

REQUEST FOR QUALIFICATIONS (RFQ) 2016-07

ADVISOR AGENCIES FOR THE HARDEST HIT FUND PROGRAM

for

FLORIDA HOUSING FINANCE CORPORATION

November 8, 2016

SECTION ONE INTRODUCTION

Florida Housing Finance Corporation (“Florida Housing”) is soliciting competitive, sealed responses from qualified firms to provide services in accordance with the terms and conditions set forth in this Request for Qualifications (RFQ), and any other term and condition in any contract subsequently awarded. Respondents will be selected and determined through Florida Housing’s review of each response, considering the factors identified in this RFQ. Florida Housing expects to select one or more Respondents that propose to provide all of the services specified in this RFQ.

SECTION TWO DEFINITIONS

For purposes of this document, the following terms will be defined as follows:

“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 Rule 67-49.007, Fla. Admin. Code.
“Contractor”	A person or entity providing the professional services described in Section Four of this RFQ.
“Days”	Calendar days, unless otherwise specified.
“Effective Date”	The date the last party signs the contract that is awarded as a result of this RFQ.
“ELMORE”	Elderly Mortgage Assistance Program.
“Florida Housing”	Florida Housing Finance Corporation, a public corporation and public body corporate and politic created by Section 420.504, Fla. Stat.
“Home Affordable Modification Program (HAMP)”	Mortgage modification program created by the U.S. Government under the Making Home Affordable Plan.
“MEP”	Modification Enabling Pilot Program.
“MLRP”	Mortgage Loan Reinstatement Program.
“PRP”	Principal Reduction Program.

“Respondent”	Any person or entity who has the capability in all respects to perform fully the requirements contained in this RFQ, and submits a response to this RFQ.
“Response”	The written submission by a Respondent to this RFQ.
“RFQ”	This RFQ, including all exhibits referenced in this document and all other documents incorporated by reference.
“UMAP”	Unemployed Mortgage Assistance Program.
“Website”	The Florida Housing Finance Corporation website, the URL of which is www.floridahousing.org .

SECTION THREE PROCEDURES AND PROVISIONS

A. The Respondent must submit an original and three copies of the Response to the Contracts Manager in a sealed envelope marked “RFQ 2016-07.” Each envelope or package containing Responses must clearly state the name of the Respondent. The Response that is the original must be clearly indicated on that Response. An electronic copy of the Response must also be submitted on a CD or flash drive. Florida Housing will not accept a faxed or e-mailed Response. Florida Housing must receive any Responses on or before 2:00 p.m., Eastern Time, on December 13, 2016. Responses will be opened at that time.

Contracts Manager
 Florida Housing Finance Corporation
 227 North Bronough Street, Suite 5000
 Tallahassee, FL 32301-1329
 (850) 488-4197
 Email: Contracts.Manager@floridahousing.org

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

C. All services under the contract awarded are to be performed solely by the Contractor, unless subcontracted or assigned with the prior written approval and consent of Florida Housing.

D. 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 Respondents from any source;

4. Request an oral interview before the Board from any or all Respondents;
5. Select for contract negotiation or for award a Response other than (or in addition to) that with the highest score in order to serve the best interests of Florida Housing and the public; and
6. Negotiate with the successful Respondent with respect to any additional terms or conditions of the contract.

E. Any interested party may submit any question regarding this RFQ in writing via mail or e-mail to the Contracts Manager at the address given in Section Three, Item A. All questions must be submitted no later than 2:00 p.m., Eastern Time, on November 16, 2016. Phone calls will not be accepted. Florida Housing expects to respond to all questions in writing by 5:00 p.m., Eastern Time, on November 23, 2016. Florida Housing will post a copy of all questions received and the corresponding answers on Florida Housing's website at:

<http://www.floridahousing.org/BusinessAndLegal/Solicitations/RequestForQualifications/>.

Only written responses or statements from the Contracts Manager that are posted on our website will bind Florida Housing. No other means of communication, whether oral or written, may be construed as an official response or statement from Florida Housing.

F. Between the release of the solicitation and the end of the 72-hour period following the posting of the notice of intended award, respondents to this solicitation or persons acting on their behalf may not contact any member of Florida Housing's Board of Directors or any Florida Housing employee concerning any aspect of this solicitation, except in writing to the Contracts Manager. Violation of this provision may be grounds for rejecting a response.

G. 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 Rule Chapter 28-110, Fla. Admin. Code. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat., will constitute a waiver of proceedings under Chapter 120, Fla. Stat.

H. The term of the contract will end on December 31, 2021, subject to satisfactory performance at the sole discretion of Florida Housing. If the parties mutually agree in writing, the contract may be renewed for a period of time not to exceed the length of the original term.

I. Florida Housing is not required to use the services of any selected Contractor or to assign any work to such provider, and may terminate the contract with any selected Contractor without cause and without penalty.

J. 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 for Responses. A notice of such modification will be posted on Florida Housing's Website and will be provided to potential Respondents who requested copies of the RFQ. Any Respondent will have at least seven days from the date of the posting of the notice of the modification to submit or modify its Response.

K. The terms of this RFQ, and any modifications thereto, will be incorporated into any contract offered as a result of this RFQ. Failure of a successful Respondent to accept these obligations in the final contract may result in cancellation of the award.

SECTION FOUR SCOPE OF SERVICES

Florida Housing was directed by the U.S. Department of the Treasury (Treasury) to create and administer foreclosure prevention assistance programs that address the unique issues of our state. These programs include:

- Unemployment Mortgage Assistance Program (UMAP) will provide up to twelve (12) months of payments to the mortgage lender to assist eligible unemployed/underemployed borrowers with their first mortgage until they can resume payments on their own.
- Mortgage Loan Reinstatement Program (MLRP) will be used to help bring a delinquent mortgage current for eligible homeowners.
- The Modification Enabling Pilot Program (MEP) provides assistance to qualified homeowners by permanently modifying the borrower's primary mortgage to achieve a monthly total housing payment that does not exceed 35% of the borrower's adjusted gross monthly income.
- The Principal Reduction Program (PRP) provides assistance to severely underwater homeowners who have been honoring their promise to make their mortgage payments by reducing the amount of unpaid principal balance on their first mortgage to an amount that is in line with the current value of the property, subject to program limits.
- The Elderly Mortgage Assistance Program (ELMORE) provides assistance to senior Florida homeowners who, after having received all of the equity proceeds that they were due under their reverse mortgage loans, are at risk of foreclosure due to their inability to pay property taxes, flood and hazard insurance premiums, special assessments, association dues, attorney's fees, property inspections, and other contractually required charges ("Property Charges") on their homes as required under the terms of their reverse mortgages, to the extent such charges are payable from an escrow or reserve account maintained by the servicer or have been advanced by the servicer of the reverse mortgage.

The Contractor shall perform and render the services identified below as an independent Contractor and not as an agent, representative, or employee of Florida Housing. These services shall be known as "Contractor and professional services" and shall include, but are not limited to, the provision of advice and assistance to Florida Housing in the following areas.

A. OBJECTIVES

Respondents must be able to provide all of the services listed below. The work being procured shall include, but is not limited to, the following four (4) general components:

1. Applicant intake;
2. Initial determination of Applicant eligibility under the HHF Programs selected for participation by the Advisor Agency;
3. Continuing case management of Applicants assisted under the HHF Programs selected for participation by the Advisor Agency; and
4. Closing.

B. ADDITIONAL REQUIREMENTS

1. **Organizational Structure** – The Respondent must be a U.S. HUD-approved housing counseling agency, law office, or have a minimum of five years of satisfactory experience under a Hardest Hit Fund contract.

2. **Facilities** - Any premises used for counseling services must be clean, safe and accessible to all persons, including persons with disabilities. The Respondent must have facilities available to give private counseling sessions. The Respondent must have a minimum of one physical office facility within the State of Florida. Additional facilities may be offsite if necessary. If the Respondent provides group counseling sessions, the premises must maintain the same standards and may be offsite.

3. **Outreach and Marketing** - The Respondent must make reasonable efforts to reach clients who need their services. This may be done in a variety of ways: advertising, contact with social agencies and partnering with other entities in the Respondent's service area. The Respondent should implement an outreach and marketing plan where possible. The Respondent must make sure that any information disseminated in any format is not false or misleading.

4. **File Retention** - Files must be maintained in a manner which safeguards the privacy of the Applicant's information. Paper documentation must be kept in secured file cabinets. Scanned or electronically stored documents must be safeguarded in a fashion that securely maintains client privacy.

All Applicant documentation must be stored within the CounselorDirect database using the prescribed nomenclature. All notes regarding Applicant files and communications between the Respondent and assigned underwriters must be entered into CounselorDirect in real time. At the time of disposal of external Applicant documentation, paper files can be shredded, incinerated or buried in a public landfill, in accordance with State laws and rules. For electronic records containing information that is confidential or exempt from disclosure, appropriate destruction methods include physical destruction of storage media such as by shredding,

crushing, or incineration; high-level overwriting that renders the data unrecoverable; or degaussing/demagnetizing.

5. Other Languages - The Respondent must either have counselors fluent in the language that customers speak or will use interpreter services to ensure non-English speaking customers can obtain foreclosure counseling.

6. Anti-Discrimination - The Respondent will not permit discrimination against customers on the basis of their gender, race, religion, color, familial status, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability.

7. Compliance - The Respondent agrees to comply with quality control, compliance and evaluation of the HHF Programs for activities performed pursuant to any resulting Contract.

8. Past-due or Short Sale/Foreclosure List - Any items that place the Respondent on Florida Housing's Past Due or Short Sale/Foreclosure List within five years of the publishing of this RFQ must be cleared prior to execution of the Contract with Florida Housing.

9. Conflict of Interest - The Respondent will certify that the staff and volunteers who will provide foreclosure counseling under the Contract have no conflict(s) of interest due to relationships with servicers, real estate agencies, mortgage lenders, family members and/or other entities that may stand to benefit from particular outcomes.

SECTION FIVE CERTIFICATION

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

A. The Respondent 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 will 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, but only after Florida Housing provides a notice of decision pursuant to Section 120.57(3), Fla. Stat., or within 30 days after the Response is opened, whichever is earlier.

C. The Respondent, if awarded a contract under this RFQ, will comply with Section 420.512(5), Fla. Stat. For the purpose of Section 420.512(5), Fla. Stat., "Prohibited Business Solicitation Communications" is defined by Section 420.503(32), Fla. Stat.

D. The Respondent is in compliance with Section 287.133(2)(a), Fla. Stat.

E. The Respondent understands and agrees to cooperate with any audits conducted in accordance with the provisions set forth in Section 20.055(5), Fla. Stat.

F. Pursuant to Section 119.0701(2)(b), Fla. Stat., the Respondent, if awarded a contract under this RFQ, will be required “to comply with public records laws, specifically to:

1. Keep and maintain public records required by the public agency to perform the service.

2. Upon request from the public agency’s custodian of public records, provide the public agency with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this chapter or as otherwise provided by law.

3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract If the contractor does not transfer the records to the public agency.

4. Upon completion of the contract, transfer, at no cost, to the public agency all public records in possession of the contractor upon termination of the contract or keep and maintain public records required by the public agency to perform the service. If the contractor transfers all public records to the public agency upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the public agency, upon request from the public agency’s custodian of public records, in a format that is compatible with the information technology systems of the public agency.”

Notwithstanding anything contained herein to the contrary, the provisions and requirements of this paragraph will only apply if and when the Contractor is acting on behalf of Florida Housing.

G. The Respondent acknowledges that if awarded a contract it will be prohibited from engaging in activities in connection with services related to Florida Housing transactions that produce direct or indirect financial gain for the Respondent other than for the compensation agreed upon in the contract that results from this RFQ, unless that Respondent has Florida Housing’s written consent after Florida Housing has been fully informed of such activities in writing.

H. The Respondent acknowledges that if awarded a contract it will be prohibited from engaging 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 Respondent will provide written notification (Notice of Conflict of Interest) to Florida Housing, within one business day, seeking consent from Florida Housing’s HHF program staff and will immediately discontinue work on the applicant file in question, except as may be directed or authorized by Florida Housing. If the Respondent is found to be in non-compliance with this provision, without written consent, any compensation received in connection with the contract will be subject to forfeiture to Florida Housing.

I. The Respondent, in submitting this Response, acknowledges and agrees that the terms and conditions of this RFQ, as well as any modifications thereto, will be incorporated into any contract offered as a result of this RFQ.

J. CERTIFICATION STATEMENT:

THE FOLLOWING WILL BE REPEATED IN THE RESPONDENT’S RESPONSE AND SIGNED BY AN INDIVIDUAL AUTHORIZED TO BIND THE RESPONDENT. THIS IS A THRESHOLD ITEM AND FAILURE TO INCLUDE THE CERTIFICATION STATEMENT BEARING AN ORIGINAL SIGNATURE WILL RESULT IN REJECTION OF THE RESPONSE.

“I agree to abide by all conditions of RFQ 2016-07 and certify that all information provided in this Response is true and correct, that I am authorized to sign this Response as the Respondent and that I am in compliance with all requirements of the RFQ, including but not limited to, the certification requirements stated in Section Five of this RFQ.”

Authorized Signature (Original)

Print Name and Title

**SECTION SIX
INFORMATION TO BE PROVIDED IN RESPONSE**

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

A. COVER LETTER

Each proposal must be accompanied by a cover letter that contains a general statement of the purpose of submission and includes the following information.

1. The name, job title, address, office and cellular telephone numbers, and e-mail address of a primary contact person, who will be responsible for day-to-day contact with Florida Housing, and any backup personnel who would be accessible if the primary contact cannot be reached.
2. Legal business status (individual, partnership, corporation, etc.) and address and telephone number of the Respondent.
3. All branch or affiliate information including name, office address, city, state, Zip Code, telephone number and fax number.

B. GENERAL INFORMATION

1. Provide evidence that the Respondent is qualified to do business in the State of Florida. If Respondent is an attorney, please provide a Certificate of Good Standing from the Florida Bar.

2. Provide evidence that the organization is an approved U.S. HUD HCA, law firm, or has five years of satisfactory experience under a Hardest Hit Fund contract.

3. Provide a copy of the declaration page for proof of **professional liability errors and omissions insurance** which includes the following:

- a. Name of carrier and policy number;
- b. Effective date of insurance;
- c. Policy exclusions, if any;
- d. Current coverage amounts;
- e. Parties covered; and
- f. Type of coverage.

NOTE: Advisor Agencies will be required to carry an amount that is standard for the industry, but not less than \$100,000.

4. Provide Respondent's policy and procedures regarding the safe keeping of client's confidential information.

5. Provide Respondent's updated Advisor Agency Survey.

C. EXPERIENCE, RESOURCES, AND QUALIFICATIONS

1. Describe your organization's experience helping homeowners facing foreclosure.

a. How long, in years, has your organization provided foreclosure assistance?

b. Approximately how many homeowners has your organization provided foreclosure assistance to?

2. Describe your organization's experience helping underwater homeowners.

a. How long, in years, has your organization provided assistance to underwater homeowners?

b. Approximately how many underwater homeowners has your organization provided assistance to?

D. FEES

Respondents must fill out the table below as a part of their Response. Please provide a proposed price for one Eligibility Determination, Closing, Single Quarterly Touch and Ineligible Determination each.

TABLE 1 - FEES			
A	Eligibility Determination	x 1	\$
B	Closing	x 1	\$
C	Single Quarterly Touch	x 1	\$
D	Ineligible Determination	x 1	\$
GRAND TOTAL			\$

FINAL FEE SCHEDULE WILL BE SUBJECT TO NEGOTIATION.

E. DRUG-FREE WORKPLACE

If the Respondent has implemented a drug-free workplace program, the Respondent must submit the following certification indicating that it meets all of the requirements of Section 287.087, Fla. Stat.:

I hereby certify on behalf of the Respondent, under the terms of RFQ 2016-07, that the Respondent has implemented a drug-free workplace program pursuant to Section 287.087, Fla. Stat.

Authorized Signature: _____

Print Name: _____

Print Title: _____

F. MINORITY BUSINESS ENTERPRISE

If the Respondent is a minority business enterprise as defined in Section 288.703, Fla. Stat., the Respondent must submit the following certification:

I hereby certify on behalf of the Respondent, under the terms of RFQ 2016-07, that the Respondent is a “minority business enterprise” as defined in Section 288.703(3), Fla. Stat.

Authorized Signature: _____

Print Name: _____

Print Title: _____

G. CERTIFICATION (Mandatory Item)

FAILURE TO INCLUDE THE CERTIFICATION STATEMENT LOCATED IN SECTION FIVE OF THIS RFQ BEARING AN ORIGINAL SIGNATURE WILL RESULT IN REJECTION OF THE RESPONSE.

**SECTION SEVEN
EVALUATION PROCESS**

The individual Committee members will independently evaluate the Responses by reviewing the answers to each of the items identified in Section Six of this RFQ and assigning points up to the maximum points allowed for each item. The points available for items in Section Six are to be evaluated are as follows:

<u>Item Reference</u>	<u>Maximum Points</u>
B. General Information.....	30
C. Experience, Resources, and Qualifications.....	50
D. Fees	20
Total Points Available.....	100

For Item D., Fees, the Respondent with the lowest proposed total cost will receive the maximum allowable points (20 points). The remaining respondents will receive a percentage of the maximum points, rounded to the nearest whole number, based on the following formula:

$\frac{\text{Lowest Proposed Total Cost}}{\text{Current Respondent's Proposed Total Cost}}$	=	%	x	20	=	Total Points Awarded for that "Total Cost" (Rounded to the nearest whole number)
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In the event of a tie, Florida Housing will 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 will give preference to minority business enterprises as defined in Section 288.703, Fla. Stat.

The Committee will conduct one or more public meetings during which members will discuss their evaluations and develop a recommendation or series of recommendations to the Board. The Committee's recommendation will be based on the cumulative scoring and information gathered from the non-scored items. 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, and any other information the Board deems relevant in its selection of Respondents to whom to award a contract.

SECTION EIGHT AWARD PROCESS

Florida Housing will 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 applicant may file a notice of protest and a formal written protest in accordance with Section 120.57(3), Fla. Stat. Failure to file a protest within the time prescribed in Section 120.57(3), Fla. Stat. or failure to post the bond or other security required by law within the time