



Board Letter

Agenda Date: September 12, 2024

Agenda #: 9

Authorization to award contracts for Hearing Officers for the Housing Choice Voucher Administrative Hearings.

Presenter Elizabeth Silas, Deputy General Counsel

Recommendation

The Chief Executive Officer (“CEO”) of the Chicago Housing Authority (“CHA”) recommends that the CHA Board of Commissioners (“Board”) approve the award of contracts to the below listed contractors in the approximate aggregate value of \$2,520,000 consisting of an aggregate original contracts value of \$504,000 for a one (1) year base term from January 1, 2025 through December 31, 2025; and four (4) option years in the combined amount of \$2,016,000 to Hearing Officer services for the CHA’s Housing Choice Voucher (“HCV”) program.

The Board further authorizes the CEO to approve each request to exercise the options awarded under the contracts.

Recommended Awardee	Base Contract Value	Base Term	Option Terms	Total Contract Value
Yolaine Marie Dauphin	\$504,000	January 1, 2025 – December 31, 2025	1 st Option: \$504,000	\$2,520,000
Rhonda Walker			2 nd Option: \$504,000	
Joseph Chico				
Margaret Fitzpatrick			3 rd Option: \$504,000	
Denis Guest Attorney at Law				
Mark Moreno				
Dennis M. Fleming			4 th Option: \$504,000	
Total:	\$504,000		Aggregate Total: \$2,016,000	\$2,520,000

The requested action complies in all material respects with all applicable federal, state, and local laws, and CHA policies. CHA staff has completed all necessary due diligence to support the submission of this initiative.

Funding

MTW Fund

Background

Pursuant to the Department of Housing and Urban Development (“HUD”) rules and regulations, 24 CFR 982.555 *et.al*, and the CHA Administrative Plan, CHA must provide Housing Choice Voucher participants due process hearings, at their request, prior to taking certain adverse actions that impact participants’ assistance.

HUD regulations also provide that the hearing officer that presides over a hearing may not be the same individual (or a subordinate of that individual) that made the decision to take the adverse action which is the subject of the hearing. CHA has historically engaged hearing officers, as independent contractors, with prior hearing officer experience, including former judges from the Circuit Court of Cook County.

CHA will award a flat fee per case contract to each awardee for a one-year base term. The flat fee per case for the Hearing Officer contracts is \$700.00 for each completed hearing.

Procurement Activities

Specifications prepared by the CHA staff were publicly advertised as RFP Event 3251 for the Housing Choice Voucher Program Hearing Officers on June 21, 2024. A Pre-Proposal Conference was held on June 27, 2024. Seven (7) proposals were received on July 19, 2024. The responses to the RFP are depicted in the table below:

Responsive Proposal(s)
Denis Guest Attorney at Law
Dennis M. Fleming
Joseph Chico
Margaret Fitzpatrick
Mark Moreno
Rhonda Walker
Yolaine Marie Dauphin

One nonresponsive proposal was received from CJP Appraisal Services, LLC.

The recommended vendor(s) were selected through a competitive procurement process in accordance with HUD regulation CFR 200.318 that evaluated responses in the following areas (list criterion and points):

1. The Respondent possesses verifiable experience and demonstrates successful performance conducting hearings and rendering timely decisions -- 45 points
2. The Respondent exhibits the ability to produce quality decisions as evidenced by the submitted writing samples -- 35 points
3. The Respondent’s proposal provides a clear description of how the Respondent will provide the services in the Statement of Work -- 10 points
4. The Respondent’s proposal demonstrates a firm understanding of the Statement of Work and all tasks required to perform the Statement of Work -- 10 points

Final scores received from the evaluation committee were used to determine the competitive range. Best and final offers were completed. Based on the overall scoring, CHA staff recommends all seven (7) attorneys for awards to provide Hearing Officer services as needed by CHA.

Diversity Contracting Requirements

This requirement is not applicable because there are no opportunities for subcontracting and this solicitation required hiring individuals not companies. All the vendors are solo practitioners. Further Section 3 is inapplicable with this procurement because the solicitation is for professional legal services.

However, in an effort to garner the most diverse candidates' possible CHA conducted outreach to the Asian American Bar Association, the Black Women Lawyers Association, the Puerto Rican Bar Association, Arab American Bar Association, Hispanic Lawyers Association of Illinois and the Women's Bar Association of Illinois.

Vendor Background Information

Joseph Chico, 10302 S. Avenue N. Chicago, IL 60617. For approximately twenty-five years Mr. Chico has presided over administrative hearings with the City of Chicago - Department of Human Resources and Department of Administrative Hearings. Also, for approximately twelve years, he has presided over Informal Hearings for the Chicago Housing Authority (CHA) Housing Choice Voucher (HVC) Program.

Margaret Fitzpatrick, 217 Wildflower Desplaines, IL 60016. Ms. Fitzpatrick has been a practicing attorney for over 37 years and for the past 13 years has worked solely as a hearing officer at CHA for the HCV Informal Hearings. She has heard over 1000 HCV Cases.

Yolaine Marie Dauphin, 4306 S. Drexel Blvd. Chicago, IL 60653. Ms. Dauphin has 33 years of professional experience in the public and private legal sectors, including 7 years as an independent contractor with the Housing Choice Voucher program. She also has over 10 years' experience as an Administrative Law Judge for the City of Chicago Department of Administrative Hearings and approximately 7 years as a Commissioner of the Illinois Workers' Compensation commission.

Denis Guest Attorney at Law, 3119 S. Michigan Chicago, IL 60616. Mr. Guest has served as an administrative law judge/hearing officer on a full-time basis since 1997. He has served as a hearing officer with the Housing Choice Voucher program since 2012. He has also served as an independent impartial trier of fact in formal proceedings between various Cook County Departments and those accused of having violated a Cook County Ordinance.

Dennis M. Fleming, 6607 N. Lightfoot Chicago, IL 60646. Mr. Fleming has been a licensed attorney in Illinois since 1976. Over the last 25 years, his practice has concentrated on serving in quasi-judicial positions with the City and County Departments of Administrative Hearings, the Chicago License Appeal Commission, the Chicago Human Resources Board, and the CHA HCV program.

Rhonda Walker, 405 W. Superior St. 7th Fl Chicago, IL 60654. Ms. Walker has served as an HCV hearing officer for the Chicago Housing Authority since 2020. She has also served as an administrative law judge with the City of Chicago, Department of Administrative Hearings for 23 years and as a due process hearing officer with the Illinois State Board of Education since 2023.

Mark Moreno, 10 South Riverside Plaza, Suite 875 Chicago, IL 60606. Mr. Moreno has been a practicing attorney in Illinois since 2002. He has experience in both Civil and Criminal Law, and has practiced in both State and Federal Court, and has both bench and jury trial experience. He

is a member of the Federal Trial Bar and has extensive experience with motion practice, i.e., motions to dismiss, for summary judgment, etc. He is an Administrative Law Judge with the City of Chicago and has presided over various hearings regarding motor vehicle infractions under the Municipal code. He is also an Arbitrator for cases on Cook County's Law and Commercial Calendar.

The aforementioned attorneys through their responses have demonstrated the requisite years of practice, hearing officer experience and temperament needed to duly execute CHA hearing officer duties. Writing samples provided showed a clear understanding of legal analysis and review of facts in determining outcomes.

Based on the foregoing, it is in the best interest of the CHA for the Board to authorize the CEO or her designee, to enter into contracts for Hearing Officer services with the seven (7) aforementioned attorneys, with an annual not-to-exceed amount of \$504,000 for all seven (7) contracts. The approximate aggregate amount for hearing officer services is \$2,520,000.00

Respectfully Submitted:



Tracey Scott
Chief Executive Officer



Agenda #: 9

RESOLUTION NO. 2024-CHA-38

WHEREAS, the Board of Commissioners of the Chicago Housing Authority has reviewed the Board Letter dated September 12, 2024, entitled "Authorization to Award Contracts for Hearing Officers for the Housing Choice Voucher Administrative Hearings."

THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CHICAGO HOUSING AUTHORITY:

THAT, the Board of Commissioners ("Board") grants authorization to the Chief Executive Officer to enter into contracts with selected Illinois licensed attorneys to serve as Hearing Officers for a base term of one year, starting from January 1, 2025, through December 31, 2025, with the option to extend the contracts for up to four additional one-year terms. The total amount for the base term of all contracts is not to exceed \$504,000. Each one-year extension term will also have an allocated aggregate amount not to exceed \$504,000. Therefore, the cumulative not-to-exceed amount for the base term and all four option years will be \$2,520,000. The Board delegates authority to the Chief Executive Officer, or her designee, to decide whether to exercise each option term, which may only be exercised individually at the conclusion of the preceding contract term.



A handwritten signature in black ink, appearing to read "Angela Hurlock".

Angela Hurlock
Chairperson
Chicago Housing Authority