



Alexandria Redevelopment & Housing Authority

401 Wythe Street
Alexandria, Virginia 22314
www.arha.us

Request for Proposal

RFP No: P-24-07

Legal Services

Issue Date: July 23rd, 2024

Proposal Due Date: September 17th, 2024 @ 2.00 P.M EST

Contact Information :

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RFP Document

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INTRODUCTION

The Alexandria Redevelopment and Housing Authority (hereinafter, “ARHA”) is a public entity that was formed in 1939 to provide federally subsidized housing and housing assistance to low-income families within the City of Alexandria, Virginia. The ARHA is headed by a Chief Executive Officer (CEO) and is governed by a nine-person board of commissioners and is subject to the requirements of Title 24 of the Code of Federal Regulations (hereinafter, “CFR”) and the ARHA's procurement policy dated March 1st 2024.

Currently, the ARHA owns and/or manages the following programs:

➤ Public Housing –	644 units
➤ Project Based (Moderate Rehabilitation) Vouchers	109 units
➤ Project-Based Voucher (Sec. 18/RAD/JB5)	169 units
➤ Market-Rate Housing	84 units
➤ Low-Income Housing Tax Credits (LIHTC)	84 units
➤ Section 8 Housing Choice Voucher Program	1,547 units

Since established by HUD, ARHA has aggressively embraced the repositioning of ACC units through RAD and Section 18 disposition. To date, ARHA has transformed 3 properties through Section 18 and three additional properties through RAD. ARHA has exercised its Right of First Refusal at the end of the tax credit compliance period on two properties that it will re-syndicate with Low Income Housing Tax Credits and over the next two years, the compliance period on three additional properties will also expire and ARHA will exercise its right to purchase the limited partnership interest of those properties. Together with procured development partners, ARHA is redeveloping two properties (Samuel Madden and Ladrey High Rise) into mixed income/mixed used properties. Through this repositioning approach, ARHA's goal is to reposition the ACC operating subsidy of all current public housing units within five years.

In 2024, ARHA's projected business activity has expanded. ARHA has reinitiated its Conduit Bond issuance program and has issued its first conduit bond. We expect the activity in this area to expand as we continue to expand our marketing. Also in 2024, ARHA acquired a parcel of land with the goal of creating an affordable homeownership program at the site. In addition, ARHA has established a tax-exempt nonprofit entity whose purpose is to assist the ARHA development activities and to afford ARHA an opportunity to access the philanthropic and corporate giving markets to support our resident initiatives and our affordable housing development initiatives.

Finally, ARHA seeks to obtain its Standard & Poors rating with the goal of issuing bonds to support our redevelopment pipeline and the production of affordable housing in the City of Alexandria.

Overall, ARHA is transforming from a traditional public housing agency to an affordable housing provider. Our strategic plan emphasizes that we will “Preserve, Grow, Diversify, and Expand our capacity” to provide affordable housing with an emphasis on providing housing opportunities for low-income and very low-income households (0-30% AMI). Our transformation is guided “The Three Pillars of Repositioning: Redevelopment, Organizational Change, and Invigorated Resident Services”, and our development and preservation program is guided by the Board adopted Redevelopment Principles.

In keeping with its mandate to provide efficient and effective services, ARHA solicits proposals from lawyers and law firms experienced in affordable housing development, public housing operations, voucher program rules and regulations, and general business practices for government agencies and nonprofit corporations. All proposals submitted in response to this solicitation must conform to all of the requirements and specifications outlined within this document and any designated attachments.

RFP INFORMATION AT A GLANCE

[Table No. 2]

ARHA CONTACT PERSON	Mohammad Muhsen Sultani Tel: 703-549-7115 Ext: 232 Fax: (703) 838-2825 Email: mmuhsen@arha.us
HOW TO OBTAIN THE RFP DOCUMENTS ON THE APPLICABLE INTERNET SITE	<ol style="list-style-type: none"> 1. Access ha.internationaleprocurement.com (no "www"). 2. Click on the "Login" button in the upper left side. 3. Follow the listed directions. <p>If you have any problems accessing or registering on the system, please call customer support at 1/866-526-9266. Email: larry.t.hancock@gmail.com</p>
PRE-PROPOSAL CONFERENCE	<p>Monday, August 5th, 2024 @ 02.00 P.M EST</p> <p>Location: 401 Wythe St, Alexandria, VA, 22314 First floor Conference room.</p>
DEADLINE FOR RECEIPT OF QUESTIONS VIA NAHRO E-PROCUREMENT.	Thursday August 29 th 2024@ 2.00 PM
DATE OF ADDENDUM FOR RESPONSE TO QUESTIONS	Thursday September 5 th 2024@ 2.00 PM
HOW TO FULLY RESPOND TO THIS RFP BY SUBMITTING A PROPOSAL SUBMITTAL	<p>As instructed in Section 3.0 of the RFP, all documents must be submitted through the Housing Agency Marketplace.</p> <p>All files must be uploaded to the Housing Agency Market Place eProcurement through the below link:</p> <p>(https://ha.internationaleprocurement.com)</p> <ol style="list-style-type: none"> 1. Access ha.internationaleprocurement.com (no "www"). 2. Click on the "Login" button in the upper left side. 3. Find the RFP and upload your response. <p>If you have any problems accessing or uploading your document on the system, please call customer support at 1/866-526-9266.</p> <p>Email: larry.t.hancock@gmail.com</p>
PROPOSAL SUBMITTAL DEADLINE	<u>September 17th, 2024, 2.00 PM EST</u>
ANTICIPATED COMMENCEMENT OF WORK	The goal is Nov 2024

1.0 ARHA'S RESERVATION OF RIGHTS:

- 1.1** ARHA reserves the right to reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by ARHA to be in its best interests.
- 1.2** ARHA reserves the right not to award a contract pursuant to this RFP.
- 1.3** ARHA reserves the right to terminate a contract awarded pursuant to this RFP, at any time for its convenience upon 10 days written notice to the successful proposer(s).
- 1.4** ARHA reserves the right to determine the days, hours and locations that the successful proposer(s) shall provide the services called for in this RFP.
- 1.5** ARHA reserves the right to retain all proposals submitted and not permit withdrawal for a period of 60 days subsequent to the deadline for receiving proposals without the written consent of the ARHA Contracting Officer (CO).
- 1.6** ARHA reserves the right to negotiate the fees proposed by the proposer entity.
- 1.7** ARHA reserves the right to reject and not consider any proposal that does not meet the requirements of this RFP, including but not necessarily limited to incomplete proposals and/or proposals offering alternate or non-requested services.
- 1.8** ARHA reserves the right to select more than one bidder.
- 1.9** ARHA shall have no obligation to compensate any proposer for any costs incurred in responding to this RFP.
- 1.10** ARHA shall reserve the right to at any time during the RFP or contract process to prohibit any further participation by a proposer or reject any proposal submitted that does not conform to any of the requirements detailed herein. By accessing the nahro.economicengine.com Internet System (hereinafter, the "noted Internet System" or the "System") and by downloading this document, each prospective proposer is thereby agreeing to abide by all terms and conditions listed within this document and within the noted Internet System, and further agrees that he/she will inform the Contracting Office (CO) in writing within 5 days of the discovery of any item listed herein or of any item that is issued thereafter by the ARHA that he/she feels needs to be addressed. Failure to abide by this time frame shall relieve ARHA, but not the prospective proposer, of any responsibility pertaining to such issue.

2.0 SCOPE OF SERVICES

ARHA is seeking proposals from qualified professional firms or individuals licensed, insured, and bonded entities to provide a wide range of legal services to ARHA. These services are necessary to support the daily operation and business activities of ARHA. The successful proposer shall be the legal advisor to ARHA Board of Commissioners (BOC) and ARHA Chief Executive Officer (CEO) and service include, but are not limited to the following:

- 2.1 Employment/Personnel: A Respondent firm must have experience defending/representing public entities in this area of law and work may include arbitration, contract interpretation, hearings before administrative bodies, mediation, and general advice. Litigation experience in the areas of discrimination, wrongful termination, sexual harassment, workers' compensation, and related areas of Labor Law are required.
- 2.2 Civil Rights/Constitutional Law: Respondent firms must demonstrate experience and capacity in litigating and advising public entities in this area of the law.
- 2.3 General Civil Litigation: Respondent firms must have a breadth of experience in the defense of all types of tort/civil litigation claims and must have sufficient staffing and expertise to respond promptly and comprehensively to complaints filed.
- 2.4 Contract Law: ARHA enters contracts for services which include, but not limited to, the procurement of supplies, services, professional services and construction. ARHA may require legal counseling in the negotiation, construction, legal review of bids and/or bid documents or administration of these contracts. This includes providing contract interpretation and representing the Authority in commercial claims up to and including litigation.
- 2.5 Landlord/Tenant: ARHA utilizes legal counsel to bring contested eviction actions in City Alexandria Court and to otherwise represent ARHA's interest in nonpayment of rent cases and lease terminations for cause.
- 2.6 Public Sector Law/Federal Housing Law: The ARHA receives most of its operating expenses from the Department of Housing & Urban Development. Accordingly, the Housing Authority seeks firms with an expertise in representing other Authorities concerning its general obligations to the Department of Housing and Urban Development.
- 2.7 Affordable Housing Law: ARHA provides for, manages, and maintains affordable housing units financed with low income housing tax credits and bonds. Accordingly, ARHA is seeking counsel who is experienced in the field of affordable housing, including creation of ownership entities, tax opinions, partnership law, corporate law, and all other disciplines required for a successful mixed income transaction.
- 2.8 Administrative Law: ARHA seeks qualified attorneys in the administrative law field. An applicant's expertise should include enforcement powers of agencies, Commonwealth of Virginia Law, ethics.
- 2.9 Bond Financing: ARHA seeks bond counsel with experience in issuing tax exempt bonds, revenue bonds, serving as bond counsel in Conduit Bond Issuances, and other

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bonds which public housing agencies may from time to time be authorized to issue and/or participate in.

2.10 Land Use Counsel: ARHA seeks counsel experience in land use and zoning issues with specific subject-matter experience in the City of Alexandria and the Commonwealth of Virginia generally.

2.11 General Public Housing law: ARHA seeks individuals or firms who have previously served as counsel for a public housing Board of Commissioners. The individual or firm shall demonstrate no less than ten years of experience in providing such services.

3.0 PROPOSAL FORMAT: All files must be uploaded to Housing Agency Market Place (<https://ha.internationaleprocurement.com>) and include the components as explained below.

3.1 Proposal Content and Order of Presentation: ARHA intends to retain the successful proposer pursuant to a "Best Value" basis, not a "low Bid" basis ("Best Value" in that ARHA will, as detailed within the following Section 4.0, consider factors other than just cost in making the award decision). Therefore, so that ARHA can properly evaluate the offers received, all proposals submitted in response to this RFP must use the following section headings

[Table No. 3]

RFP Section	Tab No.	Description
3.1.1	1	Letter of Transmittal
3.1.2	2	Form of Proposal: This Form is attached hereto as Attachment A to this RFP document. This form must be fully completed, executed where provided thereon and submitted under this tab as a part of the proposal submittal.
3.1.3	3	Proposed Services: Individuals and/or firms responding to this RFP shall state which of the above experiences detailed under Section 2 the response is submitted for. ARHA will consider firms and/or individuals with specific subject-matter expertise and design a scope of service restricted solely to those enumerated areas. As more fully detailed within Section 2.0, Scope of Service Specifications, of this document, the proposer shall, at a minimum, clearly detail within the information submitted under this tab documentation showing:
3.1.3.1		Company Information: Please furnish a brief history of your company including how long you have been in business, major offices located in Alexandria Virginia and/or major offices located in the United States.
3.1.3.2		Staffing and Qualifications: a. The proposal should include the size of the firm's staff and the number and nature of the professional staff to be employed on a full and part-time basis. Experience services in the City of Alexandria, Virginia. b. Qualification of the assigned personnel, knowledge of relevant statutes, regulations, and case law pertaining to environmental assessment.

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3.1.3.3		Relevant Experience and Past Performance: a. Demonstrated experience in environmental assessment. b. listing of the most significant engagements (maximum of five) performed in the last five years that are similar to this engagement described in this request.
3.1.3.4		References: Provide a list of clients, previous and current. This list must include the name and title of the contact person, with an address, email phone number, and fax number. A minimum of five (5) references are required. Attachment K
3.1.3.5		Respondent's Approach and Response to Scope of Service: i. Provide a detailed narrative that demonstrates the approach intended for use by the Respondent. ii. The Respondent should outline its anticipated approach for each element of work identified in the Scope of Services iii. The approach outlined should be consistent with the objectives and requirements set forth in the RFP, and should address how services will be immediately provided upon execution of a contract. iv. The approach outlined should be consistent with the objectives and requirements set forth in the RFP, and should address how services will be immediately provided upon execution of a contract
3.1.3.6		Fee Proposal:
3.1.3.7		Insurance Requirements: Evidence of Professional Liability coverage of not less than \$1,000,000 in aggregate.
3.1.4	4	Form HUD-5369-C (8/93), <i>Certifications and Representations of Offerors, Non-Construction Contract</i>: Attachment C
3.1.5	5	Non-Collusive Affidavit - Attachment D
3.1.6	6	Equal Employment Opportunity Certification, Form HUD-92010 - Attachment E
3.1.7	7	Section III Compliance Clause & Commitment Form - Attachment F
3.1.8	8	Certification for Business Concerns Seeking Section 3 Preference in Contracting & Demonstration of Capability - Attachment G
3.1.9	9	Minority Business & Section III Participation Commitment Form - Attachment I
3.1.10	10	Subcontractor/Joint Venture Information (Optional Item): The proposer shall identify hereunder whether they intend to use any subcontractors for this job, if awarded, and/or if the proposal is a joint venture with another firm. Please remember that all information required from the proposer under the proceeding tabs must also be included for any major subcontractors (10% or more) or from any joint venture. List of Subcontractor's - Attachment J
3.1.11	11	Client References - Attachment K
3.1.12	12	Form W-9 - Request for Taxpayer Identification Number & Certification - Attachment L

3.1.13	13	Sample Contract- Attachment M
3.1.14	14	Form HUD-5370-C General Conditions for Nonconstruction Attachment N
3.1.15	15	Supplemental Terms and Conditions of the Contract- Attachment O
3.1.16	16	Sample Notice to Proceed- Attachment P
3.1.17	17	Professional Legal Services Fee Proposal Form Attachment Q
3.1.18	18	Practice Area(s) Attachment R
3.1.19	19	Hourly Rate ATTACHMENT S
3.1.20	20	A copy of the bidder's business license - allowing the bidder to provide such services within the City of Alexandria, Virginia. (Optional) If the contract is awarded, the successful proposer will be required to provide copy of business license before start the services.
3.1.21	21	Other Information (Optional Item): The proposer may include any other general information that the proposer believes is appropriate to assist the ARHA in its evaluation.

3.1.16 Proposal Submittal Binding Method:

Electronic proposal submission through Housing Agency Market Place ha.internationaleprocurement.com.

3.2 Requirements-Type Contracts:

(Requirements-type contracts are agreements for performance over a specified period of time when quantities are indefinite. Purchase order activity must be periodically reviewed for compliance with the terms of the agreement. Contract expenditure activity is always to be examined prior to the exercise of any renewal provision or re-solicitation):

- **Hourly Rate Schedule:**

The proposed hourly rate is inclusive of noted services such as employee wages and benefits, overhead and profit, licensing, and insurance costs.

- **Reimbursement Fee Schedule:**

The proposal can reflect either a fixed fee for services charged by the firm or a percentage markup for third-party services. The proposal cannot select both.

3.2.1 If the Contractor believes that a change in or addition to work is beyond the general scope of the agreement, it must notify the ARHA in writing within ten (10) days of being notified to begin such work. The final administrative authority in settling such disputes shall rest with the ARHA.

- 3.3 Proposal Submission:** All proposals must be submitted on time through the Housing Agency Market Place <https://ha.internationalprocurement.com> no later than the submittal deadline stated herein (or within any ensuing addendum).

Your response cover page must clearly denote the above noted RFP number and must have the proposer's name and return address.

The Housing Agency Market Place will automatically shut off the submittal option after the due date and time, and no one will be able to upload any documents after the submission deadline.

1. Access <https://ha.internationalprocurement.com>
2. Click on the "Login" button in the upper left side.
3. Find the RFP and Upload your proposals.

If you have any problems in accessing or uploading on the system, please call customer support at **1-866-526-9266**.

Email: larry.t.hancock@gmail.com

3.3.1 Submission Conditions: DO NOT FOLD OR MAKE ANY ADDITIONAL MARKS, NOTATIONS OR REQUIREMENTS ON THE DOCUMENTS TO BE SUBMITTED! Proposers are not allowed to change any requirements or forms contained herein, either by making or entering onto these documents or the documents submitted any revisions or additions; and if any such additional marks, notations or requirements are entered on any of the documents that are submitted to the ARHA by the proposer, such may invalidate that proposal. Such additions, amendments, notations, or marks to any document should be discussed in the cover letter. After contract award no amendments to the documents are permissible without the affirmative consent of ARHA as evidenced by an amendment to the awarded contract. By accessing the noted Internet System, registering, and downloading these documents, each prospective proposer is thereby agreeing to confirm all notices that the ARHA delivers, and by submitting a proposal, the proposer is thereby agreeing to abide by all terms and conditions published herein and by addendum pertaining to this RFP.

3.3.2 Submission Responsibilities: It shall be the responsibility of each proposer to be aware of and to abide by all dates, times, conditions, requirements, and specifications set forth within all applicable documents issued by ARHA, including the RFP document, the documents listed in Section 3.5, and any addenda and required attachments submitted by the proposer. By virtue of completing, signing, and submitting the completed documents, the proposer is agreeing to comply with the all conditions and requirements set forth within those documents.

- 3.4 Proposer's Responsibilities--Contact with ARHA:** It is the responsibility of the proposer to address all communication and correspondence pertaining to this RFP process to the Senior Contract Manager only. Proposers must not make inquiry or communicate with any other ARHA staff member or official (including members of the Board of Commissioners) pertaining to this RFP. Failure to abide by this requirement is cause for disqualification by ARHA.

3.4.1 Addenda: All questions and requests for information must be submitted in writing to the Procurement Manager by **[08/29/2024]**. The Procurement Manager will respond to all such inquiries within one week by addendum. These responses will be posted as an addendum on eProcurement platform and on ARHA website.

3.5 Recap of Attachments: It is the responsibility of each proposer to verify that he/she ARHAs downloaded the following attachments pertaining to this RFP, which are hereby by reference included as a part of this RFP:

[Table No. 4]

RFP Section	Attachment	Attachment Description
3.5.1	A	Form of Proposal
3.5.2	B	Form HUD-5369-B (8/93), <i>Instructions to Offerors, Non-Construction</i>
3.5.3	C	Form HUD-5369-C (8/93), <i>Certifications and Representations of Offerors, Non-Construction Contract</i>
3.5.4	D	Non-Collusive Affidavit
3.5.5	E	Form HUD-92010 Equal Employment Opportunity Certification,
3.5.6	F	Section III Compliance Clause and Commitment Form
3.5.7	G	Certification for Business Concerns Seeking Section 3
3.5.8	I	Minority Business and Section III Participation
3.5.9	J	Contractor's Certification Regarding Subcontractors
3.5.10	K	Client References
3.5.11	L	Form W-9 Request for Taxpayer Identification Number
3.5.12	M	Sample Contract
3.5.13	N	Form HUD-5370-C General Conditions for Non-Construction Contracts
3.5.14	O	Supplemental Terms and Conditions of the Contract
3.5.15	P	Sample Notice to Proceed- Attachment P
3.5.16	Q	Professional Legal Services Fee Proposal Form Attachment Q
3.5.17	R	Practice Area(s) Attachment R
3.5.18	S	Hourly Rate ATTACHMENT S

4.0 PROPOSAL EVALUATION:

- 4.1 Evaluation Factors:** The following factors will be utilized by the ARHA to evaluate each proposal submittal received; award of points for each listed factor will be based upon the documentation that the proposer submits within his/her proposal submittal:

[Table No. 5]

NO.	FACTOR DESCRIPTION	Maximum Points
1	<p>Organizational Capacity:</p> <p>i. Respondent's organizational capacity will be evaluated through an assessment of the Respondent's staff, specialists', and consultants' experience and qualifications. In addition, the Respondent's ability to perform the work in a timely manner will be evaluated through a review of previous performance on similar projects, as well as current and projected capacity and workload.</p> <p>ii. Maximum consideration will be given to those Respondents having staff with the greatest amount of experience in performing work as required herein, and who can demonstrate sufficient capacity to perform the work timely given current and projected workload.</p>	30
2	<p>Relevant Experience and Past Performance:</p> <p>i. Relevant experience and past performance will be evaluated through an assessment of previous, similarly related projects completed to date.</p> <p>ii. Maximum consideration will be given to those Respondents, who demonstrate through their submittal, a documented track record of successfully completing projects of the same type required by this RFP.</p> <p>iii. Maximum consideration will also be given to those Respondents who exhibit a successful track record of performing similar services for public housing authorities.</p>	30
3	<p>Respondent's Approach/Response to Scope of Service:</p> <p>i. The Respondent's approach and response to the Scope of Service will be evaluated through an assessment of the proposed approach for each element of work identified in the Scope of Service.</p> <p>ii. Maximum consideration will be given to those Respondents, who demonstrate through their submittal, a clear and prudent plan for performing the required work within the established timeframe.</p>	20

4	Proposal Cost: i. The Respondent's approach and response to the Scope of Service will be evaluated through an assessment of the proposed approach for each element of work identified in the Scope of Service. ii. Maximum consideration will be given to those Respondents, who demonstrate through their submittal, a clear and prudent plan for performing the required work within the established timeframe.	20
	Total Points:	100

4.2 Evaluation Method:

4.2.1 Initial Evaluation for Responsiveness: Each proposal received will first be evaluated for responsiveness (e.g., meets the minimum of the published requirements). The ARHA reserves the right to reject any proposals deemed by the ARHA not minimally responsive (the ARHA will notify such firms in writing of any such rejection).

4.2.2 Evaluation Packet: An evaluation packet will be prepared for each evaluator, including the following documents:

4.2.2.1 Instructions to Evaluators

4.2.2.2 Proposal Tabulation Form

4.2.2.3 Copy of all pertinent RFP documents

4.2.3 Evaluation Committee: ARHA anticipates that it will select a minimum of a three-person committee to evaluate each of the responsive proposals submitted in response to this RFP. PLEASE NOTE: No proposer shall be informed at any time during or after the RFP process as to the identity of any evaluation committee member. As detailed within Section 3.4 of this document, the designated Procurement Manager is the only person at ARHA that the proposers shall contact pertaining to this RFP. Failure to abide by this requirement may be cause for disqualification.

4.2.4 Evaluation: The appointed evaluation committee, independent of the Senior Contract Manager or any other person at ARHA, shall evaluate the responsive proposals submitted and award points pertaining to Evaluation Factors. Upon final completion of the proposal evaluation process, the evaluation committee will forward the completed evaluations to the Procurement Manager.

4.2.5 Award Recommendation: If the ensuing contract award is \$200,000 or greater, the final ranking will be forwarded to ARHA Board of Commissioners (BOC) at their next regularly scheduled meeting for approval. The ARHA BOC will then make its determination as to whether to

follow the evaluation committee's recommendation. Contract price negotiations may, at ARHA's option, be conducted prior to and/or after the BOC approval.

4.2.6 Notice of Results of Evaluation: If an award is completed, all proposers will receive by e-mail a Notice of Results of Evaluation. Such notice shall inform all proposers of:

4.2.6.1 Which proposer received the award;

4.2.6.2 Where each proposer placed in the process as a result of the evaluation of the proposals received;

4.2.6.3 Each proposer's right to a debriefing.

4.2.7 Restrictions: All persons having familial (including in-laws) and/or employment relationships (past or current) with principals and/or employees of a proposer entity will be excluded from participation on the ARHA evaluation committee. Similarly, all persons having ownership interest in and/or contract with a proposer entity will be excluded from participation on the ARHA evaluation committee.

5.0 CONTRACT AWARD:

5.1 Contract Award Procedure: If a contract is awarded pursuant to this RFP, the following detailed procedures will be followed:

5.1.1 By completing, executing and submitting the Form of Proposal, Attachment A, the "proposer is thereby agreeing to abide by all terms and conditions pertaining to this RFP as issued by the ARHA, either in hard copy or on the noted eProcurement System," including the contract clauses already attached as Attachment N and O. Accordingly, the ARHA has no responsibility to conduct after the submittal deadline any negotiations pertaining to the contract clauses already published.

5.2 Contract Conditions: The following provisions are considered mandatory conditions of any contract award made by the ARHA pursuant to this RFP:

5.2.1 Contract Form: The ARHA will not execute a contract on the successful proposer's form--contracts will only be executed on the ARHA form (please see Sample Contract, Attachments N and O), and by submitting a proposal the successful proposer agrees to do so (please note that the ARHA reserves the right to amend this form as the ARHA deems necessary). However, the ARHA will during the RFP process (prior to the submittal deadline) consider any contract clauses that the proposer wishes to include therein and submits in writing a request for the ARHA to do so; but the failure of the ARHA to include such clauses does not give the successful proposer the right to refuse to execute the ARHA's contract form. It is the responsibility of each prospective proposer to notify the ARHA, in writing, prior to submitting a proposal, of any contract clause

that he/she is not willing to include in the final executed contract and abide by. The ARHA will consider and respond to such written correspondence, and if the prospective proposer is not willing to abide by the ARHA's response (decision), then that prospective proposer shall be deemed ineligible to submit a proposal.

5.2.1.1 Please note that the ARHA has no legal right or ability to (and will not) at any time negotiate any clauses contained within ANY of the HUD forms included as a part of this RFP.

5.2.2 Assignment of Personnel: The ARHA shall retain the right to demand and receive a change in personnel assigned to the work if the ARHA believes that such change is in the best interest of the ARHA and the completion of the contracted work.

5.2.3 Unauthorized Sub-Contracting Prohibited: The successful proposer shall not assign any right, nor delegate any duty for the work proposed pursuant to this RFP (including, but not limited to, selling or transferring the contract) without the prior written consent of the Contracting Officer (CO). Any purported assignment of interest or delegation of duty, without the prior written consent of the CO shall be void and may result in the cancellation of the contract with the ARHA, or may result in the full or partial forfeiture of funds paid to the successful proposer as a result of the proposed contract; either as determined by the CO.

5.3 Contract Period: The ARHA anticipates that it will initially award a contract for the period of two (2) years with an option, at ARHA's discretion, of three (3) additional one-year option periods, for a maximum total of 5 years.

5.4 Licensing and Insurance Requirements: Prior to award (but not as a part of the proposal submission) the *successful proposer* will be required to provide:

5.4.1 An original certificate evidencing the proposer's current industrial (worker's compensation) insurance carrier and coverage amount;

5.4.2 An original certificate evidencing General Liability coverage, naming the ARHA as an additional insured, together with the appropriate endorsement to said policy reflecting the addition of the ARHA as an additional insured under said policy (minimum of \$1,000,000 each occurrence, general aggregate minimum limit of \$2,000,000, together with damage to premises and fire damage of \$50,000 and medical expenses any one person of \$5,000), with a deductible of not greater than \$1,000;

5.4.3 An original certificate showing the proposer's professional liability and/or "errors and omissions" coverage (minimum of \$1,000,000 each occurrence, general aggregate minimum limit of \$2,000,000), with a deductible of not greater than \$1,000;

5.4.4 An original certificate showing the proposer's automobile insurance coverage in a combined single limit of \$1,000,000. For every vehicle utilized during the term of this program, when not owned by the entity,

each vehicle must have evidence of automobile insurance coverage with limits of no less than \$50,000/\$100,000 and medical pay of \$5,000.

5.4.5 A copy of the proposer's business license allowing that entity to provide such services within the City of Alexandria, Virginia.

5.4.6 If applicable, a copy of the proposer's license issued by the State of Virginia licensing authority allowing the proposer to provide the services detailed herein.

5.5 Right to Negotiate Final Fees: ARHA shall retain the right to negotiate the amount of fees that are paid to the successful proposer, meaning the fees proposed by the top-rated proposer may, at ARHA's options, be the basis for the beginning of negotiations. Such negotiations shall begin after ARHA has chosen a top-rated proposer. If such negotiations are not, in the opinion of the CO successfully concluded within 5 business days, the ARHA shall retain the right to end such negotiations and begin negotiations with the next-rated proposer. The ARHA shall also retain the right to negotiate with and make an award to more than one proposer, as long as such negotiation(s) and/or award(s) are addressed in the above manner (i.e. top-rated first, then next-rated following until a successful negotiation is reached).

Contract Service Standards: All work performed pursuant to this RFP must conform and comply with all applicable local, state, and federal codes, statutes, laws and regulations.