

RESOLUTION NO. _____

**APPROVAL TO RENEW THE GENERAL AND REAL ESTATE PROFESSIONAL
LEGAL SERVICE CONTRACT WITH STITES & HARBISON, PLLC.**

Item No. 5E

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

WHEREAS funds have been received from multiple funding sources for LMHA to accommodate legal services when required in the course of agency operations; and

WHEREAS in 2021, LMHA staff, in accordance with LMHA procurement procedures, awarded a contract 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, Elizabeth Strojan, is hereby authorized to exercise the third option to renew the contract for General and Real Estate Professional Legal Services Contract with Stites & Harbison, PLLC for a fee not to exceed \$100,000.

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. In 2021, LMHA awarded the General and Real Estate Professional Legal Services Contract to Stites & Harbison, PLLC. The original contract, based on an annual fee not to exceed \$250,000, included an option allowing LMHA to renew the contract for four additional one-year terms. The contract will expire on March 15, 2024 unless LMHA exercises its third option to renew.

Staff has been pleased with the performance of Stites & Harbison, PLLC, and upon completion of the Contract Renewal Evaluation Form, the firm has obtained an "Above Average" (Above Average/Average/Below 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> | |
|-------------|-------------------------------|----------------------------------|
| 2021 | \$103,033.61 | (Original Contract) |
| 2022 | \$88,388.54 | (1 st Renewal Option) |
| 2023 | \$38,643.04 (as of Jan. 2024) | (2 nd Renewal Option) |

Exercising the option 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 \$250,000, due to the actual contract amounts previously utilized. A LMHA Procurement Committee (Tonya Wise, Phil Reidinger and Michelle Chandler) has reviewed this renewal and are recommending renewing the contract for a fee not to exceed \$100,000. Stites & Harbison, PLLC also holds a Choice Legal Contract.

II. ALTERNATIVES:

A. Renew the General and Real Estate Professional Legal Services Contract with Stites & Harbison, PLLC.

B. Do not renew the contract at this time.

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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 and based upon projects performed for LMHA.
- The hourly fees submitted with the proposal in 2021, which were reviewed by staff and found to be reasonable and acceptable, will not change in this renewal option. The Counsel and Attorney hourly fee is \$330; the Associate hourly fees are \$215 and \$200, and the Paralegal hourly fee is \$175.
- Staff completed the Contract Renewal Evaluation Form. This firm received an overall rating of Above Average (Above Average/ Average/Below Average) from Staff.
- This firm has satisfactorily provided real estate legal services to LMHA for Park DuValle, Liberty Green, Sheppard Square HOPE IV projects, Beecher Terrace Choice Neighborhoods, as well as for other real estate transactions, consultation on miscellaneous legal issues as the need has arisen.
- 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 have 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 16 attorneys to work with LMHA, of which two are African American, one is Hispanic, and three are female.

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IV. JUSTIFICATION (cont'd):

- 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 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:

Norma Asyn Ward, Director
Capital Improvements
February 20, 2024