

Bay Area Housing Finance Authority

Oversight Committee

November 8, 2023

Agenda Item 6.b.

BAHFA Legal Bench

Subject:

BAHFA Legal Services Bench – Pre-Qualification of the following Law Firms to Provide Legal Services to BAHFA: Aleshire & Wynder, LLP; Best, Best and Krieger LLP; Goldfarb Lipman, LLP; Jarvis Fay, LLP; Kutak Rock, LLP; and Shute, Mihaly, Weinberger, LLP

Discussion:

On August 15, 2023, the Office of General Counsel issued a request for qualifications (RFQ) to provide legal services to BAHFA, in the following categories: real estate transactions (“Real Estate”), affordable housing policies and procedures (“Policies and Procedures”), affordable housing technical assistance (“Technical Assistance”), general governance (“General”) and public infrastructure (“Infrastructure”). The minimum qualifications for each category required the firm to demonstrate that they had experience in the category in which qualification was sought. In addition to the minimum qualifications, the desired qualifications included demonstrating that the firm had experience representing public entities in the category that qualification was sought. The law firms were evaluated based on qualifications and experience, cost effectiveness, and presentation.

The bench will be good through June 30, 2029, with BAHFA having the option to extend the bench for an additional two years. BAHFA also reserves the right to re-open the bench by re-circulating the RFQ to allow additional firms to apply for pre-qualification.

BAHFA received Statements of Qualifications (SOQ) from six firms. A review panel consisting of staff from OGC and staff from sections involved in housing evaluated the SOQ’s. All firms met both minimum and desired qualifications and were qualified in the categories for which the firm sought pre-qualification. The firms and the categories for which they are prequalified are:

Firm	Real Estate	Policies and Procedures	Technical Assistance	General	Infrastructure
Aleshire & Wynder, LLP	X	X	X	X	X
Best, Best and Krieger LLP	X	X	X	X	X
Goldfarb Lipman, LLP		X	X		

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Firm	Real Estate	Policies and Procedures	Technical Assistance	General	Infrastructure
Jarvis Fay, LLP					X
Kutak Rock, LLP		X	X	X	
Shute, Mihaly, Weinberger, LLP	X	X	X	X	X

The funding source for a legal services contract will vary and will be consistent with any Board approved budget. Inclusion of a firm on the prequalified legal bench does not necessarily result in the award of a contract. Any legal services contract executed will either be under the authority delegated to the General Counsel under BAHFA Resolution No. 23 or referred to either the BAHFA Oversight Committee or BAHFA Board, if the contract amount exceeds the General Counsel’s delegated authority of \$200,000.

Issues:

None

Recommended Action:

The Bay Area Housing Finance Authority Oversight Committee is requested to approve a pre-qualified bench of law firms eligible to provide legal services to BAHFA on an as needed basis, as described above, and subject to applicable contract approval procedures and necessary budget approvals.

Attachments:

- A. Summary Approval

Reviewed:



Andrew B. Fremier