barred
 - 3. Cost based upon hourly rates - 25 points
 - a. Hourly Rate proposed for each individual/position named in the proposal and any staff that will be responsible for LHDME account. Provide information about variable rates where applicable, e.g., reduced rates for travel time.
 - 4. Complete proposal - 15 points
 - a. Description of proposed fees, compensation and/or retainers required
 - b. Incidentals must be accounted for in your fee structure
 - c. Reimbursements will be paid at actual expense
 - d. Travel and Transportation expenses are set at the rates established and permitted by 2 CFR Part 200
 - 5. Indian Preference - 5 points
 - a. Must provide Indian preference qualification statement. Points shall be given for Indian ownership and participation, and/or evidence that a proposing firm is committed to the hiring of and does hire persons enrolled in federally recognized tribes, descendants of members of federally recognized tribes, or persons who are actively involved in the Indian community.
 - 6. Minority Preference - 5 points
 - a. Must provide minority business enterprises and/or women business enterprises statement. Points shall be given to minority-owned firms, including women-owned firms, showing evidence of commitment to hiring women and minorities.
- D. **Indian Preference:** The proposal is subject to 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)) and Section 3 of the Housing and Urban Development Act of 1968. Section 7(b) requires that to the greatest extent feasible (1) preference and opportunities for training

and employment shall be given to Indian, and (2) preferences in the award of contracts and subcontracts shall be given to Indian Organizations and Indian-owned Economic Enterprises.

All firms submitting proposals claiming Indian preference must include documentation satisfactory to show that they are Indian-owned. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns that are located in, or owned in substantial part by persons residing in the areas of the project. All subcontractors executed between the proposer and its subcontractors, if any, also are subject to these provisions, and language requiring such compliance will be included in all subcontracts.

In addition to the §§ 7(b) and 3 compliance requirement, the successful proposer must comply and ensure compliance with 2 C.F.R. 2000, including, but not limited to mandatory standards and policies related to reporting, patent rights, and/or copyrights and other rights to data; U.S. Department of Housing and Urban Development (HUD) procurement regulations; LHDME Procurement Policy; and all other applicable laws, rules and regulations.

E. Insurance: The successful firm shall provide LHDME with evidence of all appropriate and applicable insurance coverage carried by the firm, including policy coverage periods. The following insurance is in force and will insure all operations under this RFP:

1. Professional Liability Insurance –\$1,000,000 per occurrence
2. General Liability Insurance - \$1,000,000 per occurrence
3. Automobile Liability Insurance - \$1,000,000 per occurrence
4. Workers' Compensation - \$500,000

F. Schedule of Activities:

1. RFP Issuance Date: June 23, 2023
2. Inquires/Questions Due: June 30, 2023 at 5:00 pm MT
3. Responses to Inquires: July 5, 2023 at 5:00 pm MT
4. Proposal Due Date: July 14, 2023 at 4:00 pm MT
5. Anticipated Proposal Selection: July 21, 2023
6. Contract Award: July 24, 2023
7. Services Commence: July 24, 2023

G. Inquiries: All questions regarding this RFP shall be in writing and submitted no later than June 30, 2023 at 5:00 pm via electronic mail at winonab@lagunahousing.org. All inquiries and responses will be emailed to all interested parties on July 5, 2023 by 5:00 pm and made available by request until the proposal due date.

H. Proposal Standards: Proposals submitted in response to the RFP should be submitted in a manner set forth. One (1) electronic copy of the Respondent's proposal must be emailed, and received by LHDME by 4:00 pm MST on July 14, 2023 at the following address:

Laguna Housing Development and Management Enterprise
winonab@lagunahousing.org

- I. **Late Receipt of Proposals:** Late proposals will not be accepted. The Firm must ensure the proposal arrives at Laguna Housing Development and Management Enterprise prior to the due date and time specified.
- J. **Rejection of Proposals:** LHDME reserves the right to reject any or all proposals and to waive any deficiencies in proposals whenever such rejection or waiver is in the best interest of LHDME.
- K. **Costs:** LHDME is not liable for any cost incurred by the Firm prior to execution of the contract.
- L. **Evaluation Procedures and Criteria:**
1. Proposals will not be publicly opened at or on the specified due date
 2. Review: A review team will evaluate the proposals received in accordance with the general criteria discussed herein. Firms should be prepared to provide any additional information the team feels necessary to the fair evaluation of proposals. Failure of a firm to provide any information requested in this RFP may result in disqualification of the proposal.
 3. All parties will be notified after the selected firm has been awarded the contract.