



SAN FRANCISCO HOUSING AUTHORITY

440 Turk Street • San Francisco CA • 94112 • (415) 554-1200

Date: October 22, 2009

To: SAN FRANCISCO HOUSING AUTHORITY COMMISSIONERS

Presented By: Barbara Smith, Housing Development & Modernization Administrator

Subject: RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT TO CONTRACT #70007 WITH GOLDFARB & LIPMAN, LLP TO PROVIDE REAL ESTATE LEGAL COUNSEL SERVICES ON AN AS-NEEDED, TASK-ASSIGNMENT BASIS FOR ALL DEVELOPMENTS IN AN AMOUNT NOT TO EXCEED \$200,000 FOR A TOTAL CONTRACT AMOUNT OF \$545,000

BACKGROUND

The San Francisco Housing Authority (SFHA) uses outside professional legal services for complex real estate transactions, other issues related to housing development, modernization, disposition of property, tax credit partnerships, affiliate housing corporations, outside opinions of counsel, and operational issues as they arise. Contract #70007 with Goldfarb & Lipman, LLP (Goldfarb) will not expire until February 6, 2011, however, the current contract amount, \$345,000 has been nearly exhausted during the past 32 months.

OBJECTIVE

The objective of this resolution is to amend and provide \$200,000 of additional funding for contract #70007 with Goldfarb & Lipman, LLP to provide additional real estate legal counsel services on an as-needed, task-assignment basis for all developments during FY 2009-2010.

PROCUREMENT

The procurement process for this contract and action requested for this resolution meets the procurement standards of 24 CFR 85.36 "Procurement", HUD Handbook 7460.8 REV 1, "Procurement Handbook for Public Housing Agencies and Indian Housing Authorities", the San Francisco Housing Authority Procurement Policy Manual and the State of California and local laws.

The Authority selected these professional services by the competitive proposal method in the form of a Request for Proposals (RFP), except for architects and engineers requiring selection on the basis of qualifications. The Authority has selected the Real Estate Counsel based on both Price (proposed fees) and the Technical Factors described in the Evaluation Criteria below.

BUDGET CONSIDERATIONS

Funding for this contract amendment is available through the 2009 Capital Fund Program Grant.

RESIDENT EMPLOYMENT

Goldfarb & Lipman supports the SFHA's efforts to include a resident-hiring component in its professional service contracts. The firm has successfully hired SFHA residents under previous contracts and intends to do so again if the Commission authorizes this amendment.

MBE/WBE STATUS

Goldfarb & Lipman is committed to ethnic and gender diversity in its ownership structure and its hiring practices. Partners who are women own fifty percent (50%) of the partnership interests in the firm. Partners who are women and minorities, or both, own fifty-eight percent (58%) and seven (7) of the twelve (12) partners are women or minorities. Of the principal attorneys who would provide services under the proposed scope of work, two are African-American women. When recruiting, the firm actively seeks women and people of color at the attorney and support staff levels.

DEPARTMENT'S REQUESTED ACTION

Staff recommends approval of this Resolution.

EXECUTIVE DIRECTOR'S RECOMMENDATION

I concur with the requested action

(Prepared by Barbara Smiths, Housing Development and Modernization Department)

RESOLUTION NO. _____

DATE ADOPTED: _____

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AMENDMENT TO CONTRACT #70007 WITH GOLDFARB & LIPMAN, LLP TO PROVIDE REAL ESTATE LEGAL COUNSEL SERVICES ON AN AS-NEEDED, TASK-ASSIGNMENT BASIS FOR ALL DEVELOPMENTS IN AN AMOUNT NOT TO EXCEED \$200,000 FOR A TOTAL AMOUNT OF \$545,000

WHEREAS, the San Francisco Housing Authority (Authority) requires real estate legal counsel services on an as-needed, task assignment basis; and

WHEREAS, in February 2007, Goldfarb & Lipman, LLP was selected as the most qualified firm for this work by the competitive proposal method in the form of a Request for Proposals; and

WHEREAS, the procurement process for this contract meets the procurement standards of 24 CFR 85.36 "Procurement", HUD Handbook 7460.8 REV 1 "Procurement Handbook for Public Housing Agencies and Indian Housing Authorities", the San Francisco Housing Authority Procurement Policy Manual and the State of California and local laws.

WHEREAS, the current contract amount, \$345,000 has been nearly exhausted during the past 32 months, however, the contract will not expire until February 6, 2011; and

WHEREAS, the Authority requires real estate legal services for Master Development Agreement negotiations for Hunters View, Phase 1 closing and transfer of property, negotiations for revitalization the HOPE SF sites and Alice Griffith, and partnerships for leveraged financing at other public housing sites; and

WHEREAS, the \$200,000 amendment amount is available for Hunters View in the Capital Fund Stimulus Grant and for other transactions from the 2009 Capital Fund Program.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE HOUSING AUTHORITY OF THE CITY AND COUNTY OF SAN FRANCISCO THAT:

1. The Executive Director is authorized to execute an amendment to contract #70007 with Goldfarb & Lipman, LLP to provide real estate legal counsel services on an as-needed, task-assignment basis for all developments in an amount not to exceed \$200,000 for a total contract amount of \$545,000.
2. This Resolution shall take effect immediately.

APPROVED AS TO FORM AND LEGALITY:

REVIEWED BY:

Tim Larsen, General Counsel

Henry A. Alvarez III, Executive Director

Date: _____

Date: _____