



# **Louisiana Housing Council, Inc. Group Self-Insurance Risk Management Agency**

## **REQUEST FOR PROPOSALS**

### **GENERAL COUNSEL**

**RFP Number: 2024-004**

**RFP Release Date: March 13, 2024**

**Deadline for Submission of Questions: 5:00 PM CST on April 1, 2024**

**Answers to RFP Questions Provided to all Proposers: April 5, 2024**

**Proposal Submission Due: 5:00 PM CST on April 15, 2024**

**Evaluation of Proposals: April 16-19, 2024**

**Award of Contract: May 1, 2024**

## **I. INTRODUCTION**

The Louisiana Housing Council, Inc. is a state association of Public Housing Authorities (PHAs) located throughout Louisiana. In 1994, the Louisiana Housing Council Group Self-Insurance Risk Management Agency (LHCIRMA), pursuant to La R.S. 33:1351 through 1360, was established to jointly provide, amongst other things, interlocal risk management and sharing programs, including the administration of such programs and a trust fund for each risk pooled. From then, additional lines of coverage were added to provide property and casualty coverage to eligible members. The largest members of the LHCIRMA are mid-sized (1500 units or less) such as Baton Rouge and Monroe. The Housing Authority of New Orleans is not a part of this group and never has been a participating member. The remaining members are small Housing Authorities scattered throughout the state with 50 -700 units each. Approximately 98% of the PHAs in the state choose to belong to the IRMA.

In 2022, the State legislature enacted Chapter 15-B of Title 33 of the Louisiana Revised Statutes of 1950, comprised of La R.S. 33:5081 through 5089, which authorizes the inception of a Risk Management Organization (RMO). The RMO will allow for the pooling of affordable housing risks of affiliates and subsidiaries of local PHAs. The proposed effective date will be May 1, 2024, though this date is not yet final. The new program will be overseen by the same leadership that oversees the LHCIRMA.

## **II. OVERVIEW**

The LHC hereby requests proposals (a “Proposal” or the “Proposals”) from highly qualified law practitioners (“Proposer”) to serve as general counsel for the IRMA and RMO. This request does not include work for the Louisiana Housing Council, Inc. The work is specific only to the committees that oversee the insurance program, both Property and Casualty and Benefits. The Proposer should meet or exceed the qualifications stated herein and, in general, be exceptionally experienced in municipal law, the laws related to the IRMA and litigation specific to the *administration* of the IRMA. LHC has defense counsel in place to manage litigation against its covered members. For example, if a general liability claim is brought by a tenant against the PHA, assigned counsel will manage this litigation – not general counsel. This proposal request is very specific to IRMA and RMO matters.

It is NOT necessary that general counsel attend Insurance Committee Meetings. It is important that general counsel be available as requested by the Insurance Committee to assist with such matters as:

- Litigation direct against the IRMA
- Legislative matters, such as assisting with new legislation involving the IRMA and its programs
- Keeping the Insurance Committee abreast of changes in legislation that impact the IRMA and its programs

- Communication on behalf of the IRMA to third parties but only as requested to do so by the Insurance Committee.

Concerning time commitments, some months would require as few as three to four hours. Some months, depending on litigation matters and legislative matters are much more. It varies.

The successful Proposer shall be scrupulous in adhering to required standards of professional conduct and ethics, and committed to rendering sound legal advice with suitable objectivity and professional detachment.

### **III. MINIMUM QUALIFICATIONS**

#### **A. Bar Admissions**

The Proposer and all those who serve as back-up to the Proposer must demonstrate they are a member in good standing of the Louisiana Bar and of the Federal Bar for the District of Louisiana.

#### **B. Experience**

The Proposer must demonstrate experience with Louisiana public entity law and knowledge of laws involving IRMAs as well as the newly allowed mixed finance RMO. Preference will be given to Proposers with documented experience representing Louisiana public entities. References for all public entities currently represented or represented in the past ten years by the appointee must be furnished. Please include the entity's name, the contact person's name and contact information, dates of services and a description of the scope of work provided. The Proposer also must have substantial experience in the areas of by-laws, Robert's Rules of Order and Committee meeting process in general.

#### **C. Accessibility**

The Proposer must commit to returning all calls or emails from authorized officials either himself/herself or through a qualified back up within 24 hours of the call, excluding weekends or holidays. The Proposer must also commit, as a general rule, to responding to requests for written opinions within one week unless the circumstances of the opinion warrant a shorter or longer time frame for a response.

#### **D. Back-up**

The Proposer must have within their Firm at least one other qualified attorney available to render advice and otherwise represent the interests of the LHCIRMA when the Attorney is unavailable. In this context, "qualified attorney" shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the Attorney.

#### **E. Billing**

The Proposer must commit to providing statements for services rendered on a monthly basis. Each statement, if based on an hourly rate for services, must disclose, at a minimum, the date of the service; the identity of the attorney or staff person performing the service, the subject matter reference for the service, a description of the service performed, the time it took to

perform that function, and the hourly rate for the individual performing the function. Expense items must also be itemized.

#### **IV. FEES AND EXPENSES**

LHCIRMA strongly desires to properly manage the LHCIRMA's approach to legal matters. Accordingly, any Proposer wishing to be considered for appointment must submit with its RFP proposal an hourly rate fee arrangement along with other options if available. For example, responding Proposers may propose a fixed retainer for a specified scope of services with an hourly rate for work outside the established scope of services. Responding Proposers are encouraged to be creative in this regard so long as the proposal is workable and reasonable. Whether or not an alternative fee arrangement is proposed by the Proposer, the attached fees and expenses response sheet must be completely filled and signed.

#### **V. Disadvantaged Business**

LHCIRMA encourages its contractors/vendors to understand, endorse and fully implement policies and programs to expand the business potential for Disadvantaged Businesses i.e., small, and minority-owned businesses, women's business enterprises, veteran owned business, as well as similar activities associated with low and very low-income persons, notably those living in public housing. Each Proposer must provide its policy statement on these matters, as well as its plan for meeting and fostering these objectives in terms of its own team and project expenditures.

#### **VI. SELECTION**

This process is being used to communicate the desired qualifications of LHCIRMA's Counsel and to solicit information in an orderly fashion for comparative purposes. The attorney that is deemed to be in the best interests of LHCIRMA will be chosen. Interviews of prospective attorneys may be conducted. The contract will be awarded May 1, 2024. Consequently, LHCIRMA reserves the right to waive any irregularities in the RFP process and to accept or reject any or all proposals.

#### **VII. SUBMITTAL**

Qualified Proposers interested in responding to this RFP must fill out the attached forms completely; attach copies of all documents requested therein, and return the same electronically to:

Kia Fuller via [kowens@hacsla.com](mailto:kowens@hacsla.com)

**All responses to this RFP must be received no later than 5:00pm CST on April 15, 2024.**

Proposers with questions regarding this RFP may submit them electronically to Kia Fuller at [kowens@hacsla.com](mailto:kowens@hacsla.com) no later than 5:00 pm on April 1, 2024. LHCIRMA shall endeavor, but shall not be required, to answer all questions submitted by April 5, 2024.

## VIII. GRADING SCALE

The proposals received will be reviewed as per the attached scale:

1. Louisiana Public Entity experience.....20
2. Knowledge of the IRMA, and proposed RMO statutes.....20
3. Pricing.....25
4. Disadvantage Business Enterprise.....20
5. References.....15

### **RESPONSE TO REQUEST FOR PROPOSALS FOR GENERAL COUNSEL**

Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Please respond to each of the following. Use/attach additional pages as necessary:**

- 1) Please identify by name (address and phone number, if different than above) the proposed Counsel and each proposed back-up counsel.

- 2) Please attach resumes for each attorney identified above.
- 3) Do each of the attorneys identified above meet the minimum bar admission requirements of the RFP? If other than “yes,” please explain.
- 4) With respect to each attorney or firm identified, please list each and every Louisiana public entity represented by the attorney within the past ten years; the years of such representation, and the name, address and phone number of at least one contact person in each public entity with knowledge of the attorney’s representation.
- 5) Please describe how you propose to satisfy the *Accessibility* requirements as indicated in Section III. (C) of the RFP.
- 6) Will you meet the Billing requirements specified in Section III. (E) of the RFP? If not, please explain.
- 7) How do you insure the delivery of cost effective client services?
- 8) How do you propose to minimize duplication and/or re-work of matters that are similar to matters previously handled?

- 9) Please provide three (3) recent relevant clients who would be prepared to provide references on your performance.

**By my signature, I certify that the information contained in this Response to Request for Proposals are complete and accurate, to the best of my knowledge and belief.**

**Signed:**

**Date:**

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## **RESPONSE TO REQUEST FOR PROPOSALS FOR GENERAL COUNSEL**

### **Fees and Expenses Response Sheet**

(To be attached to and made a part of the overall Response to Request for Proposals)

- 1) Please list the name(s) and hourly rate for proposed Counsel and for each attorney intended or likely to serve as back-up.
- 2) If you propose to bill for services provided by paralegals, clerical staff, or other non-attorney personnel, please list by title and by hourly rate each position for whom you may bill.
- 3) Please provide a complete listing of all charges for expenses you intend to impose as incurred (i.e. any and all copy charges, telephone charges, fax charges, mileage charges and the like, but excluding any fees for stenographers, court fees, service fees and the like.)
- 4) In what hourly increments do you intend to bill?
- 5) Do you bill attorney time out of the office on a portal-to-portal basis or some other basis? Please describe.
- 6) Please attach additional sheet(s) fully describing and explaining your alternative fee arrangement proposal(s).