
Louisiana Housing Finance Agency



Legal Department

Christine Bratkowski
Keith Cunningham
Leslie Strahan

March 12, 2008

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MEMORANDUM

To: Commissioner Allison Jones, Chairman
Commissioner Mark Madderra
Commissioner Lisa Woodruff-White
Commissioner Adell Brown, Jr.
Commissioner Guy Williams

From: Christine Bratkowski, Keith Cunningham and Leslie Strahan, Legal Department

Date: February 29, 2008

Re: Legal Committee

There will be a Legal Committee meeting, Wednesday, March 12, 2008, at 11:00 a.m. in Committee Room 2 at Louisiana Housing Finance Agency, located at 2415 Quail Drive, Baton Rouge, LA.

If you have any questions or concerns, please contact us.

March 12, 2008

LEGAL COMMITTEE MEETING

A regular meeting of the Louisiana Housing Finance Agency Legal Committee will be held on Wednesday, March 12, 2008, at 11:00 a.m., Louisiana Housing Finance Agency, Committee Room 2, located at 2415 Quail Drive, Baton Rouge, LA, by order of the Chairman.

Final Agenda

1. Call to order, roll call and introduction of guests
2. Approval of the minutes of January 9, 2008 Committee Meeting
3. Discussion of the Property Management RFP for Willowbrook
4. Other Business
5. Adjournment

Milton J. Bailey, President

Pursuant to the provisions of LSA-R.S. 42:6.1, upon two-thirds vote of the members present, the Board of Commissioners of the Louisiana Housing Finance Agency may choose to enter Executive Session, and by this notice, the Agency reserves its right to go into Executive Session as provided by law.

**Louisiana Housing Finance Agency
Legal Committee Meeting Minutes
Wednesday, January 9, 2008
2415 Quail Drive
Committee Room 1
Baton Rouge, LA 70808
9:30 A.M.**

Commissioners Present

Allison A. Jones, Chairman
Lisa Woodruff-White
Dr. Adell Brown, Jr.
Guy Williams

Commissioners Absent

Mark Madderra

Legal Counsel Present

Keith Cunningham
Christine Bratkowski
Leslie Strahan
Wayne Woods

Staff Present

Milton Bailey
Melanie Brocato
J.C. Caesar
Rene Landry

Others Present

Scott Kirkpatrick
Herman Gesser, III
Adam Fishbein
Winston G. DeCuir, Sr.
Jason P. Hargrave
John S. Godfrey
Robert Whittington
Ben Dupuy

Chairman Allison A. Jones called the meeting to order at 10:39:53 a.m. and asked for roll call. A quorum was established.

1. Call to order, roll call and introduction of guests.
2. **Approval of the minutes.** A motion was made by Commissioner Allison Jones, and a second by Commissioner Adell Brown, Jr. to approve the minutes of the December 12, 2007 Legal Committee meeting. The minutes were approved.
3. **Discussion of the Property Management RFP.** The Agency issued a Property Management RFP for the Willowbrook Apartments in New Orleans East. We received a limited response with only three proposals submitted probably due to the timing which fell during the holiday season. We plan on reintroducing the RFP for an additional month and plan on having it ready for presentation to the board at the February 13 meeting as well as amending the RFP to make it include additional information to make it more complete for submission. The additional information will be the full scope of the Willowbrook apartment complex including the tenant variation of units, basically one, two or three bedroom apartments which was not apparent in the original RFP. We did get some responses after talking to the chairman and realized that in order to be full faced and above board with the entire process we would like to get some responses from some Louisiana contenders so we can truly determine what companies are out there. Allison Jones - Is there any action that can be taken by the board to extend the RFP period for one month, is that something we can do? I think it's in the agency's discretion. Keith Cunningham - The original commission to do the RFP was done some time ago when we had a presentation by the architects before the full board and I don't think there was a timeline associated with that original presentation, so we are ok. Dr. Brown discussed suspending or modifying the RFP or issuing a new one and how to treat the proposals we have received already from the first run. Allison Jones - Why don't we submit a new RFP instead of an amended one? Keith Cunningham - we have language in the RFP that states that the agency has the right to cancel or reissue the RFP. The legal committee recommendation was that instead of amending the RFP, a completely new RFP should be issued. We are doing a new RFP. Is the extension proper as opposed to issuing a new one? Wayne Woods - Just do a new one.
4. **Discussion of the Contract for Grace, Hebert.** The Agency received a contract from Grace Hebert. The contract has been reviewed by DeCuir Law Firm and some modifications have been suggested and implemented. A motion was made by Allison Jones to approve the contract and a second by Guy Williams.
5. **Discussion of the Cypress Architects Contracts.** The LRK Contract and Cusato Contracts were both submitted to LHFA by Cypress for review and approval. Some slight modifications have been made and both contracts meet the Agency's standards. Outside counsel has reviewed the contracts and there was some last minute discussion on the Cusato contract. A last minute agreement was made that we had already approved and Cypress has agreed to the \$36,000.00 amount. Allison Jones stated that

we need to make it clear that anything over that \$36,000.00 has to come back to the full board for approval and that there is no guarantee that any of us will be here and that the full board will approve that. Both contracts were approved. A motion was made by Guy Williams to recommend approval to the Full Board with a second by Lisa Woodward-White.

- 6. Discussion of Defaulted 202 Properties.** After some discussion by Christine Bratkowski, staff counsel, regarding the status of these properties a motion was made to ratify the Defaulted 202 Committee decision authorizing Agency staff to agree to the sale of the Nazareth I and Nazareth II Properties, with a restructuring of financing and subordination of the LHFA's HOME Program Loan and the releasing of the LHFA's claims to any further insurance proceeds related to losses incurred at the Nazareth I and Nazareth II Properties; and providing for other matters in connection therewith.
- 8. Other Business.** A visit to Willowbrook was suggested to see their finished work.
- 9. Adjournment.** The committee adjourned at 11:39 a.m.

January 31, 2008

Reference Request for Proposals PROPERTY MANAGEMENT, Louisiana Housing Finance Agency, which was scheduled to open at January 7, 2008.

This addendum provides additional detailed information concerning the properties subject to the original RFP.

The addendum is adding/subtracting language and detail to the certain aspects of the original RFP.

THE ADDENDUM IS HEREBY OFFICIALLY MADE A PART OF THE REFERENCED REQUEST FOR PROPOSALS

The following section on page 1, paragraph two has added additional paragraphs to read as follows:

1.1.1 Purpose

Updated: The Willowbrook apartments are 408 units located at 7001 Bundy Road, New Orleans, Louisiana. The unit mix consists of Two hundred and sixteen (216) one bedroom units and one hundred ninety-two (192) two bedroom units on 17 acres of land. The property includes two pools, one main clubhouse and three laundry facilities.

The property is currently under HUD restrictions relating to rental availability and income level restrictions:

In addition, the covenants, if any, set forth in this Deed relating to Section 8 assistance shall be enforceable by any tenant or applicant eligible for assistance under the Section 8 program

NONDISCRIMINATION AGAINST SECTION 8 CERTIFICATE HOLDERS AND VOUCHER HOLDERS

In order to comply with Section 204 of the Housing and Community Development Amendments of 1978, 12 USC Section 1701z-12, as amended the Vendee, for itself, its successors and assigns, agrees not to unreasonably refuse to lease a dwelling unit offered for rent, refuse to offer or sell cooperative stock, or otherwise discriminate in the terms of tenancy or cooperative purchase and sale because any tenant or Grantee is the holder of a Certificate of Family Participation or a Voucher under Section 8 of the United States Housing Act of 1937 (42 USC Section 1437f), or any successor legislation (hereinafter referred to as "Section 8"). This provision is limited in its application for tenants or applicants with Section 8 Certificates or Vouchers, to those units which rent for an amount not greater than 120 percent of the Section 8 fair market rent for a comparable unit in the area as determined by the Vendor.

This covenant shall bind the Vendee, its successors, assigns, and purchasers for value, for a period equal to the rental/cooperative use restriction, which is thirty (30) years from the date of this Act of Sale. In the event of a breach or a threatened breach of this covenant, the Vendor, his successors in office and/or one or more third-party beneficiaries, shall be entitled to institute legal action to enforce performance and observance of such covenant and to enjoin any acts which are violative of such covenant. For the purposes of this covenant, a third-party beneficiary shall be any person who holds a Certificate of Family Participation or a Voucher under Section 8 or any equivalent document under successor legislation.

OCCUPANCY BY LOW-AND MODERATE-INCOME PERSONS OR FAMILIES

1. The Purchaser covenants that eighty (80) units in the Property shall be maintained as housing for low- and moderate- income persons or families, which shall be defined as follows:

Families, elderly, or handicapped individuals with adjusted annual gross income at or below eighty (80) percent of the median income for the area.

2. This covenant shall continue in effect for a period of thirty (30) years from the date of this Deed, or such earlier time as HUD may specify in writing. During such period if the number of units occupied by low- and moderate- income persons or families falls below the number of units specified in paragraph (1) above, the Purchaser must seek to rent a sufficient number of units to low- and moderate- income persons or families to comply with paragraph (1).

The following paragraph page 2 subheading 1.3 has been revised reflecting a change in proposal opening dates and award dates.

1.3 Schedule of Events

Updated:	<u>Date</u>	
1. RFP published and posted to the LHFA Website.	12-14-07	Confirmed
2. Addendum published and posted	02-07-08	
3. Proposal Opening date	03-05-08	Updated
4. Notice of Intent to Award	03-12-08	Updated
5. Contract Initiation	03-12-08	Updated

The following paragraph page 15 subheading 2.6.2 has been revised to read as follows.

2.6.2 Technical

Update: No evaluation will be considered of any firm that is unable to demonstrate to the satisfaction of the evaluation team that the firm has successfully managed a minimum of three residential complexes consisting of at least 200 units in each of the past three years for other property owners. The firm must have a direct contractual agreement for the referenced properties and the scope of property management services must be at least as extensive as the services required by this RFP.

Each Proposer should address how their company will meet all the requirements of this RFP including information demonstrating the Proposer's financial stability (financial statements, annual reports, or similar data for the last three years), information demonstrating the Proposer's understanding of the nature and scope of this project with particular attention to

- Staffing: The Proposer shall also provide:
 - a. The size and experience of the corporate staff pool from which staff assigned to the management contract can be drawn.
 - b. ~~The level of staff to be assigned to this project. Identified staff must have direct property management related experience.~~
 - c. ~~The composition of the staff team the Proposer shall dedicate to this assignment including:~~
 - i. ~~The names of the employees in the area responsible for this contract,~~
 - ii. ~~Their function in the company, title, and number of years service with the Proposer's firm.~~
 - iii. ~~Detailed resumes for the specific individuals designated to work on this contract, specifying educational and work experiences deemed relevant to the type of work to be undertaken.~~
 - d. The name of the person designated as the "Project Leader" who will be responsible for the coordination of work efforts of the other individuals. Information to be provided regarding the project leader is to include:
 - i. Length of career in providing Property Management Services
 - ii. Professional designations
 - iii. Number and size of properties managed in the last three years

e. Indicate the anticipated volume of work to be performed directly and to be subcontracted. ~~Where any subcontractor shall be utilized in a particular discipline describe, if known, the subcontractor's qualifications in detail.~~

- References: The Proposer shall also provide:

Each Proposer must submit a list of at least three (3) references documenting its experience including the following information for all property management services provided over the last three years, or currently in process:

a. A listing of all complexes where the Proposer is the property manager highlighting those properties that have leases with the State of Louisiana or other governmental organizations.

b. Firm's list of notable accomplishments including name of entity or company serviced, transaction size, level of difficulty, and dates from onset to conclusion.

c. Team personnel assigned to the project.

d. Name and Title of Reference.

e. Telephone number(s).

Include a contact person and telephone number for each reference.

LHFA retains the right to request any additional information pertaining to the Proposer's ability, qualifications, and procedures used to accomplish all work under the contract as it deems necessary to ensure safe and satisfactory work.

- Information demonstrating the Proposer's financial stability (financial statements, annual reports, or similar data for the last three years).
- Information demonstrating the Proposer's understanding of the nature and scope of this project.

Any other information deemed pertinent by the Proposer including terms and conditions which the Proposer wishes the Agency to consider.

ACKNOWLEDGEMENT: If you have already submitted your proposal and this Addendum does not cause you to revise your proposal, you should acknowledge receipt of this Addendum by identifying your business name and by signing where indicated. You may return this Acknowledgement to:

Louisiana Housing Finance Agency
2415 Quail Drive
Baton Rouge, LA 70808
Attn: Keith Cunningham c/o Melanie Brocato
Re: Response to RFP for Property Managers
Voice: 225.763.8700
Fax: 225.763.8710
Website: www.lhfa.state.la.us
E-mail: kcunningham@lhfa.state.la.us

The State reserves the right to request a completed Acknowledgement at any time. Failure to execute an Acknowledgement shall not relieve the Proposer's responsibility of complying with the terms and condition of the Request for Proposal and subsequent addendum.

Addendum Acknowledged/No Changes:

COMPANY NAME	SIGNATURE	DATE
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REVISIONS: If you have already submitted your proposal and this Addendum requires you to revise your proposal, you must indicate any changes below, identify your business name and sign where indicated. Revisions shall be delivered prior to the proposal opening date by mail or courier to:

Louisiana Housing Finance Agency
2415 Quail Drive
Baton Rouge, LA 70808
Attn: Keith Cunningham c/o Melanie Brocato
Re: Response to RFP for Property Managers
Voice: 225.763.8700
Fax: 225.763.8710
Website: www.lhfa.state.la.us

Proposal Submission deadline shall not be considered and Proposer shall be held to their original proposal.

REVISIONS:

COMPANY NAME	SIGNATURE	DATE
2415 QUAIL DRIVE (225) 763-8700	● BATON ROUGE, LA 70808 ● Fax (225) 763-8710	