

**Request for Qualifications for Legal Services
To support Community Development Block Grant Activities
Within the State of Texas**

Legal Counsel Scope of Work

CDM is requesting that interested Law Firms licensed to practice in the State of Texas, submit their qualifications and experience to CDM by Thursday, February 25, 2010, at 3:00 p.m. to Steve Green, at CDM's office at 3050 Post Oak Blvd, Suite 300, Houston, Texas 77056. CDM expects to select the most qualified firm to perform these services by March 4, 2010, and will then enter into negotiations with the selected firm with the expectation of signing a contract soon thereafter. Attention of respondents is particularly called to the requirements as to conditions of employment to be observed under the contract, Section 3, Segregated Facility, Section 109, Title VI and EO 11246. The services that the selected Law Firm will be asked to provide are generally described as follows:

- A. Act as counsel to CDM in its execution of the Harris County Texas, and the City of Galveston, Texas, Community Development Block Grant (CDBG) disaster recovery projects. Counsel will provide advice and interpretation of laws of Texas as they apply to CDM's role in the Management of these contracts. Such information and Counsel will require detailed knowledge of Texas law, and Texas real-estate law, and the requirements of Community Development Block Grant (CDBG) Disaster program.
- B. Typical Duties
1. Provide general legal advice on Texas Law as it effects housing development, Federal grant programs in particular CDBG and the U.S Department of Housing and Urban Development (HUD).
 2. Review Program Procedures and Policies as produced by CDM. Procedures need to be in accordance with Texas law and the Requirements of HUD.
 3. Assist CDM in development of mediation or appeal procedures. Applicants to the program may appeal grant eligibility and or other requirements of the program. The Program must have an appeals process and procedure in place to resolve all issues.
 4. Maintain knowledge of issues facing CDM and be prepared to offer legal opinions.
 5. Assist as needed in the preparation, review, and negotiation of contracts, subcontracts and agreements.
 6. Advise and assist CDM on the use of covenants on land and homeowners under Texas law.
 7. Work with other CDM counsel as needed.

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METHOD OF CONTRACT

CDM intends to select a single firm to fulfill this role. The method of contract will be an indefinite quantity, indefinite delivery (IDIQ) task order contract whereby an hourly rate schedule is agreed upon for the period of the contract. The Parties will agree upon hour rates for the staff required to fulfill the skills requirements of the contract and specific assignments will be issued by written orders issued against the contract at a level of effort mutually agreed between the parties at the predetermined hourly labor rates.

DESIRED QUALIFICATIONS

- A. Substantial knowledge and experience in the interpretation of laws as they relate to Non-Profit and municipal corporations, municipalities, real-estate and Texas State agencies
- B. Substantial knowledge and experience in the interpretation of state and federal laws as they relate to the housing development, Federal grant programs in particular CDBG and HUD .
- C. Substantial experience in working with non-profit agencies and public boards.
- D. Experience in all aspects of contract law.
- E. Knowledge of funding, purchasing, and grants administration regulations of Texas and HUD.
- F. Member of the Texas State Bar. The selected firm will be required to declare that it will represent CDM to the exclusion of all other clients having potential conflicts with the interests of CDM.

PROPOSAL REQUIREMENTS

Firms interested in responding to this solicitation shall submit qualifications and experience of the firm providing the required services, and the resumes of the proposed staff for each of the following classifications.

Senior Attorney (10 years + experience)

Attorney (5 – 10 years experience)

Junior Attorney (3-5 years experience)

Paralegal

CDM will select a firm based upon the qualifications of the individuals proposed. Experience with CDBG requirements must be demonstrated in the proposal. Hourly rates do not need to be provided at this time, but will be negotiated with the selected firm. Rates will be negotiated for each classification listed above on a per hour basis which will be all inclusive of any administrative and overhead costs. CDM expects that Hourly rates for proposed individuals will be under \$200/hr for the Senior Attorneys assigned to the project. Firms responding to this RFQ can request to review the draft outline of documents and procedures that need to be reviewed, (available on Request).

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Initial list of Procedures and Forms to be reviewed:

Certifications/forms/affidavit

- A. Disability Verification Form
- B. HUD Income Limits Forms
 - B-1 Households with 9 or more members
 - B-2 Income Waiver Acknowledgement
 - B-3 Certification of Undocumented income
 - B-4 Statement of gross income
 - B-5 Verification of overtime form
 - B-6 No income Certification sole support
 - B-7 No Income Certification
 - B-8 Live-In Aide Certification
 - B-9 Child Support Income Verification
- C. Eligible Immigrant Verification
- D. Same Name Certification
- E. Certification of Current Ownership
 - E-1 HB 2450 Affidavit
 - E-2 Special occupancy Medical/Nursing Center
 - E-3 Special occupancy Incarceration

Documents for grant closings

- 1. Disbursement Statement
- 2. Agreement running with the land for 2 years
- 3. Grant Recipient Affidavit
- 4. Limited Subrogation Agreement
- 5. Covenant for homes in the 100 year flood plain ensuring that the homeowner maintains flood insurance coverage.
- 6. Occupancy Agreement

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The Selected firm will be required to comply with all federal requirements as identified in Attachment “Appendix C” which includes the following requirements:

The SUBCONTRACTOR is prohibited from using CDBG funds or personnel employed in the administration of the Program for political activities, sectarian/religious activities, lobbying, political patronage, and/or nepotism activities.

1. Hatch Act

The SUBCONTRACTOR agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

2. Religious Organization

The SUBCONTRACTOR agrees that funds provided under this Agreement shall not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization, in accordance with the Federal regulations specified in 24 C.F.R. § 570.200.