

RESOLUTION NO. _____

APPROVAL TO RENEW RUSSELL CHOICE NEIGHBORHOODS HUD & MISCELLANEOUS LEGAL CONSULTANT SERVICES CONTRACT WITH STITES & HARBISON, PLLC.

Item No. 5H

WHEREAS, the U.S. Department of Housing and Urban Development provided the Louisville Metro Housing Authority (LMHA) Capital Funds to be utilized in conjunction with the Russell Choice Neighborhoods program for HUD and miscellaneous legal services; and

WHEREAS, in 2020, LMHA staff, in accordance with LMHA procurement procedures, awarded a contract for Russell Choice Neighborhoods legal services to Stites & Harbison, PLLC to provide the requisite legal services for a period of one year; and

WHEREAS, the contract awarded to Stites & Harbison, PLLC included an option provision whereby LMHA may renew the contract for up to four additional years.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the Executive Director and Contracting Officer is hereby authorized to exercise the third option to renew the contract for Russell Choice Neighborhoods HUD & Miscellaneous Legal Consultants Services Contract with Stites & Harbison, PLLC for one year with an annual fee not to exceed \$100,000.

RESOLUTION BACKGROUND STATEMENT

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I. STATEMENT OF FACTS:

The Louisville Metro Housing Authority periodically requires legal services in the course of agency operations. In January 2021, LMHA awarded the Russell Choice Neighborhoods HUD and Miscellaneous Legal Consultant Services Contract to Stites & Harbison, PLLC. The original contract, based on an annual fee not to exceed \$200,000, included an option allowing LMHA to renew the contract for four additional one-year terms. The contract will expire on January 16, 2024 unless LMHA exercises the third option to renew.

There are no changes in the hourly rates quoted in the proposal from Stites & Harbison, PLLC.

Staff has been pleased with the performance of Stites & Harbison, PLLC. and the firm has obtained an “above average” rating from the staff. LMHA now has the opportunity to renew the contract for another year. The amount expended from this contract in the past year is as follows:

<u>Year</u>	<u>Amount Spent</u>	
2021	\$11,290.00	(1/17/21 to 1/16/22) (Original Contract)
2022	\$23,449.95	(1/17/22 to 1/16/23) (1 st Renewal)
2023	\$134,427.26	(1/17/23 to date) (2 nd Renewal)

Exercising the option to renew will also save LMHA the considerable time and expense of preparing and advertising a new contract. Although the original contract amount was for a fee not to exceed \$200,000, due to the actual contract amounts utilized, we are recommending renewing the contract with a fee not to exceed \$100,000. The LMHA Procurement Committee (Keith McCarthy, Norma Ward, Mathew Swain, LaTasha Kilgore and Phil Reidinger) has sanctioned this renewal. Stites & Harbison, PLLC. also holds the “General and Real Estate Professional Legal Services Contract.”

II. ALTERNATIVES:

- A. Renew the contract with Stites & Harbison, PLLC for one additional year by exercising the third renewal option.

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II. ALTERNATIVES (cont'd)

B. Do not renew the contract with Stites & Harbison, PLLC.

III. RECOMMENDATION:

Staff recommends Alternative "A."

IV. JUSTIFICATION:

- Stites & Harbison, PLLC is qualified to perform the needed services as demonstrated by their current and past experiences for LMHA and based upon projects performed for LMHA.
- The hourly fees submitted with the proposal in 2021, which was reviewed by staff and found to be reasonable and acceptable, will not change in this renewal option. The Counsel and Attorney hourly fees is \$330; the Associate hourly fee is \$215 and \$200, and the Paralegal hourly fee is \$175.
- Staff completed the Contract Renewal Evaluation Form. The firm received an overall rating of **Above Average** (Above Average/Average/Below Average) from staff.
- Stites & Harbison, PLLC, which traces its origins to 1834 and is one of the oldest firms in the nation, is committed in promoting an inclusive and diverse workplace using the firm's Diversity Action Plan that includes entry level recruitment, lateral recruitment, retention and advancement and community outreach. They also established a program called SWIFT to enhance female attorney mentoring, peer support, networking opportunities and diversity efforts throughout the firm.
- Stites & Harbison, PLLC has assigned a team of sixteen (16) attorneys to work with LMHA, of which two (2) are African American, one (1) is Hispanic and three (3) are female.

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V. BUDGET APPROVAL:

Funding for this contract will be sourced from the program related to a specific project.

Jeffrey Ralph, Director of Finance

Date

VI. PROCUREMENT CERTIFICATION:

The procurement of this contract is in compliance with the Louisville Metro Housing Authority's procurement policies and procedures.

Steven Webb, Purchasing Agent

Date

Prepared and submitted by: Keith McCarthy, Assistant Director
Capital Improvements Department
November 21, 2023