REQUEST FOR PROPOSALS (RFP) 2013-09

COMPLIANCE ADMINISTRATION FOR
SINGLE FAMILY HOMESEWER PROGRAM

for

FLORIDA HOUSING FINANCE CORPORATION

Published
June 19, 2013
SECTION ONE
INTRODUCTION

Florida Housing Finance Corporation (Florida Housing) is soliciting competitive, sealed Responses from qualified Offerors to provide compliance administration with the terms and conditions set forth in this Request for Proposal (RFP), and any other terms and conditions in any contract subsequently awarded. An Offeror shall be selected and determined through a review of each Response, based upon Florida Housing’s consideration of the factors identified in this RFP and any other factors that Florida Housing considers relevant to serving the best interests of Florida Housing and its mission. Florida Housing expects to select only one Offeror that proposes to provide all the services in this RFP.

SECTION TWO
DEFINITIONS

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

“Board” The Board of Directors of Florida Housing Finance Corporation.

“Certificate” A Freddie Mac Certificate, Fannie Mae Certificate or Ginnie Mae Certificate, as applicable.

“Compliance Administrator” The firm selected and approved by Florida Housing to provide compliance administration for the Program as defined by the contract.

“Contract” The legally binding agreement by which Florida Housing will retain Program services.

“Days” Calendar days, unless otherwise specified.

“Effective Date” The date the last party signs the Contract.

“Fannie Mae” Federal National Mortgage Association, a federally chartered and stockholder-owned corporation that purchases and securitizes mortgages.

“FHA” Federal Housing Administration, a self-funded agency of HUD that insures Single-family mortgage loans.
“Participating Lender” A lender that has been approved by Florida Housing and the Servicer to originate loans under the Program.

“Program Guideline” A document published from time to time by Florida Housing or its designee, which document prescribes the parameters for the Program, which include, but are not limited to (i) interest rates, (ii) loan terms, (iii) fees, (vi) second mortgage loans (v) income and purchase price limits and Targeted Areas. The Program Guideline may be viewed on Florida Housing’s website located at www.FloridaHousing.org and/or such other place as Florida Housing may designate from time to time.

“Single Family Homebuyer Program” or “Program” Florida Housing’s program for the financing of mortgage loans through the purchase of Mortgage-Backed Securities, or qualified mortgage loans.

“Response” The written submission by an Offeror.

“Review Committee” Staff appointed by Florida Housing’s Executive Director that act in accordance with Fla. Admin. Code R. 67-49.007.

“RFP” This Request for Proposals, including all exhibits and any documentation referenced by and incorporated in this document.

“Servicer” The firm selected and approved by Florida Housing to provide servicing for the Program.

“Subordinate Loan” Any subordinate financing originated by a Participating Lender and made in conjunction with a first mortgage loan made in accordance with Program requirements.

“Staff” Any employee of Florida Housing, including the Executive Director.

“TBA Market” To Be Announced Market. The market in which MBS are sold, to include the specified pool market.
“Trustee” A financial institution that holds fiduciary responsibility and liability to enforce the terms of the trust indentures.

“USDA RD” An agency within the United States Department of Agriculture which insures Single-family mortgage loans, in rural areas of the United States.

“VA” The United States Department of Veteran Affairs, a federal agency which insures single family mortgage loans to veterans of the United States military.

“Website” Florida Housing’s website, the home address of which is www.floridahousing.org.

SECTION THREE
PROCEDURES AND PROVISIONS

A. An Offeror must submit an original and seven copies of the Response in a sealed envelope marked “2013-09 RFP.” A copy of the entire Response must also be provided as an electronic version (either a CD or a flash drive). Emails will not be accepted for the electronic version. Each envelope or package, containing a Response, 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, July 3, 2013. Responses shall be opened at that time. Responses must be addressed to:

Della Harrell, Contracts Manager
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, FL 32301-1329
(850) 488-4197; Fax (850) 488-9809
Della.harrell@floridahousing.org

B. This RFP 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, or costs related to the Contract execution process.

C. All services under the Contract awarded are to be performed solely by the contractor, and may not be subcontracted or assigned without prior written approval and consent of Florida Housing, which shall not be unreasonably withheld. Any subcontracting contemplated by the Offeror shall be disclosed in the Offeror’s Response to the RFP.
D. Florida Housing reserves the right to the following:
   1. Waive minor deficiencies and informalities;
   2. Accept or reject any, or all, Responses received;
   3. Obtain information concerning any, or all, Offerors from any source;
   4. Require that an Offeror provide a software demonstration for the Review Committee and/or the Board;
   5. Request an oral interview before the Board from any, or all Offerors;
   6. Select for Contract negotiation or award a Response, other than the Response with the highest score, if in the judgment of Florida Housing, the public’s best interest and that of Florida Housing shall be served; and
   7. Negotiate with the successful Offeror with respect to the terms of the Contract, including fees, prior to entering into the Contract. If Contract negotiations cannot be concluded successfully with any selected Offeror within 45 days, or such other extended date approved by the Board, in its sole discretion, Florida Housing may negotiate a Contract with the next ranked Offeror.

E. Any Interested Party may submit questions in writing via mail, fax, or e-mail to Della Harrell at the address given in Section Three, paragraph A. The questions shall be limited to the parameters of this RFP. All questions are due by 5:00 p.m., Eastern Time, on June 24, 2013. Phone calls shall not be accepted. Florida Housing expects to respond to all questions by 5:00 p.m., Eastern Time, June 26, 2013. 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_LegalRFPs.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, posted on our 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.

F. Any person who wishes to protest the specifications of this RFP 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., shall constitute a waiver of proceedings under Chapter 120, Fla. Stat.

G. The initial term of the Contract shall be for two years. If the parties mutually agree in writing, the Contract may be renewed up to two times. Each renewal may be up to an additional three years, but a single renewal may be less than three years at the sole option and discretion of Florida Housing. Renewals are subject to satisfactory performance.
SECTION FOUR
SCOPE OF SERVICES

The Offeror shall provide the following services to be considered for selection under this RFP. The services that the Compliance Administrator shall perform include, but are not limited to, the following:

A. Assist Staff in assessing and monitoring Lender participation in the Program. Provide Lender performance data and reporting as defined and requested by Florida Housing

B. Provide periodic lender training sessions online, via webinar in-person, or as best determined by Program Staff. Online training must be accessible to lenders at any time, and instruct them on utilizing the reservation system and include program training, as needed and directed by Florida Housing Staff. Provide a real-time, online loan reservation and tracking system for Lenders to utilize Program and Subordinate Loan funds, access program documents and manage their pipeline. This system should track availability of Program funds, Lender reservations, the status of each reservation (underwriter certification, delivered to Servicer for review and purchase, exception status, etc.), purchase by Servicer, and the purchase price by the Trustee. The system should be accessible to Staff to obtain reports as needed to track production and other Program data. This system needs to be user friendly to our Lenders and allow loan officers and processors the ability to track both their individual as well as institutional production and track and report funding specific to any special set-aside and target areas. It should also enable Florida Housing and third parties to monitor reservations through reporting features. The reservation system should be able to be customized to meet the needs of the Program as determined by Staff.

C. Work with Staff to create new or modify existing Program documents in accordance with Program needs to meet federal and/or state regulatory requirements or as required by Lenders. These documents will be housed by the Compliance Administrator and accessible via the online loan reservation and tracking system.

D. Provide support by telephone and e-mail for Lender questions on Program requirements, the reservation and tracking system and other issues.

E. Review loan files for compliance with all applicable Program requirements. Communicate with Staff and Lenders to ensure that the loan delivery to Servicer does not exceed Program timelines.

F. Provide and manage compliance and mortgage monitoring system that will allow the Florida Housing approved Servicer to purchase eligible loans from participating lenders.
G. Have the ability to notify Lenders, electronically or through the online reservation system, of any changes or updates to Agency (Fannie Mae, Freddie Mac, USDA-RD, VA and FHA) guidelines, rules and regulations once changes have been communicated and/or confirmed by Florida Housing’s Servicer and Staff.

H. Provide Florida Housing’s Trustee with confirmation of loan accuracy and wiring instructions for the distribution of mortgage funds if requested.

I. Provide reports and data in digital format, as requested by Staff. A detailed but non-exclusive list of the identified reporting requirements is attached as Exhibit A.

J. Provide Florida Housing, Trustee, Lenders, the Servicer or other parties, certifications required to assure compliance with Program requirements.

K. Consult with and advise Participating Lenders, Florida Housing, the Servicer and the Trustee on technical and systemic issues that might occur.

L. Provide necessary and / or appropriate services to administer the Program, as required by Staff.

M. Provide reports as requested by Florida Housing and third parties.

N. Export, daily, data files reflecting purchased, pooled, sold to Trustee and mortgage loan exception information to Florida Housing’s Servicer.

O. Produce and distribute recapture letters to homebuyers for all purchased loans in accordance to Section 103 and 143 of the Internal Revenue Code of 1986.

SECTION FIVE
CERTIFICATION

Do not reproduce the language of Section Five in the Response. By inclusion and execution of the statement provided in this Section, 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 Offeror has jointly filed, and the joint filing is apparent on the face of the Response, shall be deemed an exception if the Response is fair, and without collusion or fraud.

B. Any material submitted in Response to this RFP 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 420.512(5), Fla. Stat., which provides:

“Service providers shall comply with the following standards of conduct as a condition of eligibility to be considered or retained to provide services. For purposes of paragraphs (a), (b), and (c) only, the term ‘service provider’ means and is limited to a law firm, an investment bank, or a credit underwriter, and the agents, officers, principals, and professional employees of the service provider.

(a) A service provider may not make contributions in any amounts, directly or indirectly, for or on behalf of candidates for Governor, nor shall any service provider make a contribution in excess of $100 to any candidate for a member of the State Board of Administration other than the Governor in Florida while the service provider is included in an applicant pool from which service providers are selected to provide services to the corporation, while the service provider provides services to the corporation, and for the longer of a period of 2 years thereafter or for a period through the next general election for Governor.

(b) The service provider shall not participate in fundraising activities for or on behalf of candidates for Governor in Florida while the service provider is included in an applicant pool from which service providers are selected to provide services to the corporation, while the service provider provides services to the corporation, and for the longer of a period of 2 years thereafter or for a period through the next general election for Governor.

(c) Service providers shall provide to the corporation a statement that the service provider has not contributed to candidates for Governor or contributed in excess of the amounts allowed by this section for a member of the State Board of Administration or engaged in fundraising activities for or on behalf of candidates for Governor in Florida since the Effective Date of this section or during the 24 months preceding the service provider's application to provide services to the corporation, whichever period is shorter.

(d) The service provider may not engage in prohibited business solicitation communications with officers, members, or covered employees of the corporation.

(e) If a service provider is in doubt as to whether its activities, or the activities of its principals, agents, or employees, violate the provisions of this section, it may request a declaratory statement in accordance with the applicable rule and Section 120.565, Fla. Stat.

(f) If the corporation determines that a service provider has failed to meet the provisions of this section, it shall consider the magnitude of the violation and whether there has been a pattern of violations in determining
whether to terminate or decline to enter into Contracts with the service provider.”

D. For the purpose of Section 420.512(5), Fla. Stat., “Prohibited Business Solicitation Communications” is defined by Section 420.503(31), Fla. Stat., which provides:

“’Prohibited business solicitation communication’ means a private written or verbal communication between a member, officer, or covered employee of the corporation and a service provider regarding the merits of the service provider and whether the corporation should retain the services of the service provider. The term does not include:

(a) A verbal communication made on the record during a public meeting;
(b) A written communication provided to each member and officer of the corporation and made part of the record at a public meeting;
(c) A written proposal or statement of qualifications submitted to the corporation in response to a corporation advertisement seeking proposals or statements of qualifications as part of a competitive selection process;
(d) A verbal or written communication related to the contractual responsibilities of a service provider who was selected to provide services or who was included in a pool of service providers eligible to provide services as a result of a competitive selection process, so long as the communication does not relate to solicitation of business;
(e) A verbal or written communication related to a proposed method of financing or proposed projects, so long as the communication does not relate to solicitation of business.”

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

“A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a Offeror, supplier, sub-Offeror, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.”

F. The Offeror acknowledges that any Offeror selected shall be prohibited from engaging in activities in connection with services related to Florida Housing transactions that produce direct or indirect financial gain for the Offeror other than the compensation agreed upon in the Contract that results from this RFP,
unless that Offeror has written consent from Florida Housing’s Executive Director after Florida Housing has been fully informed of such activities in writing.

G. In addition to the conflict of interest rules imposed by the Florida Statutes, if the Offeror that is selected becomes aware of any actual, apparent, or potential conflict of interest or 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 to Florida Housing, through first class certified mail, return receipt requested (Notice of Conflict of Interest) within 10 business days. If the Offeror is found to be in non-compliance with this provision, without prior written consent from Florida Housing’s Executive Director, any compensation received in connection with the Contract shall be subject to forfeiture to Florida Housing.

H. The Offeror, in submitting this Response, acknowledges and agrees that the terms and conditions of this RFP, as well as any modifications thereto, shall be incorporated into any Contract offered as a result of this RFP.

I. The Offeror maintains an errors and omissions insurance policy covering all officers, employees, or those acting as an agent, or under the control of the Offeror.

SECTION SIX
INFORMATION TO BE PROVIDED IN RESPONSE

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

A. THRESHOLD REQUIREMENTS

In addition to being able to provide the services listed in Section Four, an Offeror must meet the following requirements to be considered for selection under this RFP.

1. Must have experience with state and local housing finance authorities (HFAs) as a Compliance Administrator of a Single Family Homebuyer Program(threshold applies to the company not individual employees of the company). Offeror must have at least three years of current experience providing compliance and online reservation system training and maintenance for MBS programs.

2. Provide evidence that the Offeror is (a) qualified to do business in the State of Florida by submitting a Certificate of Good Standing from the Florida Department of State or an opinion letter from the attorney for the Offeror.
B. GENERAL INFORMATION

1. Provide a description of the Offeror that includes the length of time the Offeror has been in business, and a discussion of any significant changes in the management and/or structure or holding company including any mergers that occurred in the last three years or expected to occur including a discussion of ongoing or planned systems integration and their impact on human resources and systems capacity. Additionally, discuss merger-related costs and their impact on the Offeror’s capital requirements of local, state or federal regulatory entities. Include any organizational or ownership changes anticipated within the next two years. Include the name, e-mail address, fax, telephone, and cellular number of a Contract administrator contact person for the Offeror.

2. Describe the Offeror’s experience providing services that are being requested in Section Four and Exhibit A of this RFP. Include a list of HFAs currently being served. Specifically, identify other HFAs that you serve who also utilize a third-party Servicer for their Program.

3. Identify any contracts which expired and were not renewed in the past 12 months by other HFA’s. Identify any contracts that were terminated before expiration. Include an explanation for each termination.

C. WORK PLAN FOR SCOPE OF SERVICES

Describe the Offeror’s plan to provide the services requested in Section Four and Exhibit A of this RFP. Include in the description how program information and data is shared and exchanged between Offeror, Servicer and Florida Housing.

D. QUALIFICATIONS OF PERSONNEL

1. List the names and titles of all the Offeror’s personnel who shall be assigned to perform the services requested in Section Four and Exhibit A of this RFP.

2. Describe the approach to maintaining and ensuring compliance with policies and procedures manuals for employees.

3. Describe the identified personnel’s assigned responsibilities, length of time in the employ of the Offeror, and provide resumes of the identified personnel.

4. List the person who will be the primary contact for Program service and support. State where located, hours of availability, and list the other clients for which this person also serves as a primary contact.
E. SYSTEM SOFTWARE

1. Describe the system and software the Offeror proposes to use for the Program. Include a description of the reporting capabilities of the system. Identify the types of reports that Staff will be able to download or access from the system independently. Indicate the system’s capacity to import historical program data for the purposes of analysis and reporting. (Note: Florida Housing may require that the Offeror provide a software demonstration of the online reservation system for the Review Committee and/or the Board.)

2. Describe the system’s compatibility with HUD’s tracking system currently called Integrated Disbursement and Information Systems (IDIS), and describe the commitment of the Offeror to continuing compatibility with any successor HUD tracking system.

3. Describe your business continuity plan in the event of computer system failure, natural disasters, etc.

F. COMPLIANCE FEES

Identify all fees or expenses payable to the Offeror by Florida Housing, borrower or seller, in connection with Program compliance review, closing and purchase of loan files. Include any additional fees or expenses contemplated by Offeror for services described in Section Four.

G. LENDERS

Describe your company’s ability to provide Lender communication, training and consultation. In addition, describe Lender performance evaluation process and reporting. Describe your company’s role in assisting Lenders with managing their pipeline specific to loan exceptions and how you assist them with the purchase of loans that have deficiencies that delay purchase.

H. 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.

I. 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.
J. CERTIFICATION STATEMENT

The following shall be repeated in the Offeror’s Response, and signed by an individual authorized to bind the Offeror. Failure to include, and provide a manual signature of the certification statement, shall result in rejection of the Response.

“I agree to abide by all conditions of 2013-09 RFP and certify that all information provided in this Response is true and correct, that I am authorized to sign this Response for the Offeror and that the Offeror is in compliance with all requirements of the RFP. These requirements include, but are not limited to, the certification requirements stated in Section V of this RFP.”

_____________________________________________________
Authorized Signature
SECTION SEVEN
EVALUATION PROCESS

Individual Committee members shall evaluate and rank the Responses independently. As indicated in this section, points shall be assigned to certain items presented in Section Six of this RFP. 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 their evaluation and recommendation process, for informational purposes, or as a basis for possible disqualification. The Committee shall also use the various scored items as a part of its evaluation and recommendation process. Based on the criteria for selection, committee members 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 their evaluations to best serve the interests of Florida Housing’s mission, interview Offerors, observe presentations by 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 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 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. If a tie is unbroken by the above tie breakers, the higher SRP offered in the response will be used to break the tie. 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 ranking, the non-scored items in the Responses, any other applicable or relevant 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 to whom to award a Contract.

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Total Points Available 400
SECTION EIGHT
AWARD PROCESS

Florida Housing shall provide notice of its decision or intended decision, for this RFP on its 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.
The following reports are needed in Excel and PDF formats:

A. Provide Florida Housing as required by Staff with a breakdown of all program types, for all statuses tracked for both first and second mortgages, including but not limited to the following:

B. Program Summary:
   Program Series, Originator, Interest Rate, Down Payment Assistance (DPA) used, Allocation Amount, Total Allocation Used, Number of Loans Reserved, as well as the dollar amount and units in each reservation status (Underwriter Certified, Exception, Compliance Approved, Purchased)

C. Demographic Analysis:
   For each loan, indicate the annual income, household size, loan amount, purchase price, loan type, property type, county, whether the property was existing or newly constructed, interest rate, targeted or non-targeted area, whether or not the borrower was a first time buyer, gender, DPA type, marital status, race/ethnicity; Program averages: loan amount, average household income, purchase price, household size, age, second loan amount, and total percentage of loans with second mortgages

D. Reservation Report:
   Provide the following information for loans reserved during the prior month. Reservation date, Loan ID, borrower last name, reservation date, current stage of loan, stage date, closing date (actual/estimated), program series and pool type, county, first mortgage amount, type DPA used (whether our own or outside sources), DPA amount, CLTV, purchase price, property type, interest rate, FICO score, originator and loan officer, borrower occupation, county AMI, household income, number of people in the household, program income limit, ethnicity, age, gender, marital status, eligible (Y/N), First Time Homebuyer (Y/N) and Foreclosed/REO (Y/N).