

**REQUEST FOR QUALIFICATIONS (RFQ) 2019-04**

**FOR INCLUSION IN A POOL OF ENERGY CONSUMPTION MODEL UTILITY  
ALLOWANCE ESTIMATE PROVIDERS**

**for**

**FLORIDA HOUSING FINANCE CORPORATION**

**May 10, 2019**

## **SECTION ONE INTRODUCTION**

Florida Housing Finance Corporation (“Florida Housing”) is soliciting competitive, sealed responses from qualified firms to establish a pool of qualified Energy Consumption Model Utility Allowance Estimate Providers (Provider) to calculate utility allowance estimates using an Energy Consumption Model for the owners of affordable housing developments participating in Florida Housing programs, 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 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.
“Energy Consumption Model” or “ECM”	The model used to calculate utility allowance estimates as contemplated and permitted by 26 CFR § 1.42-10(b)(4)(ii)(E).
“Energy Consumption Model Utility Allowance Estimate Provider”	A person or entity submitting a response to this RFQ, who is a Licensed Engineer or Qualified Professional approved by Florida Housing, who has the capability in all respects to perform fully the requirements contained in this RFQ as evidenced by the selection of such person or entity by Florida Housing for inclusion in the pool contemplated by this RFQ.
“Florida Housing”	Florida Housing Finance Corporation, a public corporation and public body corporate and politic created by Section 420.504, Fla. Stat.

“Housing Credit Program”	The housing credit program administered by Florida Housing pursuant to Section 42 of the Internal Revenue Code and Section 420.5099, Fla. Stat., under which Florida Housing is designated the Housing Credit agency for the state of Florida within the meaning of 26 USC § 42 (h)(8)(A) and Rule chapters 67-21 and 67-48, Fla. Admin. Code.
“Licensed Engineer”	A person who is licensed to engage in the practice of engineering under Chapter 471, Florida Statutes, or a business organization possessing a certificate of authorization to practice engineering under Chapter 471, Florida Statutes.
“Qualified Professional”	Any person or entity who is certified through one of the following programs: Certified Energy Manager®, RESNET®, or the Building Performance Institute, Inc.
“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.
“Website”	The Florida Housing Finance Corporation website, the URL of which is <a href="http://www.floridahousing.org">www.floridahousing.org</a> .

### **SECTION THREE PROCEDURES AND PROVISIONS**

A. The Respondent must submit an original and three copies of the Response to the Contract Administrator in a sealed envelope marked “RFQ 2019-04.” 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 June 12, 2019. Responses will be opened at that time.

Contract Administrator  
Florida Housing Finance Corporation  
227 North Bronough Street, Suite 5000  
Tallahassee, FL 32301-1329  
(850) 488-4197  
Email: [Contract.Admin@floridahousing.org](mailto:Contract.Admin@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 Contract Administrator at the address given in Section Three, Item A. All questions must be submitted no later than 2:00 p.m., Eastern Time, on May 22, 2019. Phone calls will not be accepted. Florida Housing expects to respond to all questions in writing by 5:00 p.m., Eastern Time, on May 29, 2019. Florida Housing will post a copy of all questions received and the corresponding answers on Florida Housing's website at:

<http://www.floridahousing.org/legal/procurements/request-for-qualifications>.

Only written responses or statements from the Contract Administrator 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 Contract Administrator. 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 be for three years, subject to satisfactory performance at the sole discretion of Florida Housing. If the parties mutually agree in writing, the contract may be renewed once for an additional three years.

I. Florida Housing may terminate the Agreement of any selected Contractor and remove them from the pool of Providers without cause and without penalty.

J. Pursuant to Rule 67-49.004, Fla. Admin. Code, 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 is designated the housing credit agency for the state of Florida under 26 USC § 42 (h)(8)(A). When utilities for a residential rental unit are paid directly by the tenant, the inclusion of a utility allowance in the gross rent of rent-restricted units is required by 26 USC § 42(g)(2)(B)(ii). A building owner, in accordance with 26 CFR § 1.42-10(b)(4)(ii)(E), may calculate utility estimates using an energy and water and sewage consumption and analysis model (energy consumption model). The energy consumption model must, at a minimum, take into account specific factors including, but not limited to, unit size, building orientation, design and materials, mechanical systems, appliances, and characteristics of the building location. Florida Housing may approve or disapprove of the energy consumption model utility allowance estimate or require information before permitting its use.

The utility consumption estimates must be calculated by a properly licensed engineer or other qualified professional approved by Florida Housing, which has jurisdiction over owners of developments in Florida that participate in the Housing Credit Program and other affordable housing programs financed by Florida Housing. The qualified professional and the building owner must not be related within the meaning of 26 USC §§ 267(b) or 707(b). 26 CFR § 1.42-10(c) provides that the building owner must pay for all costs incurred in obtaining the utility estimates and providing the estimates to Florida Housing and the tenants.

Energy Consumption Model Utility Allowance Estimate Providers must:

A. Use an Energy Consumption Model (ECM) that at a minimum, takes into account specific factors including, but not limited to: unit size, building orientation, design and materials, mechanical systems, appliances, and characteristics of the building location;

B. Be either a properly Licensed Engineer or a Qualified Professional approved by Florida Housing (together, qualified professional) and the qualified professional and the building owner must not be related within the meaning of 26 USC §§ 267(b) or 707(b);

C. Otherwise comply in all respects with 26 CFR § 1.42-10(b)(4)(ii)(E), and any other applicable regulations;

D. Execute and submit to the owner the *Certification of Completeness and Accuracy for Energy Consumption Model (ECM) Utility Allowance Estimate* form, a sample of which is available at <https://www.floridahousing.org/legal/procurements/request-for-qualifications> under the listing for this RFQ;

E. Provide the owner with an ECM study that states the effective date of the utility rates and clearly delineates customer service charges, base rates, volume charges, volume discounts, taxes, surcharges and franchise fees, where applicable, to document the utility estimates calculated for each Building Identification Number (BIN); and

F. Provide the owner with a letter that explains how the specific factors in Section Four, Item A., were accounted for in the Energy Consumption Model.

## **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 Florida Housing to perform the service.
2. Upon request from Florida Housing's custodian of public records, provide Florida Housing 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 Florida Housing.
4. Upon completion of the contract, transfer, at no cost, to Florida Housing all public records in possession of the contractor or keep and maintain public records required by Florida Housing to perform the service. If the contractor transfers all public records to Florida Housing upon completion of the contract, the contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the contractor keeps and maintains public records upon completion of the contract, the contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to Florida Housing, upon request from Florida Housing's custodian of public records, in a format that is compatible with the information technology systems of the public agency.

**If the Contractor has questions regarding the application of Chapter 119, Florida Statutes, to the Contractor's duty to provide public records relating to this contract, contact the Corporation Clerk at:**

**Corporation Clerk  
227 N. Bronough Street, Suite 5000  
Tallahassee, Florida 32301-1329  
Phone: 850.488.4197  
E-mail: [Corporation.Clerk@floridahousing.org](mailto:Corporation.Clerk@floridahousing.org)**

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’s Contract Administrator within 10 working days for review by Florida Housing’s Executive Director in consultation with their Ethics Officer. If the Respondent is found to be in non-compliance with this provision, any compensation received in connection with this 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. Payment or compensation due the Energy Consumption Utility Allowance Estimate Provider shall be the sole responsibility of the development owner who contracts with the Provider and must be based on the service provided, but may not include a fee or percentage based on the savings the development owner gains from a lower utility allowance. If the Energy Consumption Utility Allowance Estimate Provider and/or the development owner is found to be in noncompliance with this provision, without written consent from Florida Housing’s Executive Director, any compensation received in connection with the contracts that result from Agreements awarded under this RFQ shall be subject to forfeiture to Florida Housing.

K. 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 MANDATORY 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 2019-04 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.”

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Authorized Signature (Original)

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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.), address, and telephone number of the Respondent.
3. Describe the Respondent's ability to provide the described services and why Respondent is qualified to act as an Energy Consumption Model Utility Allowance Estimate Provider to owners of developments funded by Florida Housing.

### B. GENERAL INFORMATION

1. Provide evidence that the Respondent is qualified to do business in the State of Florida. If the Respondent is not a legal entity (e.g., an individual or sole proprietorship), provide a copy of the Respondent's business license issued by the local jurisdiction in Florida in which the Respondent conducts business.
2. Describe the Respondent's methodology in developing an Energy Consumption Model Utility Allowance Estimate. Provide a sample Energy Consumption Model Utility Allowance Estimate for a proposed rental housing development and a description of the platform(s) used as the basis for your energy consumption model (i.e., Excel model, whole building simulations). Identify the factors considered in your analysis, such as unit size, building orientation, design and materials, mechanical systems, control systems, appliances, interaction effects between building systems, building location characteristics, weather, occupancy, metering characteristics, comparison to similar buildings or building codes, and utility rate schedules. Note: This may not be a comprehensive list of relevant factors or variables, so please identify any additional factors or variables that may be considered in your analysis.
3. **(Mandatory Item)** Provide copies of the certificate(s) or license(s), as applicable, evidencing that the Offeror and/or staff who will be performing the Energy Consumption Model Utility Allowance Estimate Provider services is a Qualified Professional or is a

Licensed Engineer. Note: Failure to include these items will result in rejection of the response.

### C. EXPERIENCE

1. Describe the Respondent's experience in conducting affordable housing utility allowance estimates.
2. Provide information on any contract entered into within the last 10 years by the Respondent to provide services similar to those described in Section Four of this RFQ.
3. Provide information on any contract entered into by the Respondent to provide services similar to those described in Section Four of this RFQ that was terminated prior to completion in the last five years. Provide details of such circumstances.

### D. QUALIFICATIONS OF PERSONNEL

Provide individual resumes describing relevant degrees, certifications, or experience, no more than five pages in length each, of staff who will be performing the Energy Consumption Model Utility Company Estimate Provider services.

### E. FEES

1. Where indicated in Table 1 below, provide the proposed fees for each item. Note: Florida Housing will not accept caveat language. Responses that include caveat language will receive a total score of zero for this section.
2. Fees proposed must include all charges relating to the services required under the contract and all out-of-pocket expenses, such as telephone, postage and shipping, printing and/or copy costs, and travel, if any.

**REMAINDER OF PAGE INTENTIONALLY LEFT BLANK**

<b>TABLE 1 FEES</b>	
<b>Service</b>	<b>Fee</b>
<b>Item #1 – Initial Verification of Data for Electric Allowance Modeling</b>	\$
1 Bedroom	\$
2 Bedroom	\$
2 Bedroom Townhome	\$
3 Bedroom	\$
<b>Subtotal – Item #1 (A)</b>	<b>\$</b>
<b>Item #2 – Initial Verification of Data for Water/Sewer Allowance Modeling</b>	\$
1 Bedroom	\$
2 Bedroom	\$
2 Bedroom Townhome	\$
3 Bedroom	\$
<b>Subtotal – Item #2 (B)</b>	<b>\$</b>
<b>Item #3 – Annual Allowance Update (Electric)*</b>	\$
1 Bedroom	\$
2 Bedroom	\$
2 Bedroom Townhome	\$
3 Bedroom	\$
<b>Subtotal – Item #3 (C)</b>	<b>\$</b>
<b>Item #4 – Annual Allowance Update (Water/Sewer)*</b>	\$
1 Bedroom	\$
2 Bedroom	\$
2 Bedroom Townhome	\$
3 Bedroom	\$
<b>Subtotal – Item #4 (D)</b>	<b>\$</b>
<b>TOTAL (A+B+C+D) =</b>	<b>\$</b>

\*Fees for Items #3 and 4 assume no changes from initial data.

#### F. 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 2019-04, that the Respondent has implemented a drug-free workplace program pursuant to Section 287.087, Fla. Stat.

Authorized Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

**G. 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 2019-04, that the Respondent is a “minority business enterprise” as defined in Section 288.703(3), Fla. Stat.

Authorized Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Print Title: \_\_\_\_\_

**H. 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 .....	15
C. Experience .....	30
D. Qualifications of Personnel .....	45
E. Fees .....	10
<b>Total Points Available.....</b>	<b>100</b>

For the Fee Section, the Respondent with the lowest proposed total fee will receive the maximum allowable points (10 points). The remaining respondents will receive a percentage of the maximum points, rounded to the nearest whole number, based on the following formula:

Lowest Proposed Total Fee	=	%	x	10	=	Total Points Awarded for "Fees" (Rounded to the nearest whole number)
$\div$ Current Respondent's Proposed Total Fee						

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 allowed for filing a bond will constitute a waiver of proceedings under Chapter 120, Fla. Stat.