



TACOMA HOUSING AUTHORITY

RESOLUTION 2012-2-22 (4)

DATE: February 22, 2012
TO: Board of Commissioners
FROM: Michael Mirra, Executive Director
RE: Hillside Terrace Phase I - Legal Services

Background

On January 30, 2012, THA entered into a Contract for Legal Services with Foster Pepper, PLLC. The contract stipulates that each engagement under the contract will require a Letter of Engagement (LOE) detailing the Scope of Work and associated fees for services. Section 2.1 of the Contract also indicates that the contract amount "shall not exceed \$100,000 unless approved by the board of commissioners.

Staff has developed a Scope of Work to engage Foster Pepper, PLLC and Ballard Spahr to provide legal counsel relating to the financing of the Hillside Terrace Phase - I redevelopment. Foster Pepper, PLLC will provide services for the LIHTC Tax Credit and Bond counsel and Ballard Spahr (Sub-Consultant to Foster Pepper) will provide counsel relating to HUD transactions. The not to exceed fee for the services is \$150,000.

In addition, the original January 30, 2012 contract requires a not to exceed adjustment from \$100,000 to \$250,000 to cover the cost of the Hillside Terrace LOE and future misc. engagements.

Recommendation

Approve Resolution 2012-2-22 (4) authorizing and directing the Executive Director or his designee to change the January 30, 2012 contract with Foster Pepper, PLLC, to increase its not to exceed amount from \$100,000 to \$250,000. This will allow me to sign a Letter of Engagement with Foster Pepper, PLLC up to that total amount.



TACOMA HOUSING AUTHORITY

RESOLUTION 2012-2-22(4)

Hillside Terrace Phase I - Legal Services

Whereas, The Housing Authority of the City of Tacoma (the "Authority") seeks to encourage the provision of long-term housing for low income persons residing within the City of Tacoma, Washington;

Whereas, RCW 35.82.070(2) provides that a housing authority may "prepare, carry out, acquire, lease and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof...";

Whereas, The Authority has procured and entered into a contract with Foster Pepper, PLLC for legal services on January 30, 2012. The contract stipulates that each engagement will require a Letter of Engagement (LOE) and the contract shall not exceed \$100,000 unless approved by THA's board of commissioners;

Whereas, The Authority is entering into an LOE with Foster Pepper, PLLC to provide legal counsel for Hillside Terrace Phase I in the amount not to exceed \$150,000, which exceeds the \$100,000 limit of the contract;

Whereas, The Foster Pepper, PLLC, January 30, 2012 contract requires amendment and shall not exceed \$250,000.

Resolved by the Board of Commissioners of the Housing Authority of the City of Tacoma, Washington that:

The Executive Director or his designee is authorized to amend the January 30, 2012 contact with Foster Pepper, PLLC, to increase its not to exceed amount from \$100,000 to \$250,000.

Adopted: February 22, 2012


Jaris Flauding, Chair