

FLORIDA HOUSING FINANCE CORPORATION

Request for Qualifications 2009-03

**Selection of
Qualified Nonprofit Entities to Receive Preservation
Technical Assistance**

May 8, 2009

SECTION ONE INTRODUCTION

Florida Housing Finance Corporation (Florida Housing), the Florida Housing Coalition (the Coalition), and the Shimberg Center for Housing Studies have been awarded a \$1 million grant from the John D. and Catherine T. MacArthur Foundation to carry out a three-year demonstration related to preservation of Existing Affordable Rental Housing that is aging and has expiring affordability periods. Public housing is excluded from the MacArthur Foundation's Initiative and is, therefore, not included in Florida's implementation of the Initiative.

Florida Housing is issuing this Request for Qualifications (RFQ) to solicit a small group of nonprofit development organizations that are interested in taking on preservation of affordable rental housing in Florida as part of their mission and want to receive up to 500 hours of direct technical assistance for this purpose from the Coalition over a three-year period. The objective is to create nonprofit capacity to carry out preservation transactions in Florida. No operational support will be provided to Nonprofits in connection with this RFQ.

This RFQ targets Nonprofits that have experience developing affordable housing (homeownership or rental) in Florida, have an established local presence in Florida, and have a demonstrated ability to work closely with Florida Local Governments and community partners. The Nonprofits may have limited or no rental housing units that they manage in a portfolio.

The small number of Nonprofits to receive technical assistance shall be selected through Florida Housing's review of each response, considering the factors identified in the RFQ, and any other factors that Florida Housing considers relevant to serving the best interests of Florida Housing and its mission. It is Florida Housing's goal to select a pool of Nonprofits that collectively develop housing in different geographic regions of the state. No commitment from Florida Housing for predevelopment or development funds is associated with this RFQ.

It is Florida Housing's intent to make this technical assistance available to Nonprofits that are established organizations interested in undertaking preservation as a new or emerging business line, but that lack the experience necessary to develop this business line without technical assistance. Florida Housing does not expect to select Offerors that have completed the construction or rehabilitation of more than one (1) Affordable Rental Housing Development financed with subsidies from Tax Exempt Bonds from Florida Housing or a Florida Local Government body, Low Income Housing Tax Credits (HC) from Florida Housing, and/or HOME Investment Partnerships Program (HOME) rental funds from Florida Housing, unless the Offeror co-developed the Development(s) with a Developer possessing the requisite skill, experience and credit worthiness to successfully produce affordable housing.

SECTION TWO DEFINITIONS

For purposes of this document, the terms reflected below shall be defined as follows:

“Affordable Rental Housing Development”	An existing privately owned multifamily rental housing development financed by one or more federal, state and/or local government affordable housing programs, for which a Land Use Restriction Agreement or Extended Use Restriction Agreement is recorded in the public records.
“Board”	The Board of Directors of Florida Housing Finance Corporation.
“Committee”	The review committee composed only of employees of Florida Housing that is established pursuant to Fla. Admin. Code, R. 67-49.007.
“Community Housing Development Organizations” or “CHDOs”	Community housing development organizations as defined in Section 420.503, Fla. Stat., and 24 CFR Part 92.
“Contract”	The document containing the terms and conditions of this Request for Qualifications and any other term and condition that the parties mutually agree to in writing.
“Days”	Calendar days, unless otherwise specified.
“Developer”	Any individual, association, corporation, Nonprofit or partnership which possesses the requisite skill, experience and credit worthiness to successfully produce affordable housing.
“Development”	A project as defined in Section 420.503, Fla. Stat.
“Effective Date”	The date the last party signs the Contract that is awarded as a result of this Request for Qualifications.
“Existing Affordable Rental Housing”	Existing privately owned multifamily rental housing financed by one or more state, federal, and/or local government affordable housing programs, for which a Land Use Restriction Agreement or Extended Use Agreement is recorded in the public records.

“Extended Use Agreement” or “EUA””	An agreement and restrictive covenant which sets forth the set-aside requirements and other development requirements under the Low Income Housing Tax Credit program.
“Florida Housing”	Florida Housing Finance Corporation, a public corporation and public body corporate and politic created by Section 420.504, Fla. Stat.
“HOME”, “HOME Program” or “HOME Investment Partnerships Program”	The HOME Investment Partnerships Program administered by Florida Housing pursuant to 24 CFR Part 92 and Section 420.5089, Fla. Stat.
“Homeowners’ Association”	A Florida corporation responsible for the operation of an affordable subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term “homeowners’ association” does not include a community development district or other similar special taxing district created pursuant to statute.
“Interested Party”	A person or entity that obtains a copy of the RFQ from Florida Housing.
“Land Use Restriction Agreement” or “LURA””	An agreement and restrictive covenant which sets forth the set-aside requirements and other development requirements under a federal, state and/or local affordable housing program.
“Local Government”	A governing body of a unit of local general-purpose government.
“Low Income Housing Tax Credits”	The tax credits issued in exchange for the development of rental housing pursuant to Section 42 of the Internal Revenue Code and the provisions of Rule Chapter 67-48, F.A.C.
“Nonprofit”	A qualified nonprofit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Internal Revenue Code and organized under Chapter 617, Fla. Stat., if a Florida Corporation, or organized under

similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis. For purposes of this RFQ, a Housing Authority, created pursuant to 421.04, Fla. Stat., is not considered to be a qualified Nonprofit.

“Offeror”	Any entity which has the capability in all respects to perform fully the requirements contained in this RFQ and submits a Response.
“Project-Based Rental Assistance” or “PBRA”	A rental subsidy through a contract with the U.S. Department of Housing and Urban Development or U.S. Department of Agriculture Rural Development in a property that is 20 or more years of age.
“Preservation”	The process of retaining existing affordable rental housing properties through acquisition, refinancing, and/or rehabilitation to keep rents affordable for low- and moderate-income households while ensuring that the property stays in good physical and financial condition for an extended period.
“Response”	The written submission by an Offeror in response to this RFQ.
“RFQ”	This Request for Qualifications, including all exhibits referenced in this document and all other documents incorporated by reference.
“State Apartment Incentive Loan Program”, “SAIL” or “SAIL Program”	The program created pursuant to Sections 420.507(22) and 420.5087, Fla. Stat.
“Staff”	Any employee of Florida Housing, including the Executive Director.
“Tax Exempt Bonds”	Tax-exempt multifamily mortgage revenue bonds subject to applicable volume cap pursuant to Section 42(h)(4) of the Internal Revenue Code.
“Threshold Item”	A mandatory requirement of the RFQ. Failure to meet any requirement in the RFQ designated as a “Threshold Item” shall result in rejection (no further action) of a Response.

“Website”

The Florida Housing Finance Corporation website, the Universal Resource Locator (URL) of which is www.floridahousing.org.

SECTION THREE PROCEDURES AND PROVISIONS

A. An Offeror must submit an original and eight (8) copies of the Response in a sealed envelope marked “RFQ 2009-03.” Each envelope or package containing Responses must clearly state the name of the Offeror. The Response that is the original must clearly indicate “Original” on that Response. Florida Housing shall not accept a faxed or e-mailed Response. Florida Housing must receive any Responses on or before 2:00 p.m., Eastern Time, on Friday, June 19, 2009. Responses shall be opened at that time. Responses must be addressed to:

Sherry Green
Contracts Administrator
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, FL 32301-1329
(850) 488-4197; Fax (850) 414-6548
Email: sherry.green@floridahousing.org

This RFQ does not commit Florida Housing to award a Contract to any Offeror or to pay any costs incurred in the preparation or mailing of a Response.

B. All services under the Contract awarded are to be performed solely by the Offerors, and may not be subcontracted or assigned without the prior written approval and consent of Florida Housing.

C. Florida Housing reserves the right to:

1. Waive minor deficiencies and informalities;
2. Accept or reject any or all Responses received as a result of this RFQ;
3. Obtain information concerning any or all Offerors from any source;
4. Schedule an oral interview before the Committee and/or the Board from any or all Offerors;
5. Select for Contract negotiation or for award a Response other than that with the highest score if, in the judgment of Florida Housing, its and the public’s best interest shall be served; and

6. Negotiate with the successful Offeror(s) with respect to any additional terms or conditions of the Contract.

D. Any Interested Party may submit questions regarding this RFQ in writing via mail, fax or e-mail to Sherry Green at the address given in Section Three, paragraph A. All questions are due by 5:00 p.m., Eastern Time, May 26, 2009. Phone calls shall not be accepted. Florida Housing expects to respond to all questions by 5:00 p.m., Eastern Time, Friday, May 29, 2009. Florida Housing shall post a copy of all questions received and their answers on Florida Housing's Website at:

http://apps.floridahousing.org/StandAlone/FHFC_ECM/AppPage_LegalRFQs.aspx

Florida Housing shall also send a copy of those questions and answers in writing to any Interested Party that requests a copy. Florida Housing shall determine the method of sending its answers, which may include regular U.S. mail, overnight delivery, fax, e-mail or any combination of the above. Only written responses or statements from Sherry Green or her designee that are posted on the Website shall bind Florida Housing. No other means of communication, whether oral or written, shall be construed as an official response or statement from Florida Housing.

E. Any person who wishes to protest the specifications of this RFQ must file a protest in compliance with Section 120.57(3), Fla. Stat., and Fla. Admin. Code R. 28-110. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

F. The term provided in the Contract shall be for three (3) years. If the parties mutually agree in writing, the Contract may be extended.

G. Pursuant to Fla. Admin. Code R. 67-49.004, Florida Housing may modify the terms of the RFQ at any point prior to the due date of Responses. A notice of such modification shall be posted on the Website and shall be provided to potential Offerors who requested copies of the RFQ. The deadline for receipt of Responses may be extended as deemed necessary by Florida Housing.

SECTION FOUR SCOPE OF COMMITMENTS

Each selected Nonprofit is expected to enter into a contract with Florida Housing acknowledging its agreement to:

- Participate in a comprehensive capacity evaluation done by the Coalition as part of a strategic planning process;
- Work with the Coalition to develop a technical assistance plan for the staff and board of the Nonprofit for both organizational and project development and actually participate in the technical assistance and training needed to carry out the plan;

- Develop a strategic plan (or revise an existing plan) targeted to implementing Preservation of Existing Affordable Rental Housing as a business line, including measurable targets and milestones to measure progress;
- Work cooperatively with the Coalition, Florida Housing and others through this initiative to build a strong Preservation effort; and
- Provide an annual narrative report on progress toward targets and milestones.

SECTION FIVE EVALUATION PROCESS AND CRITERIA

Individual Committee members shall evaluate the Responses independently. As indicated in this section, points shall be assigned to certain items of this RFQ. The individual Committee members shall evaluate the Responses by reviewing the answers to each of the items and assigning points up to the maximum points allowed for each item. The Committee shall not use those items without points assigned in computing the numerical score, but shall use them as part of its evaluation and recommendation process, for informational purposes, as a basis for possible disqualification, and to break any tie. The Committee shall also use the scored items as a part of its evaluation and recommendation process. Based on the criteria for selection, the Committee shall rank each Response with the highest rank being “1”. The Committee may conduct one or more public meetings during which members may discuss their evaluations, make any adjustments deemed necessary to best serve the interests of Florida Housing’s mission, interview Offerors and develop a recommendation or series of recommendations to the Board. The Committee and/or Staff may make a recommendation, in addition to providing the scoring and ranking information and the information from the non-scored items to the Board for the Board to use in making the final selection. The Committee and/or Staff may also give the Board a written and/or verbal narrative describing the reasons for any recommendation. In the event of a tie, Florida Housing shall give preference in the award process to the Response certifying a drug-free workplace has been implemented in accordance with Section 287.087, Fla. Stat. If a tie continues to exist, Florida Housing shall give preference to minority business enterprises as defined in Section 288.703, Fla. Stat. Staff may recommend that the Board conduct oral interviews as part of the evaluation process to select the Offeror. The Board may use the Responses, the Committee’s scoring, the non-scored items in the Responses, any other information or recommendation provided by the Committee or Staff, any oral presentations of Offerors and any other information the Board deems relevant in its selection of an Offeror(s) to whom to award a Contract(s). The points available for each of the items to be evaluated are provided below.

Requirements and Information to Be Provided by Nonprofits

In providing the following information, restate each item and sub-item (with its letter and number), and limit your Response to one bound volume. Responses to the items must be included immediately after the restated items without a reference to any appendix.

A. General – Threshold Item (Required, but no points awarded)

1. Name, job title, address, office and cellular telephone number(s), fax number and email address of a primary contact person who will be responsible for day-to-day contact with Florida Housing, and any backup personnel who will be accessible if the primary contact cannot be reached.
2. Physical location (address number, street name and city) of all Offeror offices in Florida.
3. Evidence that Offeror is a legally formed entity in Florida and is qualified to do business in the state of Florida. Evidence should include a copy of the valid Certificate of Good Standing from the Florida Secretary of State.
4. Evidence of tax-exempt status under federal and state law. Evidence should include a copy of the IRS determination letter and an attorney opinion letter establishing the Offeror's Nonprofit status as of the date of the Response.
5. Evidence that Offeror has been in operation for at least three years. Evidence should include a copy of the Offeror's articles of incorporation submitted in conjunction with Section B.2. below. There is no need to include more than one copy of the articles of incorporation in the Offeror's Response.
6. Evidence that Offeror has an agency-wide annual operating budget of at least \$150,000. Evidence should be included in the financial statements submitted in conjunction with Section D. below. There is no need to include more than one copy of the financial statements in the Offeror's Response.
7. Evidence that Offeror, as a Developer, has completed the development of at least 25 affordable homes and/or units. This should be carried out by completing the chart required in C. Offeror's Experience Developing, Owning, and Managing Affordable Housing, and by including a copy of (a) the final certificate(s) of occupancy for 25 affordable single family homes and/or affordable multifamily units, and (b) the Extended Use Agreement(s) or Land Use Restriction Agreement(s) that has been recorded in the public records of the county in which the homes and/or units are located. If a final certificate of occupancy is unavailable for a given affordable housing unit, please provide other documentation evidencing the completion of development, including the scope of work. There is no need to include more than one copy of the chart in the Offeror's Response.
8. Written certification that Offeror, as a Developer, has completed the construction or rehabilitation of NO MORE THAN ONE (1) Affordable Rental Housing Development financed with subsidies from Tax Exempt Bonds from Florida Housing or a Florida Local Government body, Low Income Housing Tax Credits (HC) from Florida Housing, and/or HOME

Investment Partnerships Program (HOME) Rental funds from Florida Housing without the participation of a more experienced Developer. If the Offeror co-developed the Development(s) with a Developer possessing the requisite skill, experience, and credit worthiness to successfully produce affordable housing, please provide the name, address, office and cellular telephone number(s), and email address for the Developer(s) associated with Development(s).

9. Written certification, signed by the Chairperson (or Acting Chairperson) of Offeror's Board of Directors, that confirms (a) the Board of Directors' interest in undertaking preservation of Existing Affordable Rental Housing as a new or emerging business line; and (b) the Offeror's willingness, if selected, to enter into a contract with Florida Housing and to fulfill the responsibilities outlined in Section A. above.

B. Organizational (maximum score for this section is 25 points)

1. **Offeror's Strategic Vision**
Written explanation of Offeror's strategic vision for seeking technical assistance under this RFQ, including reason(s) for seeking technical assistance, what type(s) of preservation activities it hopes to accomplish after receiving technical assistance, and a list of the counties within which the Offeror would like to undertake preservation activities in the next five (5) years.
2. **Offeror's Organization**
 - Written explanation of organization's mission and activities, including evidence that one of the purposes of the Offeror is to foster affordable housing
 - Copy of articles of incorporation
 - Copy of current bylaws
 - Copy of most recent annual report
 - Most recent long-range strategic plan, including date of most recent update and progress report on accomplishment of stated goals
 - Name of sponsor(s) or parent agency, if applicable
 - If the Offeror is a Community Housing Development Organization (CHDO), provide the official designation of this.
3. **Offeror's Staff (excluding consultants)**
 - Number of staff and length of time each has been employed by the Offeror
 - Biographical information for the head of the Offeror's organization and key staff who are involved with the Offeror's housing development work in Florida, including brief descriptions of their experience (including the calendar year(s) in which the experience was gained) with affordable housing development in Florida
 - Brief description of staff involvement in community partnerships with the local government, other Nonprofits, housing entities, lender and realtor

associations, etc. in Florida, including whether any members of staff serve on a local housing advisory board, citizen action task force or community board or committee

- Any other details necessary to demonstrate that staff has a solid foundation of expertise, experience and community networking skills on which to build for the purpose of undertaking Preservation as a business line.

4. Offeror's Board of Directors

- List of board members and officers, including length of time each has served and which members (if any) represent low income persons
- Biographical information for each board member, including descriptions of experience (including the calendar year(s) in which the experience was gained) with affordable housing development and/or property management in Florida, and involvement in community partnerships with the local government, other Nonprofits, housing entities, lender and realtor associations in Florida, etc., including whether any members of board serve on a local housing advisory board, citizen action task force, or community board or committee
- Brief description of process for selecting and training new board members
- Average number of board meetings held each year, including details on how often board reaches quorum at meetings
- Copies of minutes of last three board meetings
- Any other details necessary to demonstrate board has a solid foundation of leadership, expertise, experience and community networking skills on which to build for the purpose of undertaking Preservation as a business line.

C. Offeror's Experience Developing, Owning, and Managing Affordable Housing
(maximum score for this section is 15 points)

1. Explanation of Offeror's experience, as a Developer or in partnership with a Developer developing affordable rental housing in Florida (provide chart including for each development: development name; location (city and state); any federal, state, and local affordable housing program(s) that provided financing; total number of units; the calendar year in which the last certificate of occupancy was issued; whether the development was new construction, rehabilitation, or acquisition/rehabilitation; whether the Offeror owns the development; and name of Developer if developed in partnership with a Developer.
2. Explanation of Offeror's experience, as a Developer or in partnership with a Developer, developing affordable homeownership units in Florida (provide chart including unit location (street address, city and state); the calendar year in which the certificate of occupancy was issued; any federal, state, and local affordable housing program(s) that provided financing; whether the development was new construction, rehabilitation, or

- acquisition/rehabilitation; whether the Offeror owns the unit(s); and name of Developer if developed in partnership with a Developer.
3. Explanation of Offeror's experience managing affordable rental housing in Florida (provide chart that includes name of development, location (city and state) of development, whether currently managing or formerly managed, length of time managed (years and months), the calendar year in which the first unit was occupied, total number of units, whether the development receives Project-Based Rental Assistance, and whether the Offeror owns the development. Asset management experience gained from managing the Homeowners' Association for an affordable homeownership subdivision may be included.
 4. State whether the Offeror is currently in non-compliance with federal, state (including Florida Housing) and local government requirements in relation to affordable housing developments managed or owned. For each instance of non-compliance with federal, state and local government requirements, provide copies of notices of non-compliance, details related to the cure period and plans for correction.

D. Financial (maximum score for this section is 10 points)

Provide the Offeror's most recent two fiscal year-end financial statements, as well as the Offeror's most current interim fiscal year-to-date financial statement. The fiscal year-end financial statements should be audited by an independent certified public accountant or certified public accountant firm. If audited financial statements are not available, please provide statements that have been compiled by a certified public accountant. Interim financial statements should be as recent as possible, but in no case older than three months from the date of application submission. When submitting historical financial statements (audited or otherwise), please review the detail of the report to ensure the items listed below are included and identified. If not, please provide a separate schedule that provides the necessary detail reconciled to the financial statement. If any of the listed detail is not applicable, please indicate accordingly. If a compliance audit has been performed (typically under the types described in the U.S. Office of Management and Budget Circular A-133 Compliance Supplement), please include that audit along with the corresponding audited financial statements.

- Unrestricted Cash
- Restricted Cash
- Cash Equivalents
- Accounts Payable
- Unrestricted Revenue
- Sources of Revenue (such as from government sources, the local community, foundations, rental property, fees, etc.).

Total Points Available : 50

Scoring Summary

A. General	Threshold Items
B. Organizational	25 Points
C. Offeror's Experience Developing, Owning, and Managing Affordable Housing	15 Points
D. Financial	10 Points

E. DRUG-FREE WORKPLACE

If the Offeror has implemented a drug-free workplace program, pursuant to Section 287.087, Fla. Stat., the Offeror must submit a valid affidavit to demonstrate its status.

F. MINORITY BUSINESS ENTERPRISE

If the Offeror is a minority business enterprise as defined in Section 288.703, Fla. Stat., the Offeror must submit a valid affidavit to demonstrate its status.

G. CERTIFICATION STATEMENT (Threshold Item)

THE FOLLOWING SHALL BE REPEATED IN THE OFFEROR'S RESPONSE AND SIGNED BY AN INDIVIDUAL AUTHORIZED TO BIND THE OFFEROR. FAILURE TO INCLUDE THE CERTIFICATION STATEMENT BEARING AN ORIGINAL SIGNATURE SHALL RESULT IN REJECTION OF THE RESPONSE.

"I agree to abide by all conditions of RFQ 2009-03 and certify that all information provided in this Response is true and correct, that I am authorized to sign this Response as the Offeror and that I am in compliance with all requirements of the RFQ, including but not limited to, the certification requirements stated in Section Six of this RFQ."

Authorized Signature (Original)

Print Name and Title

SECTION SIX CERTIFICATION

Do not reproduce the language of Section Six in the Response. By inclusion and execution of the statement provided in Section Five, subsection G, of this RFQ, each Offeror certifies that:

A. The Offeror submits this Response without prior understanding, agreement or connection with any person or entity submitting a separate Response for the same services. However, any agreement with a person or entity with whom the Response is jointly filed, and such joint filing is made clear on the face of the Response, shall be an exception so long as the Response is in all respects fair and without collusion or fraud.

B. Any material submitted in response to this RFQ is a public record pursuant to Chapter 119, Fla. Stat., and subject to examination upon request, after Florida Housing provides a notice of decision pursuant to Section 120.57(3), Fla. Stat., or within 10 Days after the Response is opened, whichever is earlier.

C. The Offeror is in compliance with Section 287.133(2)(a), Fla. Stat., which provides in pertinent part:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not:

1. submit a bid on a contract to provide any goods or services to a public entity;
2. submit a bid on a contract with a public entity for the construction or repair of a public building or public work;
3. submit bids on leases of real property to a public entity;
4. be awarded or perform work as a contractor, supplier, subcontractor or Contractor under a contract with any public entity, and;
5. transact business with any public entity in excess of the threshold amount provided in Section 287.017, Fla. Stat., for CATEGORY TWO: \$25,000, for a period of 36 months from the date of being placed on the convicted vendor list.

D. In addition to the conflict of interest rules imposed by the Florida Statutes, the Offeror(s) that is (are) selected to receive technical assistance from the Coalition may not engage in any actual, apparent or potential conflict of interest. Should any such actual, apparent or potential conflict of interest come into being subsequent to the effective date of the Contract and prior to the conclusion of the Contract, the Offeror shall provide notification (Notice of Conflict of Interest) to Florida Housing, through first class certified mail, return receipt requested, within ten (10) working days, seeking written consent from Florida Housing's Executive Director. If the Offeror is found to be in non-compliance with this provision, without written consent from

Florida Housing's Executive Director, any compensation received in connection with the Contract shall be subject to forfeiture to Florida Housing.

SECTION SEVEN AWARD PROCESS

Florida Housing shall provide notice of its decision, or intended decision, for this RFQ on Florida Housing's Website the next business day after the applicable Board vote. After posting, an unsuccessful Offeror may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat., *et. al.* Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., *et. al.* or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.