

RESOLUTION NO. _____

**APPROVAL TO RENEW THE GENERAL COUNSEL LEGAL SERVICE CONTRACT
WITH RICHARD H. NASH III**

Item No. **5E**

WHEREAS, the Louisville Metro Housing Authority (LMHA) periodically requires general counsel legal services; and

WHEREAS, LMHA's Operating Budget exists to accommodate General Counsel Legal Services when required in the course of agency operations; and

WHEREAS, on April 18, 2022, LMHA staff, in accordance with LMHA Procurement Policies, awarded a contract to Richard H. Nash III, Attorney at Law to provide the requisite legal services for a period of one year; and

WHEREAS, the contract awarded to Richard H. Nash III, Attorney at Law included an option provision whereby LMHA may renew the contract up to four additional one-year terms.

NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO HOUSING AUTHORITY BOARD OF COMMISSIONERS, that the Executive Director and Contracting Officer, Lisa Osanka, is hereby authorized to exercise the first option to renew the contract for General Counsel Legal Services Contract with Richard H. Nash III, Attorney at Law in the amount not to exceed \$75,000, for the contract period April 18, 2023 to April 17, 2024.

RESOLUTION BACKGROUND STATEMENT

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I. STATEMENT OF FACTS:

The Louisville Metro Housing Authority (LMHA) periodically requires legal services in the course of agency operations. On April 18, 2022, LMHA awarded the General Counsel Legal Services to Richard H. Nash III, Attorney at Law. The original contract, based on an annual fee not to exceed \$75,000, included an option allowing LMHA to renew the contract four additional one-year terms. The original contract will expire on April 17, 2023, unless LMHA exercises the first option to renew.

Staff has been pleased with the performance of Richard H. Nash III, Attorney at Law, and upon completion of the Contract Renewal Evaluation Form, 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 is as follows:

<u>Year</u>	<u>Amount Spent</u>	
2022	\$50,000.00 (est. Jan. 2023)	(Original Contract)

Exercising the option will also save LMHA the considerable time and expense of preparing and advertising a new contract. We are recommending renewing the contract for the original fee not to exceed \$75,000.00. The LMHA Procurement Committee (Aaron Dean, Jeff Ralph, and Norma Ward) has sanctioned this renewal.

II. ALTERNATIVES:

- A. Richard H. Nash III, Attorney at Law in the amount not to exceed \$75,000.
- B. Do not approve award of the contract at this time.

III. RECOMMENDATION:

Staff recommends Alternative "A."

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IV. JUSTIFICATION:

- The General Counsel Legal Service Contract will provide an attorney to protect the interests of the LMHA.
- Richard H. Nash III, Attorney at Law is qualified to perform the needed services as demonstrated by their current and past experiences.
- The original \$125 hourly rate proposed by Richard H. Nash III, Attorney at Law, which were reviewed by staff and found to be reasonable and acceptable, will not change in this renewal option.
- Staff completed the Contract Renewal Evaluation Form. This firm received an overall rating of Above Average (Above Average/ Average/Below Average) from Staff.
- Richard H. Nash III, Attorney at Law is a third-generation lawyer who has served as LMHA's Legal Counsel since January 2009. Mr. Nash has been licensed to practice law in the Commonwealth of Kentucky since October 5, 2004, and is in good standing with the Kentucky Bar Association, with no history of disciplinary action.
- LMHA can enjoy the full benefit of the option clause by executing a simple one-year contract renewal.

V. BUDGET APPROVAL:

Funding for this contract is provided from the Operating Budget.

Jeff Ralph, Director of Finance

Date

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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: Norma Asyn Ward, Director
Capital Improvements
February 21, 2023