



CITY OF HOUSTON - CITY COUNCIL

Meeting Date:

ALL

Item Creation Date: 3/11/2021

T29297 - Legal Service Supporting Activities Undertaken by the Housing & Community Development Department

Agenda Item#:

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Summary:

ORDINANCE authorizing and approving a form of agreement for legal services supporting activities undertaken by the Housing and Community Development Department to be executed by the City of Houston, Texas, and each of the following law firms: **BAKER DONELSON; BALLARD SPAHR LLP; BARRY BARNES & ASSOCIATES, PLLC;** and **BEST BEST & KRIEGER;** authorizing the Mayor to execute an agreement for legal services with each firm; authorizing the Mayor to add additional firms who meet the City's specified criteria as set forth in this ordinance; providing a maximum contract amount

Background:

Request for Proposal received on February 24, 2020, for S83-T29797 - Approve an Ordinance authorizing a form of legal services agreement to support activities undertaken by the Housing and Community Development Department ("HCDD") to be executed by the City Of Houston, Texas ("City"), and each of the following law firms (each a "Firm"): Baker Donalson; Baker Wotring LLP; Ballard Spahr; Barry Barnes & Associates, PLLC; Best Best & Krieger LLP; Beveridge & Diamond, PC; Greenberg Traurig; Hardwick Law Firm LLC; Hawkins Delafield & Wood LLP; Hunton Andrews Kurth LLP; Law Offices of Jennine Hovell-Cox; MarJuana Bush Williams, PLLC; Olson & Olson, LLP; Shannon, Martin, Finkelstein, Alvarado & Dunne, P.C.; The Pierre Law Firm, LLC; and Trest Law; and authorizing the Mayor to execute a legal services agreement with each Firm as needed.

The City Attorney and the Chief Procurement Officer recommend the City Council approve an ordinance awarding a three-year contract with two (2) one year options, with Barry Barnes & Associates, Baker Donelson, Ballard Spahr and Best Best Krieger for housing work to the Legal Department's provision of assistance to the Housing and Community Development Department pertaining to various housing related matters and transactions. The City Attorney may terminate these contracts at any time upon ten (10) days by written notice to the Firm(s) with a copy to the Chief Procurement Officer.

The Request for Proposals (RFP) was advertised in accordance with the requirements of federal and State of Texas procurement laws and regulations. The RFP was advertised in the Houston Business Journal and posted on the Strategic Procurement Division's e-bidding website and, as a result, proposals were received from: Ashizawa LLC; Baker Donelson; Baker Wotring LLP; Ballard Spahr LLP; Barry Barnes & Associates, PLLC; Best & Krieger LLP; Beveridge & Diamond, PC; Bradley Law Firm; Greenberg Traurig, Hardwick Law Firm LLC; Hawkins Delafield & Wood LLP; Hunton Andrews Kurth LLP; Law Offices of Jennine Hovell-Cox; MarJuana Bush Williams, PLLC; Michael J. Bostic; Olson & Olson, LLP; Shannon, Martin, Finkelstein, Alvarado & Dunne, P.C.; The Pierre Law Firm, LLC; Trest Law and Walter Law Firm. The proposals were evaluated based on the following criteria:

1. Responsiveness of Proposal
2. Technical Competence
3. Price Proposal

The following firms were recommended and were deemed to be the best qualified law firms to perform the requirements as outlined in the RFP. Each of the following firms were selected for placement on the practice area panel listed below to provide services upon the City's request as the need arises.

Housing & Public Facilities: Baker Donelson; Ballard Spahr LLP; Barry Barnes & Associates, PLLC; Best Best & Krieger LLP; Law Offices of Jennine Hovell-Cox; MarJuana Bush Williams, PLLC and Shannon, Martin, Finkelstein, Alvarado & Dunne, P.C.

Real Estate & Development: Barry Barnes & Associates, PLLC; Best Best & Krieger LLP; Hardwick Law Firm LLC; Hunton Andrews Kurth LLP; Law Offices of Jennine Hovell-Cox; MarJuana Bush Williams, PLLC; Olson & Olson, LLP and Shannon, Martin, Finkelstein, Alvarado & Dunne, P.C.

Environmental: Baker Wotring LLP; Beveridge & Diamond, PC and Best Best & Krieger LLP.

Federal Law & State and State and Federal Constitutional Law: Baker Donelson; Baker Wotring LLP; Best Best & Krieger LLP; MarJuana Bush Williams, PLLC and Olson & Olson, LLP.

Contracts: Baker Donelson; Best Best & Krieger LLP; Greenberg Traurig; Hawkins Delfield & Wood LLP, MarJuana Bush Williams, PLLC; Olson & Olson, LLP, LLP; The Pierre Law Firm, LLC and Trest Law.

The scope of work is generally based upon task orders that will require the firms to provide legal services corresponding to the practice area(s) for which the firm was selected. For example, such services include without limitation:

Environmental: Providing legal advice on a variety of environmental law issues, including guidance on how to comply with or satisfy laws, rules, and regulations applicable to U.S. Department of Housing and Urban Development (HUD) funded or regulated projects or transactions.	Real Estate and Development: Handling transactions involving the acquisition or disposition of real property, leases, construction and development contracts, and operational and joint facility development agreements with other governmental or private entities.
Housing and Public Facilities: Negotiating and drafting contracts, loans, and grants for affordable housing and public facilities, consulting regarding the laws, regulations, and procedures applicable to the federal and state community and housing development programs.	Contracts: Negotiating and drafting contracts in connection with HCDD fulfilling its mission, such as contracts relating to public services programs (i.e. housing services and job training), goods, services, professional services, construction and construction repair, planning services, auditing, and a host of other items supporting HCDD.
Federal Law and State and Federal Constitutional Law: Consulting regarding state and federal laws, policies, procedures, programs, and guidelines applicable to municipalities as it pertains to HCDD's operations	

As the firms will be engaged on an as-needed basis, it may be necessary to increase, decrease, or transfer allocated funds from one law firm's legal services agreement to another firm's agreement. Accordingly, the Director of HCDD or his designee, from time to time, may increase or decrease the amounts allocated to each Agreement or transfer amounts between each Agreement subject to the availability of funds. Present and out year task orders are expected to be funded, in whole or in part, by grant funds or TIRZ dollars from grants or TIRZ appropriations City Council has already approved or that will be brought forward to City Council pursuant to City policy. The City Attorney may terminate this contract at any time upon ten (10) days written notice to the Firm.

MWBE Subcontracting

The RFP solicitation was advertised with a 24% goal for MWSBE Participation. Each vendor will make good faith efforts to comply with the 24% MWSBE goal as required per the solicitation. The Office of Business Opportunity (OBO) will monitor this award.

Prime	Vendor Name	Type of Work	Percentage
Barry Barnes & Associates	West & Associates LLP	Legal Services	24%
Baker Donelson	Ashizawa LLC	Legal Services	24%
Ballard Spahr	The Chavalier Law Firm	Legal Services	24%
Best Best & Krieger	Ashizawa LLC	Legal Services	24%
Best Best & Krieger	RJR Paralegal & Administrative Services	Paralegal Support	24%

Hire Houston First:

Hire Houston Frist does not apply to this expenditure, because it involves the use of federal funds and is subject to specific procurement rules of the Federal Government.

Pay or Play

The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In these cases, the contractor will provide health benefits to eligible employees in compliance with City policy or pay for work performed by covered employees under contract.

Fiscal Note:

No Fiscal Note is required on grant items.

Jerry Adams
 Jerry Adams, Chief Procurement Officer

 Department Approval Authority

Estimated Spending Authority			
DEPARTMENT	FY2021	OUT YEARS	TOTAL
Housing & Community Development	\$650,000.00	\$850,000.00	\$1,500,000.00

Amount of Funding:

\$1,500,000.00

Fed/Local/State Pass Through Fund

Fund No: 5030

Contact Information:

NAME:	DEPARTMENT/DIVISION	PHONE
Carolyn Hanahan, Assistant Chief Policy Officer	FIN/SPD	(832) 393-9127
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Tom McCasland, Director, HCDD	HCD	(281)233-1613

ATTACHMENTS:

Description	Type
Baker Donelson - Fair Campaign Ordinance (Form A)	Backup Material
Baker Donelson - Fair Campaign Ordinance (Form B)	Backup Material
Baker Donelson - Pay or Play	Backup Material
Baker Donelson - Ownership Form	Backup Material
Ballard Spahr - Fair Campaign (Form A)	Backup Material
Ballard Spahr - Fair Campaign (Form B)	Backup Material
Ballard Spahr - Pay or Play	Backup Material
Ballard Spahr - Ownership Form	Backup Material
Barry Barnes - Fair Campaign (Form A)	Backup Material
Barry Barnes - Fair Campaign Form (Form B)	Backup Material
Barry Barnes - Pay or Play	Backup Material
Barry Barnes - Ownership Form	Backup Material
BBK - Fair Campaign (Form A)	Backup Material
BBK - Fair Campaign (Form B)	Backup Material
BBK - Pay or Play	Backup Material
BBK - Ownership Form	Backup Material
Caption	Other
Recommended Firms	Backup Material
Baker Donelson - MWBE Letter of Intent	Backup Material
Ballard Spahr - MWBE Letter of Intent	Backup Material
Barry Barnes - MWBE Letter of Intent	Backup Material
BBK - MWBE Letter of Intent	Backup Material
Signed Ordinance	Ordinance/Resolution/Motion
Partially executed contract (Ballard)	Contract/Exhibit
Partially signed contract (Donelson)	Contract/Exhibit
Partially Executed Contract (Barry Barnes)	Contract/Exhibit
Partially Executed Contract (SMFAD)	Contract/Exhibit
Partially Executed Contract (Best Best Krieger)	Contract/Exhibit
SRO Legal Agreement	Backup Material
Grant funding verified-VP	Backup Material