

**SALEM HOUSING AUTHORITY
SOLICITATION FOR LEGAL SERVICES
AND REQUEST FOR QUALIFICATIONS REGARDING
SOLAR MASSACHUSETTS RENEWABLE TARGET (SMART) PROGRAM CONTRACT**

The Salem Housing Authority is seeking a legal consultant to represent the Authority in developing a contract for renewable energy services. You are requested to submit your interest in such work no later than March 30, 2020. Responses should be submitted to Executive Director, Cathy Hoog by email at Choog@salemha.org.

SCOPE OF SERVICES:

The Salem Housing Authority (SHA) wishes to enter into an Alternative On-Bill Credit (“AOBC”) purchase agreement with the owner of a solar electricity system developed pursuant to the Solar Massachusetts Renewable Target (SMART) program.

SHA seeks legal assistance in developing a standard 20-year SMART contract that we will require solar developers to use if they are interested in entering into a SMART contract with the SHA. We are seeking to develop a contract that meets commercially reasonable standards for solar developers in the SMART market, to encourage broad interest in the SHA’s solicitation. However, we wish to ensure that the draft contract is also written to protect the SHA’s interests as much as possible and eliminate unnecessary risks. Having all developers use the same contract in their proposals to the SHA will also ensure that we can make direct comparisons among competing offers.

SHA wishes to support the goal of investment in renewable energy generation projects while also maximizing the incentive opportunity provided by this program for the benefit of the housing authority.

PRIOR RENEWABLE ENERGY CONTRACT:

SHA expects that a prior renewable energy contract will serve as the basis for necessary changes and improvements to tailor the contract to the current program and energy market.

The Massachusetts Department of Housing Community Development (DHCD) provides oversight to local housing authorities (LHAs), and it utilized a standard contract for all LHAs to use under the SREC II regime of solar incentives. We would like to use this contract as a starting point for the SMART contract, to the extent it is reasonable to do so, with the understanding that the different incentives and program requirements of the SMART program will inevitably require sometimes significant changes. But the DHCD contract was successfully used by more than 100 LHAs with negligible changes, so it is our preference that certain standard boilerplate provisions of the contract in particular start from this standard, again, assuming these requirements are applicable and commercially reasonable in the SMART market.

SUBMISSION REQUIREMENTS:

Submissions of interest should be brief and concise. Submissions are limited to a total of 3 pages, including cost proposal, and exclusive of attachments. Submissions may include attachments including firm profiles, deal sheets, attorney resumes or bios, relevant articles or presentations, sample contracts, or other information relevant to this request for proposals.

This solicitation is being made to ensure a broad outreach to qualified legal providers to find the best value of service to the Salem Housing Authority taking into account prior similar experience and references. Sealed proposals are not required. Salem Housing Authority is an independent body both politic and corporate and subject to the requirements of the Massachusetts public records law.

LEGAL EXPERIENCE AND PROPOSED LEGAL TEAM:

1. Please describe the legal practice including its organization, size, structure, areas of practice and office location(s).
2. Please identify the legal team that will work on the project including their names, business address, educational history, years of legal experience, BBO numbers. For each member of the proposed legal team please provide specific information regarding their 1. experience working with municipal or government organizations, 2. experience advising housing or non-profit organizations in energy purchases, or 3. experience advising clients conducting similar programs and government-funded services.
3. Please identify the lead attorney on the project and comment on how overall supervision will be exercised.
4. Please discuss specific experience of the team with contracts under the SMART program or continuing professional education relevant to SMART or the solar developer contracting market.

COST PROPOSALS:

Interested law firms are requested to submit an anticipated budget for the project, along with the hourly rate which would be charged for partner, associate and paralegal work on the account. Firms are encouraged to submit proposals for fixed fee. SHA reserves the right to negotiate with the legal consultant on the structure of the billing and/or retainer fee.

Billing expectations of SHA is that the quoting law firm, if engaged, shall be prepared to submit detailed billing statements for all services billed at an hourly rate, if any, broken down into time increments of no more than a tenth hour, and to include summaries of work performed and time spent on services performed under the flat monthly fee, as discussed below. Clerical work will not be billable. Mileage, printing, copying, legal research, internet, courier or express mail, and postal costs will not be billable unless specifically authorized prior to its incurral.

REFERENCES:

Interested law firms should provide references who have engaged the firm for services similar to the subject matter of this RFQ, including the names, addresses, contact persons, and telephone numbers of at least three clients, preferably including clients similar to SHA. Experience should include the following categories: 1. Contract negotiations on behalf of municipal or government agencies; 2. Experience advising clients contracting with renewable energy suppliers.

CONFLICT STATEMENT:

Please advise whether you would reasonably anticipate a conflict of interest in this representation. SHA anticipates that after a general contract template is created it will be used to offer terms for a relationship with solar and renewable energy developers and compare proposals for SMART energy contracts.

PROPOSAL EVALUATION:

Salem Housing Authority's Executive Director and appropriate staff will review proposals and make recommendations to the Board of Directors for final approval. Proposals will be reviewed in accordance with the following criteria:

1. The best value provided to the Salem Housing Authority;
2. The Proposer's experience with similar clients and legal matters;
3. Response from references.

The Executive Director and/or Board of Directors may request a meeting with some qualified Proposers prior to final selection. The SHA reserves the right to withdraw this request for qualifications and to accept or reject any and all proposals received in response to this solicitation.