

REQUEST FOR QUALIFICATIONS 2013-01

**HOUSING COUNSELING AGENCIES FOR THE IMPLEMENTATION OF THE
FORECLOSURE COUNSELING PROGRAM FUNDED THROUGH THE
NATIONAL MORTGAGE SETTLEMENT**

for

FLORIDA HOUSING FINANCE CORPORATION

**Issued: February 12, 2013
Deadline for Responses: March 12, 2013**

SECTION ONE INTRODUCTION

On January 17, 2013, the Legislative Budget Commission approved a \$10 million allocation from National Mortgage Settlement funds to provide foreclosure counseling services to be administered by Florida Housing. The funding will allow Florida Housing to carry out the following objectives:

- Help prevent homeowners from going into foreclosure; and
- Provide at-risk homeowners with good financial management education to help them better manage their money and assist them with credit problems in order to become financially stable.

Florida Housing proposes to meet these objectives by providing funding on a fee-for-service basis to U.S. HUD approved housing counseling agencies to carry out foreclosure counseling services and more extensive financial management education. The program approach will be to provide counseling support for at risk homeowners that augments counseling provided through the National Foreclosure Mitigation Counseling (NFMC) Program and other programs when available.

Florida Housing estimates that this new program will serve a minimum of 10,500 homeowners. The objective of this new program is to more fully support homeowners through their delinquency resolution negotiations.

Participating HCAs will develop an action plan for each client that is tailored to their needs and is revised as circumstances change, and will assist them with loan servicer and other contacts throughout the process. The goal is to provide families with the ability to follow a tailored plan throughout the modification or foreclosure process, even after counseling is completed. In addition to an action plan for their situation, many families also need financial education to ensure that these situations are less likely to occur in the future.

The services sought will be performed in accordance with the terms and conditions set forth in this RFQ, and/or any other term and condition in any Contract subsequently awarded. Offerors will be selected through Florida Housing's review of each response, considering the factors identified in this RFQ, and any other factors that Florida Housing considers relevant to serving the best interests of Florida Housing and its mission.

SECTION TWO DEFINITIONS

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

“Board”	The Board of Directors of Florida Housing Finance Corporation.
“Committee”	The review committee comprised only of employees of Florida Housing that is established pursuant to Fla. Admin. Code R. 67-49.007.
“Contract”	The document containing the terms and conditions of this RFQ and any other term and condition that the parties agree to.
“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(s) that is (are) awarded as a result of this RFQ.
“Florida Housing”	Florida Housing Finance Corporation, a public corporation and public body corporate and politic created by Section 420.504, Fla. Stat.
“Foreclosure Counseling Program” or “FCP”	The program created to provide foreclosure counseling services to homeowners with funding provided from the National Mortgage Settlement.
“Housing Counseling Agency” or “HCA”	An agency certified by the U. S. Department of Housing and Urban Development to provide housing counseling services to homeowners.
“Interested Party”	A person or entity that obtains a copy of the RFQ from Florida Housing.
“Offeror”	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 an Offeror to this RFQ.
“RFQ”	This Request for Qualifications, including all exhibits

referenced in this document and all other documents incorporated by reference.

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

“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 five (5) copies of the Response in a sealed envelope marked “RFQ 2013-01.” Each envelope or package containing Responses must clearly state the name of the Offeror. In addition, an Offeror must submit an electronic copy of the Proposal on a compact disc at the time the hard copies are submitted. The Response that is the original must clearly indicate “Original” on that Response. Florida Housing shall not accept a faxed or e-mailed Response.

In order for the Offeror to be considered in the first round of awards, Florida Housing must receive Responses on or before **2:00 p.m., Eastern Time, on Tuesday, March 12.** Florida Housing intends to keep this RFQ open. For any Response received after March 12, 2013 the Committee will evaluate and make its recommendations to the Board at the next regularly scheduled Board meeting after the applicable Review Committee Meeting noticed in the Florida Administrative Register.

Responses shall be opened at that time and consecutively numbered. 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

B. 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.

C. All services under the Contract awarded are to be performed solely by the Contractor(s), and may not be subcontracted or assigned without 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 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 successful Offerors with respect to any additional terms or conditions of the Contract.
7. 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 Florida Housing's 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.

E. Any Interested Party may submit any question 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, on Tuesday, February 19, 2013. Phone calls shall not be accepted. Florida Housing expects to respond to all questions by 5:00 p.m., Eastern Time, on Friday, February 22, 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_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.

F. 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.

G. The term of the initial Contract shall be two years with annual renewals available for each year thereafter in which there are funds available for the program and upon satisfactory performance evaluations by Florida Housing.

SECTION FOUR OBJECTIVES AND SCOPE OF SERVICES

All HCAs participating in the FCP will be required to provide the following services:

A. Counseling Scope of Services

1. Basic Counseling

Basic Counseling will include client intake, verification of a homeowner's budget and financial information and documentation of such, determination of delinquency status, evaluation of affordability options, determination of the best course of action for the homeowner, preparation of an action plan, and initiation of delinquency resolution negotiations with the lender. For clients coming into the FCP that have already received these services through the NFMCC or other program, this service will be limited to only counseling that was not provided and paid for by the previous program.

2. Extended Counseling

Extended Counseling will include ongoing support through the process of a trial loan modification, formal loan modification or other resolution as a homeowner resolves financial issues and negotiates with their lender, with services reimbursed according to a specific set of milestones.

For example, this will include:

- Counseling services to a homeowner during a trial loan modification;
- Counseling services to a homeowner during a formal loan modification; and/or
- Counseling services in a situation where a homeowner does not accept a modification plan because it does not provide enough relief for them to keep their home, or is not provided a formal modification and therefore must go through disposition of their home.

3. Financial Management Education

Financial Management Education will provide homeowners with the skills and knowledge necessary to ameliorate the risk of re-default or avoid problems in the

future. This service may be provided in a one-on-one session or in a group and may include in-person training and virtual training. All financial management education programs and materials shall be approved by Florida Housing prior to use in the FCP.

4. Ongoing File Maintenance and Document Management

Client files shall be maintained for three years past the date of resolution. This will include documentation on income, mortgage and other sensitive documents and will be required to be maintained in a secure manner.

5. Adherence with Compliance Monitoring Requirements

The Contractor shall be required to provide any information, data or documentation required by Florida Housing or its monitoring agent related to evaluating compliance with program requirements.

6. Reporting

The Contractor shall be required to submit to Florida Housing all required reports according to timeframes established by Florida Housing. These reports may include, but are not limited to, number of clients served, types of services provided, demographic data on clients, and client outcomes.

7. Other Services

The Contractor may be offered the opportunity to enter into a contract to serve as an Advisor Agency under the Hardest Hit Fund Program based on the needs of that program as determined by Florida Housing Staff.

B. Contractor Objective Requirements

1. **Experience:** All counseling agencies must have a minimum of two years of experience in the delivery of foreclosure intervention and delinquency resolution services. Counselors working at these agencies will be required to be certified through training and have experience working in existing foreclosure counseling programs. A compliance monitor or technical assistance provider may be assigned to the HCA by Florida Housing at any time during the contract period to evaluate experience and capacity levels and submit written recommendations and observations.
2. **Facilities:** Any premises used for counseling services must be clean, safe and accessible to all persons, including persons with disabilities. The HCA must have facilities available to give private counseling sessions. The facilities may be offsite if necessary. If the HCA provides group counseling sessions, the premises must maintain the same standards.

3. **Outreach and Marketing:** The HCA must make reasonable efforts to reach clients who need its services. This may be done in a variety of ways: advertising, contact with social agencies and partnering with other entities in the HCAs service area. The HCA should implement an outreach and marketing plan where possible. The HCA must make sure that any information disseminated in any format is not false or misleading.
4. **Recordkeeping:** The HCA must use a client management software that can provide the required data elements in an electronic format that is acceptable to Florida Housing.
5. **File Retention:** Files must be maintained in a manner which safeguards the privacy of the client'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. Files must be retained for a minimum of three (3) years from the outcome date or longer if there is an audit, investigation or litigation in progress.
6. **National Industry Standards:** The HCA must adopt The National Industry Standards for Homeownership Education and Counseling.
7. **Certification:** All counselors and applicable administrators must be trained to provide services under this contract and certified in Foreclosure Intervention and Default courses by NeighborWorks America, the National Council of LaRaza, National Foundation of Credit or other approved certification provider and must maintain these certifications every three years. New or existing staff to be used as counselors must be certified within 18 months of hire or reassignment.
8. **Compliance with the State Law:** The HCA and its staff must be in compliance with all applicable laws of Florida.
9. **Other Languages:** The HCA must either have counselors fluent in the language that clients speak or will use interpreter services to ensure non-English speaking clients can obtain foreclosure counseling.
10. **Anti-Discrimination:** The HCA will not permit discrimination against clients 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.
11. **Compliance:** The HCA will comply with quality control, compliance and evaluation of activities performed pursuant to the Contract. Any items that place the HCA on Florida Housing's Past Due or Non-Compliance List must

be cleared prior to execution of a Contract with Florida Housing or before payment for services is rendered by Florida Housing.

12. **Conflict of Interest:** The HCA must certify that the staff and volunteers who will provide foreclosure counseling 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.
13. **Compensation:** The HCA will not be permitted to charge clients for any services rendered. All compensation will be disbursed by Florida Housing from the FCP Program funding.
14. **Nonprofit Status.** The applicant must function as a nonprofit organization. The agency must submit evidence of nonprofit status as demonstrated by Section 501 © of the Internal Revenue Code.
15. **Compliance with Fair Housing and Civil Rights Laws.** The HCA must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105 (a).
16. **Affirmatively Furthering Fair Housing.** The HCA must affirmatively further fair housing for classes protected under the Fair Housing Act. Protected classes include race, color, national origin, religion, sex, disability and familial status. HCAs are expected to help remedy discrimination in housing and promote fair housing rights and fair housing choice.
17. **Ineligible Participants.** The HCA, including any of the agency's directors, partners, officers, principals, or employees must not be: 1. Suspended, debarred, or otherwise restricted under any local, state or federal regulations; 2. Indicted for, or convicted of, a criminal offense that reflects upon the responsibility, integrity or ability of the agency to participate in housing counseling activities; or 3. Subject to unresolved findings because of U.S. HUD or other government audits or investigations.
18. **Alternative Formats.** The HCA must be prepared to provide vital documents and information in alternative formats for persons with disabilities or make alternate accommodations for persons with disabilities.
19. **Knowledge of Existing Resolution Strategies, Specifics of Working within Florida's Judicial Foreclosure System, and Local Housing Market.** The agency's housing counseling staff must possess a working knowledge of strategies and available programs.

- 20. Community Resources.** The HCA must demonstrate that it has established working relationships with private and public community resources to which it can refer clients who need help the agency cannot offer.

SECTION FIVE 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 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 organization name, office address, city, state, and zip code.
2. The name, phone number and extension and e-mail address of the Executive Director or other official who has the capacity to sign legal agreements for the Offeror.
3. The name, job title, address, office telephone numbers, fax number, and e-mail address of a primary contact person who shall 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.
4. Legal business status (individual, partnership, corporation, etc.) and address and telephone number of the Offeror.
5. 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 organization is approved as a U.S. HUD HCA.
2. Provide a copy of the declaration page for proof of professional liability errors and omissions insurance which includes the following: name of carrier and policy number; effective date of insurance; policy exclusions, if any; current coverage amounts; parties covered; and type of coverage.
3. Provide evidence of non-profit status.

4. Provide evidence of being an adopter of The National Industry Standards for Homeownership Education Counseling.
5. Provide Offeror's policy and procedures regarding the safe keeping of client's confidential information.

C. EXPERIENCE, RESOURCES AND QUALIFICATIONS

1. How long, in months, has your organization provided foreclosure counseling services?
2. Provide a list of certified foreclosure counselors on the staff of the HCA.
 - a. For each certified counselor:
 1. provide applicable proof of certification and length of time providing these services; and
 2. programs worked in; and
 3. length of time providing these services for each program.
3. Provide a list of other foreclosure staff. For example: intake workers, negotiators, etc. For each staff person, provide:
 - a. detail of experience in foreclosure counseling services; and
 - b. current job duties.
4. Provide a list of staff qualified to provide financial management education to clients.
 - a. For each staff member qualified, provide:
 1. detail of financial management education experience;
 2. programs served; and
 3. length of experience.
5. Number of certified foreclosure counselors the Offeror anticipates hiring or reallocating and training (existing staff) for this program within the next 12 months.

D. SERVICE AREA

Please provide a list of counties in your projected in-person counseling service area.

E. DELIVERY OF COUNSELING

1. Please provide types of counseling your organization is capable of performing:

Types of Counseling	
Phone	
Face to face	
Internet	
Video conference	
Other – Please describe	

2. Does your organization currently have the capacity to provide telephone counseling to clients statewide?

3. Does your organization have the capacity to provide financial management education?

F. 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.

G. 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.

H. Certification (**Threshold Item**):

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

**SECTION SIX
CERTIFICATION**

Do not reproduce the language of Section Six 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 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 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 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:

- a. submit a bid on a contract to provide any goods or services to a public entity;
 - b. submit a bid on a contract with a public entity for the construction or repair of a public building or public work;
 - c. submit bids on leases of real property to a public entity;
 - d. be awarded or perform work as a contractor, supplier, subcontractor, or Contractor under a contract with any public entity, and;
 - e. transact business with any public entity in excess of the threshold amount provided in Section 287.017, Fla. Stat., for CATEGORY TWO: \$35,000, for a period of 36 months from the date of being placed on the convicted vendor list.
6. 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 RFQ, unless that Offeror has written consent from Florida Housing's Executive Director after Florida Housing has been fully informed of such activities in writing.

7. In addition to the conflict of interest rules imposed by the Florida Statutes, the Offeror(s) that is (are) selected to provide these services 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 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.

F. 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 THE CERTIFICATION STATEMENT BEARING AN ORIGINAL SIGNATURE SHALL RESULT IN REJECTION OF THE RESPONSE.

"I agree to abide by all conditions of RFQ 2013-01 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 SEVEN FEE SCHEDULE

Fees structure will be finalized and established in the contract between the participating HCAs and Florida Housing.

SECTION EIGHT EVALUATION PROCESS

The individual Committee members shall independently evaluate the Responses by reviewing the answers to determine if requirements are met for each Response. The Committee shall conduct one or more public meetings during which the Committee may discuss its evaluations, select Offerors to be considered for Contract, make any adjustments deemed necessary to best serve the interests of Florida Housing's mission, and develop a recommendation or series of recommendations to the Board.

It is anticipated that all U.S. HUD approved HCAs that provide proper responses to all requirements of the RFQ will be approved and eligible to enter into a contract with Florida Housing to provide counseling services through the FCP.

SECTION NINE 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.