

REQUEST FOR PROPOSALS

The Housing Authority of the Cherokee Nation of Oklahoma is accepting proposals from qualified Law Firms to provide Legal Services related to matters of Real Estate transactions at the Housing Authority of the Cherokee Nation of Oklahoma.

Information necessary for submission of proposals may be picked up at the Housing Authority of the Cherokee Nation, 1500 Hensley Drive or Contracts Dept. 5006 S. Muskogee Ave, Tahlequah, Oklahoma, between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. Or, you may call Lyllie Moton, (918) 456-5482 ext. 1245, if you would like to request that a packet be mailed to you. You may also request an e-mail copy from: Lyllie.Moton@hacn.org or online at www.cherokeebids.org.

Proposals may be mailed to the Housing Authority of the Cherokee Nation of Oklahoma, 1500 Hensley Drive, Tahlequah, Ok 74464 or P.O. Box 1007, Tahlequah, Oklahoma, 74465, or hand delivered to 1500 Hensley Drive, or 5006 S. Muskogee Ave, Tahlequah, Oklahoma. Proposals must be received on or before 4:00 p.m. Friday, October 8th, 2021. No proposal will be accepted after the specified deadline. Proposals must be clearly marked, **“PROPOSAL, LEGAL SERVICES – REAL ESTATE, DO NOT OPEN.”**

Proposals will be accepted from Indian and Non-Indian Offerors. Indian preference will be given ONLY to offerors who provide current certification from the Tribal Employment Rights Office (TERO) located at the Cherokee Nation of Oklahoma, P. O. Box 948, Tahlequah, Oklahoma, 74465, telephone number (918) 453-5000. Failure to submit the TERO certification with the proposal, or within three (3) days of deadline may result in denial of Indian Preference. This contract is subject to section 7 (b) of the Indian Self-Determination and Education Assistance Act which requires in part that to the greatest extent feasible, preference in the award of contracts and subcontracts shall be given to Indian Organizations and Indian Owned Economic Enterprises.

The Housing Authority of the Cherokee Nation reserves the right to determine a proposal acceptable in terms of meeting RFP requirements. The Housing Authority reserves the right to accept or reject any and all proposals received and may negotiate with offerors regarding the terms of their proposals or parts thereof. The Housing Authority of the Cherokee Nation reserves the right to award a contract for proposals that are in the best interest of the Housing Authority of the Cherokee Nation including but not limited to the total cost and capability of the offeror.

STATEMENT OF WORK

OBJECTIVE

The Housing Authority of the Cherokee Nation of Oklahoma is soliciting proposals from Law Firms interested in providing Legal Services related to Real Estate transactions for the Housing Authority. The successful offeror will be required to enter into a contract with the Housing Authority to provide said services and beginning within approximately 1 day of contract signing.

SCOPE OF WORK

The Contractor will be required to provide the following:

- Legal services related to real estate transactions, including but not limited to:
 - File review
 - Title Search
 - Deed preparation
 - Probate
 - Quiet Title
 - Title Opinion

Additional Instructions to Offerors

1. Offerors must submit an original and two copies of their proposal to:

The Housing Authority of the Cherokee Nation
1500 Hensley Drive
Tahlequah, OK 74464

2. All costs in connection with the preparation and submission of proposals shall be paid by the offeror.
3. It is the intention of this HACN to make this RFP, the successful offeror's proposal and written correspondence, a part of the contract.
4. The Housing Authority of the Cherokee Nation reserves the right to determine a proposal acceptable in terms of meeting RFP requirements. The Housing Authority reserves the right to accept or reject any and all proposals received and may negotiate with offerors regarding the terms of their proposals or parts thereof. The Housing Authority of the Cherokee Nation reserves the right to award a contract for proposals that are in the best interest of the Housing Authority of the Cherokee Nation.
5. The proposal shall contain all required attachments, forms and documentation as outlined in the solicitation documents.

EVALUATION FACTORS

All proposals will be evaluated individually on their administrative technical merits. Rating factors and their values are as follows:

Offeror must provide a general summary of the items asked for below and the names and contact information of 3 references that will be contacted for references.

- | | |
|--|-------------------|
| 1. Ability to perform the work | 20 points |
| Evidence of the firm's ability to perform the work as indicated by profiles of the principals, the staff's professional and technical competence and experience in real estate transaction matters. To obtain the maximum points the offeror should provide evidence they specialize in real estate law. | |
| 2. Previous Participation in cases that the offeror has provided in the area of real estate transactions and real estate law. | 20 points |
| Evidence showing offeror has provided legal counsel on real estate transaction matters, including review and deed preparation. Include the number of years in related areas of expertise. | |
| 3. Credentials and insurance | 10 points |
| Provide evidence that the offeror has the necessary credentials to perform legal work in the state of Oklahoma. Provide evidence the offeror has Errors and Omission/Liability insurance. | |
| 4. Previous participation with Indian Housing Authorities or Indian Tribes. | 15 points |
| Documentation provided to show previous participation on previous participation form provided. | |
| 5. Cost per hour | 25 points |
| Provide documentation on the cost per hour or any other proposed pricing. | |
| 6. Indian Preference | 10 points |
| Proposal includes current TERO certification or letter (5 points) | |
| Proposal includes current TERO certification or letter as Cherokee owned (10 points) | |
| Total Points | 100 points |

PREPARATION OUTLINE

- I. Attachments *(these must be submitted with proposals to be considered responsive) all other documents required for the purpose of obtaining points during the evaluation process is the responsibility of the offeror.*
 - a. Preparation Outline
 - b. Offeror's Proposal
 - c. Work History form and HUD 2530 Previous Participation
 - d. Non-Collusive Affidavit
 - e. Certifications and Representations of Offerors

- III. Offerors must submit with your proposal, or within 3 days of deadline, to receive the following preferences:
 - a. Indian Preference - offeror must submit a current TERO Certificate

- III. Documents the successful offeror will be required to complete and submit.
 - a. W-9 form (provided by HACN)
 - b. New Contractors must complete a Vendor Registration form (provided by HACN)

SPECIAL INSTRUCTIONS

**Be advised that all responsive proposals will be evaluated as outlined in this solicitation packet.

Signature/Title

Company Name

US Department of Housing and Urban Development
Office of Housing Federal Housing Commissioner

US Department of Agriculture
Farmers Home Administration

Part I to be completed by Controlling Participant(s) of Covered Projects

For HUD HQ/FmHA use only

<i>(See instructions)</i>			
Reason for submission:		2. Project Name, Project Number, City and Zip Code	
1. Agency name and City where the application is filed		5. Section of Act	
3. Loan or Contract amount \$	4. Number of Units or Beds	6. Type of Project (check one) <input type="checkbox"/> Existing <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Proposed (New)	

7. List all proposed Controlling Participants and attach complete organization chart for all organizations showing ownership %

Name and address (Last, First, Middle Initial) of controlling participant(s) proposing to participate	8 Role of Each Principal in Project	9. SSN or IRS Employer Number (TIN)

Certifications: The controlling participant(s) listed above hereby apply to HUD or USDA FmHA, as the case maybe, for approval to participate as controlling participant(s) in the role(s) and project listed above. The controlling participant(s) certify that the information provided on this form and in any accompanying documentation is true and accurate. I/we acknowledge that making, presenting, or submitting a false, fictitious, or fraudulent statement, representation, or certification may result in criminal, civil, and/or administrative sanctions, including fines, penalties, and imprisonment. The controlling participant(s) further certify to the truth and accuracy of the following:

1. Schedule A contains a listing, for the last ten years, of every project assisted or insured by HUD, USDA FmHA and/or State and local government housing finance agencies in which the controlling participant(s) have participated or are now participating.
2. For the period beginning 10 years prior to the date of this certification, and except as shown on the certification:
 - a. No mortgage on a project listed has ever been in default, assigned to the Government or foreclosed, nor has it received mortgage relief from the mortgagee;
 - b. The controlling participants have no defaults or noncompliance under any Conventional Contract or Turnkey Contract of Sale in connection with a public housing project;
 - c. There are no known unresolved findings as a result of HUD audits, management reviews or other Governmental investigations concerning the controlling participants or their projects;
 - d. There has not been a suspension or termination of payments under any HUD assistance contract due to the controlling participant's fault or negligence;
 - e. The controlling participants have not been convicted of a felony and are not presently the subject of a complaint or indictment charging a felony. (A felony is defined as any offense punishable by imprisonment for a term exceeding one year, but does not include any offense classified as a misdemeanor under the laws of a State and punishable by imprisonment of two years or less);
 - f. The controlling participants have not been suspended, debarred or otherwise restricted by any Department or Agency of the Federal Government or of a State Government from doing business with such Department or Agency;
 - g. The controlling participants have not defaulted on an obligation covered by a surety or performance bond and have not been the subject of a claim under an employee fidelity bond;
 - h. All the names of the controlling participants who propose to participate in this project are listed above;
3. All the names of the controlling participants who propose to participate in this project are listed above.
4. None of the controlling participants is a HUD FmHA employee or a member of a HUD FmHA employee's immediate household as defined in Standards of Ethical Conduct for Employees of the Executive Branch in 5 C.F.R. Part 2635 (57 FR 35006) and HUD's Standard of Conduct in 24 C.F.R. Part 0 and USDA's Standard of Conduct in 7 C.F.R. Part 0 Subpart B.
5. None of the controlling participants is a participant in an assisted or insured project as of this date on which construction has stopped for a period in excess of 90 days or which has been substantially completed for more than 90 days and documents for closing, including final cost certification, have not been filed with HUD or FmHA.
6. None of the controlling participants have been found by HUD or FmHA to be in noncompliance with any applicable fair housing and civil rights requirements in 24 CFR 5.105(a). (If any controlling participants have been found to be in noncompliance with any requirements, attach a signed statement explaining the relevant facts, circumstances, and resolution, if any).
7. None of the controlling participants is a Member of Congress or a Resident Commissioner nor otherwise prohibited or limited by law from contracting with the Government of the United States of America.
8. Statements above (if any) to which the controlling participant(s) cannot certify have been deleted by striking through the words with a pen, and the controlling participant(s) have initialed each deletion (if any) and have attached a true and accurate signed statement (if applicable) to explain the facts and circumstances.

Name of Controlling Participant

Signature of Controlling Participant

Certification Date (mm/dd/yyyy)

Area Code and Tel. No.

This form prepared by (print name)

Area Code and Tel. No.

Schedule A: List of Previous Projects and Section 8 Contracts. Below is a complete list of the controlling participants' previous participation projects and participation history in covered projects as per 24 CFR, part 200 §200.214 and multifamily Housing programs of FinHA. State and local Housing Finance Agencies, if applicable. **Note:** Read and follow the instruction sheet carefully. Make full disclosure. Add extra sheets if you need more space. Double check for accuracy. If no previous projects, write by your name, "No previous participation, First Experience".

1. Controlling Participants' Name (Last, First)	2. List of previous projects (Project name, project ID and, Govt. agency involved)	3. List Participants' Roles(s) (indicate dates participated, and if fee or identity of interest participant)	4. Status of loan (current, defaulted, assigned, foreclosed)	5. Was the Project ever in default during your participation Yes No If yes, explain	6. Last MOR rating and Physical Insp. Score and date

Part II - For HUD Internal Processing Only

Received and checked by me for accuracy and completeness; recommend approval or refer to Headquarters after checking appropriate box.

Date (mm/dd/yyyy)	Tel No. and area code	<input type="checkbox"/> A. No adverse information; form HUD-2530 approval recommended. <input type="checkbox"/> B. Name match in system		<input type="checkbox"/> C. Disclosure or Certification problem	Date (mm/dd/yyyy)
Staff	Processing and Control	<input type="checkbox"/> D. Other (attach memorandum)		Approved <input type="checkbox"/> Yes <input type="checkbox"/> No	
Signature of authorized reviewer	Signature of authorized reviewer				

Instructions for Completing the Previous Participation Certificate, form HUD-2530

Carefully read these instructions and the applicable regulations. A copy of the regulations published at 24 C.F.R. part 200, subpart H, § 200.210-200.222 can be obtained on-line at www.gpo.gov and from the Account Executive at any HUD Office. Type or print neatly in ink when filling out this form. Incomplete form will be returned to the applicant.

Attach extra sheets as you need them. Be sure to indicate "Continued on Attachments" wherever appropriate. Sign each additional page that you attach if it refers to you or your record. **Carefully read the certification before you sign it.** Any questions regarding the form or how to complete it can be answered by your HUD Account Executive.

Purpose: This form provides HUD/USDA FmHA with a certified report of all previous participation in relevant HUD/USDA programs by those parties submitting the application. The information requested in this form is used by HUD/USDA to determine if you meet the standards established to ensure that all controlling participants in HUD/USDA projects will honor their legal, financial and contractual obligations and are of acceptable risks from the underwriting standpoint of an insurer, lender or governmental agency. HUD requires that you certify and submit your record of previous participation, in relevant projects, by completing and signing this form, before your participation can be approved.

HUD approval of your certification is a necessary precondition for your participation in the project and in the capacity that you propose. If you do not file this certification, do not furnish the information requested accurately, or do not meet established standards, HUD will not approve your certification.

Note that approval of your certification does not obligate HUD to approve your project application, and it does not satisfy all other HUD program requirements relative to your qualifications.

Who Must Sign and File Form HUD-2530: Form HUD-2530 must be completed and signed by all Controlling Participants of Covered Projects, as such terms are defined in 24 CFR part 200 §200.212, and as further clarified by the Processing Guide (HUD notice H 2016-15) referenced in 24 CFR §200.210(b) and available on the HUD website at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/prevparticipation.

Where and When Form HUD-2530 Must Be Filed: The original of this form must be submitted to the HUD Office where your project application will be processed at the same time you file your initial project application. This form must be filed with applications for projects listed in 24 CFR §200.214 and for the Triggering Events listed at 24 CFR §200.218.

Review of Adverse Determination: If approval of your participation in a HUD project is denied, withheld, or conditionally granted on the basis of your record of previous participation, you will be notified by the HUD Office. You may request reconsideration in accordance with 24 CFR §200.222 and further clarified by the Processing Guide. Request must be made in writing within 30 days from your receipt of the notice of determination.

The Department of Housing and Urban Development (HUD) is authorized to collect this information by law 42 U.S.C. 3535(d) and by regulation at 24 CFR 200.210. This information is needed so that principals applying to participate in multifamily programs can become HUD-approved controlling participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility and eligibility. Without prior approval, a controlling participant may not participate in a proposed or existing multifamily or healthcare project. HUD uses this information to evaluate whether or not controlling participants pose an unsatisfactory underwriting risk. The information is used to evaluate the potential controlling participants and approve only individuals and organizations that will honor their legal, financial and contractual obligations.

Privacy Act Statement: The Housing and Community Development Act of 1987, 42 U.S.C. 3543 requires persons applying for a Federally-insured or guaranteed loan to furnish his/her Social Security Number (SSN). HUD must have your SSN for identification of your records. HUD may use your SSN for automated processing of your records and to make requests for information about you and your previous records with other public agencies and private sector sources. HUD may disclose certain information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as required and permitted by law. You must provide all of the information requested in this application, including your SSN.

Purpose: The information collected by form HUD-2530 is required for principals applying to participate in multifamily programs to become HUD-approved controlling participants. The information you provide will enable HUD to evaluate your record with respect to established standards of performance, responsibility, and eligibility.

Routine Use: The information collected by this form will not be otherwise disclosed outside of HUD, except to public agencies and private sector sources for automated processing of your records and for requesting information about you for participant approval; to appropriate agencies, entities, and persons when it is reasonably necessary to mitigate a breach or related incident; to Federal, state and/or local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions or for other inquiries.

Disclosure: Providing the information is voluntary. You must provide all information requested in this application, including your SSN. Without prior approval or information, a controlling participant may not participate in a proposed or existing multifamily or healthcare project.

SORN ID/URL:<https://www.govinfo.gov/content/pkg/FR-2016-07-29/pdf/2016-18026.pdf>

Public reporting burden for this collection of information is estimated to average three hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

A response is mandatory. Failure to provide any of the information will result in your disapproval of participation in this HUD program.

NON-COLLUSIVE AFFIDAVIT

STATE OF _____

COUNTY OF _____

_____, being duly sworn, deposes and says: that he/she is _____ of _____. The party making the foregoing proposal of bid, that such bid is genuine and not collusive or sham; that said bidder has not colluded, conspired, connived, or agree, directly or indirectly with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner directly or indirectly, sought by agreement or collusion or communication or conference, with any person, to fix the price of affiant or any other bidder, or to fix any overhead, profit, or cost element of said bid price, or of that of any or the secure any advantage against the Cherokee Housing Authority of any person interested in the proposed contract; and that all statements contained in said proposal or bid are true.

(Name of bidder, if bidder is an individual)
(Name of partner, if the bidder is a partnership)
(Name of officer, if the bidder is a corporation)

Subscribed and sworn to before me this _____ day of _____, 20

Notary Public: _____
My Commission Expires: _____