



Roanoke Valley-Alleghany

REGIONAL
commission

**ROANOKE VALLEY-ALLEGHANY REGIONAL COMMISSION
REQUEST FOR PROPOSALS FOR LEGAL SERVICES TO THE
ROANOKE VALLEY-ALLEGHANY REGIONAL COMMISSION'S
HOUSING DEVELOPMENT PROGRAM**

INQUIRIES AND PROPOSALS SHOULD BE DIRECTED TO:

**Bryan W. Hill, AICP, CZA, Regional Planner III
Roanoke Valley-Alleghany Regional Commission
P.O. Box 2569
Roanoke, VA 24010
bhill@rvarc.org**

I. GENERAL INFORMATION.

A. Purpose. This Request for Proposal (RFP) is to contract for legal services to be provided to the Roanoke Valley-Alleghany Regional Commission (hereinafter referred to as RVARC) during the administration of a grant from Virginia Housing for the RVARC Housing Development Program.

B. Persons/Entities Who May Respond. Attorneys currently licensed to practice law in **Virginia** or law firms including such attorneys may respond to this proposal.

C. Instructions on Proposal Submission.

1. **Submission Closing Date.** Proposals must be submitted no later than **5:00 p.m. (Eastern)** on **Friday, December 10, 2021.**

2. **Inquiries.** Inquiries concerning this RFP should be mailed to:

**Bryan W. Hill, AICP, CZA, Regional Planner III
Grant Administrator
Roanoke Valley-Alleghany Regional Commission
P.O. Box 2569
Roanoke, VA 24010
Or e-mailed to: bhill@rvarc.org**

3. **Conditions of Proposal.** All costs incurred in the preparation of a proposal responding to this RFP will be the responsibility of the Proposer and will not be reimbursed by the RVARC.

4. **Instructions to Prospective Proposers.** Your proposal should be addressed as follows:

**Bryan W. Hill, AICP, CZA, Regional Planner III
Grant Administrator
Roanoke Valley-Alleghany Regional Commission
P.O. Box 2569
Roanoke, VA 24010**

It is important that the proposal be submitted in a sealed envelope clearly marked in the lower left-hand corner with the following information:

Request for Proposal 5:00 p.m., Friday, December 10, 2021 Sealed Proposal for Legal Services

Failure to do so may result in premature disclosure of your proposal, which may not be considered by RVARC. It is the responsibility of the Proposer to ensure that the proposal is received by RVARC by the date and time, and in the manner specified above. Late and/or unsealed proposals will not be considered. **Email or facsimile proposals are not acceptable.**

5. **Right to Reject.** RVARC reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.
6. **Notification of Award.** It is expected that a decision selecting the successful proposal will be made within four (4) weeks of the closing date. Upon conclusion of final negotiations regarding the successful proposal, all other Proposers will be informed, in writing, of the name of the successful Proposer. It is expected that the contract shall be a one-year contract, renewable for subsequent years if agreed upon by the parties.

Description of Entity. The Roanoke Valley-Alleghany Regional Commission is a 51-year-old Planning District Commission in the Commonwealth of Virginia. The RVARC staff currently consists of 12 full-time employees. The current staff have completed regional planning efforts from small community plans up to large-scale grant management. The RVARC's FY22 budget is nearly \$2 million which includes local, state, federal and contractual funding sources. The RVARC staff managed consulting contracts for housing, transportation, economic and community development, and human services.

Additional information on the Regional Commission is available at www.rvarc.org.

Description of the RVARC Housing Development Program, a Grant through Virginia Housing
According to the Code of Virginia, Planning District Commissions (PDCs) in Virginia were created “to encourage and facilitate local government cooperation and state-local cooperation in addressing on a regional basis, problems of greater than local significance (Code of Virginia, Section §15.2-4207). Since housing is generally recognized as an issue within regional markets, PDCs can play a unique role in addressing the need for affordable and workforce housing from a regional perspective.

Accordingly, the Virginia Housing PDC Housing Development Program grant supports Planning Districts Commissions as intermediaries in order to:

- Promote regional approaches to housing project/program planning and development
- Enhance collaboration between regional and local organizations comprising the housing delivery network
- Strengthen PDC capacity to address housing opportunities identified in state studies/reviews as well as the Virginia Housing Strategic Plan: Opportunity 2024.

The housing outcomes envisioned by this program focus on the actual production of new affordable and workforce housing units that can serve as a model for further development both within the sponsoring PDC as well as other PDCs throughout the Commonwealth. Such housing production can result from the construction of new units, the acquisition and rehabilitation of existing vacant units, or the adaptive re-use of existing structures to incorporate housing units.

Furthermore, this program seeks to increase the inventory of affordable housing units in underserved markets, including rural areas and historically marginalized communities, with a focus on first-time homebuyers. This program is also intended to foster income and economic integration through housing development and revitalization projects in areas of opportunity that include mixed-use and/or mixed-income rental developments.

This program is a thirty-six (36) month intensive process that offers two track options and focuses on each PDC reaching its definitive milestones to produce the development of single-family and/or multifamily affordable housing units. Once the development of these units is complete, homes must remain affordable to individuals or families whose incomes do not exceed 80% of Area Median Income (AMI). Mixed use developments must designate at least 60% of its square footage for housing. 100% of homeownership and/or rental developments must be used for housing.

The program is divided into two-track options:

- **Track 1:** PDCs with no current or previous housing development experience. This track will allow the PDC to establish new project partners before developing their project analysis.
- **Track 2:** PDCs with current or previous housing development experience. This track will allow the PDC more time dedicated to the project analysis. PDCs in this track may also develop multiple projects.

The RVARC was awarded \$2,000,000 under Track 1 of the Program.

II. SCOPE OF SERVICES. The Proposer shall be readily available to perform the following legal services, as requested by the Grant Administrator:

- A. Prepare Memoranda of Understanding, partnership agreements, and/or contracts for approved grant project partners.
- B. Review procurement documents such as Request for Proposals prior to issuance.
- C. Ensure compliance with state and federal procurement laws when (and if) directly procuring contractors or subcontractors.
- D. Advise related to acquisition of real property.
- E. Represent the RVARC in any matters subject to approval by local governing bodies relative to:
 - a. real property acquisition;
 - b. site plan approval; and
 - c. rezoning or other administrative approvals.
- F. Defend lawsuits, administrative claims, or other legal claims.
- G. Conduct litigation, as necessary, to enforce contractual agreements.
- H. Other duties as assigned by the Grant Administrator.

III. PROPOSAL CONTENTS. The Proposer, in its proposal, shall, at a minimum, include the following:

A. Legal Experience. The Proposer should provide a two-paragraph summary describing experience related to the areas outlined in the scope of services above and why it believes it is right for the RVARC. The RVARC is particularly interested in the following topic areas: nonprofit and tax-exempt organizations; procurement; government grants and contracts; land acquisition; and litigation. A proven track record advising a local, regional, or state agency is required.

B. Legal Strategy. The Proposer should be able to describe its strategy for handling specific types of legal matters and its general philosophy for handling such matters. The Proposer should be prepared to provide examples of creative ways in which it handled similar situations.

C. Success Rate. The Proposer should be able to provide RVARC with information indicating its success rate in handling litigation.

D. Project Management Strategy. The Proposer must be prepared to describe how it handles legal projects, how often it provides updates to the client, how it tracks important dates, how it manages documents and discovery, and how it manages budgets and estimates.

E. Staffing Strategy. The Proposer must describe how it determines which attorneys it will assign to specific client matters, whether it will use contract attorneys, and at what point it informs the client that it may need to add additional staff to a project.

F. Customer Service. How the attorney or law firm treats client representatives is very important to RVARC. The Proposer must describe who will be the firm's primary contact, how accessible the firm is, what the process is for changing the firm's primary contact person, and any other lawyer that has been assigned to the client if client is dissatisfied. The Proposer should identify the average response times for both critical and routine inquiries from RVARC and detail any factors that may serve as an exception to said response times. In addition, the Proposer should describe its data security standards, how it will keep client communications and information safe and confidential, under the Virginia Freedom of Information Act, and how it handles potential conflicts.

G. Diversity. RVARC considers diversity to be key in determining who will handle its legal business. The Proposer must describe the diversity of its legal staff. This description should include, but not be limited to, a how many employees/members of the firm are people of color or women.

H. Cost/Rate. RVARC considers cost to be one vital component of its decision to retain an outside attorney or firm. The Proposer should describe its fee structure, clarifying its use of flat fee, billable hour, retainer, or a combination of billing methods. It should expect to provide RVARC its hourly rate for all attorneys or support staff that will be handling client matters. It should also advise how it will charge for expenses such as copies, legal research, travel, and what kinds of discounts it may provide to clients. Finally, the Proposer should be able to tell the RVARC how it handles fee disputes. The RVARC reserves the right to negotiate with the Proposer on the details of the billable hour/fee structure.

I. Organization, Size, Structure, and Areas of Practice. The Proposer should describe its organization's:

- size
- structure,
- areas of practice
- office location(s)
- small or minority-owned business status

Please include a copy of the organization's Equal Opportunity/Affirmative Action Policy, if available.

J. Attorney Qualifications. The Proposer should attach separately a description of the qualifications of attorneys to be assigned to the representation. Descriptions should include:

1. Professional and education background of each attorney.
2. Overall supervision to be exercised during the RVARC representation.
3. Prior experience of the individual attorneys with respect to the required areas of expertise listed above. Include resumes only of attorneys likely to be assigned to the representation. Education, position in firm, years, and types of experience, and continuing professional education will be considered.

IV. PROPOSAL EVALUATION.

A. Submission of Proposals. All proposals shall include one (1) original and three (3) copies.

B. Evaluation Procedure and Criteria. The Grant Administrator and RVARC’s Executive Director will review proposals. The Grant Administrator and Executive Director may request an interview with some qualified Proposers prior to final selection. Proposals will be reviewed in accordance with the following criteria:

Evaluation Criteria	Point Value
1. Proposed approach to scope of work.	25
2. Level of experience of the individual(s) identified to work on RVARC matters.	15
3. The Proposer’s experience with similar clients and legal matters.	20
4. Cost/Rate.	15
5. Interviews.	25
Total Points	100

C. Required Format for Proposals. All proposals must follow the required format. Failure to follow the required format may result in disqualification of a proposal:

1. Page Limit: 12, including cover page
2. Attorney Qualifications section should be attached and is not included in the page limit
3. Page Size: 8 ½ x 11; portrait
4. Font Size: 12
5. Font Type: Times New Roman
6. Double-spaced
7. Margins: 1” minimum on the top, bottom, and sides of all pages
8. All pages must be numbered; double-sided printing is acceptable.
9. Do not use material in proposals dependent on color distinctions, animated electronics, etc.
10. Do not place proposals in notebooks or binders. Metal clips may be used to bind pages.
11. Do not include attachments other than those requested or required by this RFP.

V. PROPOSAL TIMELINE.

During the period from your organization’s receipt of this Request for Proposals until a contract is awarded, your organization shall not contact any employee of RVARC for additional information except in writing directed to Bryan Hill at bhill@rvarc.org.

VI. QUESTIONS.

Questions for the purpose of clarifying the RFP must be submitted **in writing by mail or email** and must be received no later than **5:00 p.m. on November 26, 2021**. Questions must be mailed or emailed to Bryan W. Hill at the addresses listed on page 1. Questions and responses will be posted as “Addenda to the RVARC RFP for Legal Services” on the RVARC website at <http://www.rvarc.org> by **5:00 p.m. on Friday, December 3, 2021**. Please note that submissions of questions in response to the proposal do not in any way enhance or guarantee the chances of receiving a contract through this proposal.

VII. GENERAL INFORMATION.

A. Contract Award

RVARC reserves the right to award the contract in a manner deemed to be in the best interests of RVARC.

B. Stability of Proposed Prices

Any price offerings from Proposers must be valid for a period of 60 days from the due date of the proposals.

C. Amendment or Cancellation of the RFP

RVARC reserves the right to cancel, amend, modify, or otherwise change this RFP at any time if it deems it to be in the best interests of RVARC.

D. Proposal Modifications

No additions or changes to any proposal will be allowed after the proposal due date unless such modification is specifically requested by RVARC. RVARC, at its option, may seek Proposer retraction and clarification of any discrepancy or contradiction found during its review of proposals.

E. Proposer Presentation of Supporting Evidence

Proposers must be prepared to provide any evidence of experience, performance, ability, and/or financial surety that RVARC deems necessary or appropriate to fully establish the performance capabilities represented in their proposals.

F. Proposer Demonstration of Proposed Services and/or Products

Proposers must be able to confirm their ability to provide all proposed services.

G. Erroneous Awards

RVARC reserves the right to correct inaccurate awards. This includes revoking the award of a contract to a Proposer and subsequently awarding the contract to a different Proposer. Such action shall not constitute a breach of contract on the part of RVARC because the contract with the initial Proposer will be deemed voided as if no contract were ever in place.

H. Ownership of Proposals

All proposals shall become the property of RVARC and will not be returned.

I. Ownership of Subsequent Products

Any product, whether acceptable or unacceptable, developed under a contract awarded as a result of this RFP shall be the sole property of RVARC unless otherwise stated in the contract.

J. Oral Agreement or Arrangements

Any alleged oral agreements or arrangements made by Proposers with RVARC will be disregarded in any proposal evaluation or associated award.

K. Not a Contract

This RFP is not a contract and, alone, shall not be interpreted as such. Rather, this RFP serves only as the instrument through which proposals are solicited. RVARC will pursue negotiations with the highest scoring proposal. If, for some reason, RVARC and the initial Proposer fail to reach consensus on the issues relative to a contract, then RVARC may commence contract negotiations with other Proposers. RVARC may decide at any time to start the RFP process again. The selected Proposer will be required to sign a formal contract.

L. Subcontractors

RVARC must approve any and all subcontractors utilized by the successful Proposer prior to any such subcontractor commencing any work. Proposers acknowledge by the act of submitting a proposal that any work provided under the contract is work conducted on behalf of RVARC and that the RVARC Executive Director or designee may communicate directly with any subcontractor as RVARC deems necessary or appropriate. It is also understood that the successful Proposer shall be responsible for all payment of fees charged by the subcontractor(s). A performance evaluation of any subcontractor shall be provided promptly by the successful Proposer to RVARC upon request. The successful Proposer must provide the majority of services described in the specifications.