

REQUEST FOR PROPOSALS 2010-12

TECHNICAL ASSISTANCE PROVIDER SERVICES

for

**FLORIDA HOUSING FINANCE CORPORATION
Predevelopment Loan Program and Demonstration Loans**

**RFP Issue Date: October 8, 2010
Responses due: November 3, 2010 @ 2:00 PM ET**

SECTION ONE
INTRODUCTION

Florida Housing Finance Corporation is soliciting competitive, sealed responses from qualified firms to perform technical assistance for successful Applicants of the Predevelopment Loan Program, and successful respondents of Requests for Proposals issued for Demonstration Loans, in accordance with the terms and conditions set forth in this Request for Proposals, and any other term and condition in the final contract. Florida Housing Finance Corporation intends to select one or more Offerors to provide the services specified in this Request for Proposals.

SECTION TWO
DEFINITIONS

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

“Applicant”	The person or entity that has applied for or has been awarded financial assistance under Florida Housing Finance Corporation’s Predevelopment Loan Program or a Demonstration Loan for development of a property.
“Board”	The Board of Directors of Florida Housing Finance Corporation.
“Committee”	The review committee composed only of employees of Florida Housing that is established pursuant to Fla. Admin. Code R. 67-49.007.
“Contract”	The document containing the terms and conditions of this Request for Proposals and any other term and condition that the parties agree to.
“Days”	Calendar days, unless otherwise specified.
“Demonstration Loan”	Florida Housing loan(s) issued through a competitive solicitation process designed to address a specific housing need for a targeted group pursuant to Sections 420.507(41) and 420.5089(4), Fla. Stat.
“Development”	A property that is proposed to be or will be developed by an Applicant.

“Development Plan”	The written description/narrative of the proposed Development submitted to Florida Housing Finance Corporation by an Applicant with the concurrence of the Technical Assistance Provider detailing the Applicant’s objectives and goals with respect to the Development, from formulation of the Development concept through construction, leasing, operation and/or sale. The Development Plan shall clearly set forth the Applicant's anticipated sources to fund all anticipated predevelopment expenses, including those in excess of the amounts to be requested under the Predevelopment Loan Program, if any, and the expected sources and uses of construction and permanent financing.
“Effective Date”	The date the last party signs the Contract that is awarded as a result of this Request for Proposals.
“Farmworker”	As defined in Section 420.503(18), Fla. Stat.
“Florida Housing”	Florida Housing Finance Corporation, a public corporation and public body corporate and politic created by Section 420.504, Fla. Stat.
“Interested Party”	A person or entity that obtains a copy of the Request for Proposals from Florida Housing.
“Invitation to Credit Underwriting”	A letter issued by Florida Housing to each Applicant after completion and approval of a Development Plan.
“Invitation to Participate”	A letter issued by Florida Housing to each Applicant that meets threshold detailing the Applicant’s obligation with respect to the line of credit loan requested from the Predevelopment Loan Program.
“Offeror”	Any person or entity who has the capability in all respects to perform the requirements contained in this Request for Proposals and submits a response to this Request for Proposals.
“PLP”	The Predevelopment Loan Program, pursuant to Sections 420.521-420.529, Fla. Stat., and Fla.

Admin. Code R. 67-38, et al.

“Response”	The written submission by an Offeror to this Request for Proposals.
“RFP”	This Request for Proposals, including all exhibits referenced in this document and all other documents incorporated by reference.
“Staff”	Any employee of Florida Housing, including the Executive Director.
“Technical Assistance Recipient”	An Applicant that is receiving technical assistance services from Florida Housing’s Technical Assistance Provider.
“Technical Assistance Provider”	“TAP”, a person or entity providing the services described in Section Four of this RFP.
“Threshold Item”	A mandatory requirement of the RFP. Failure to meet any requirement in the RFP designated as a “Threshold Item” shall result in rejection (no further action) of a Response.
“Website”	The Florida Housing Finance Corporation website, the home address 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 “RFP 2010-12.” Each envelope or package containing Responses must clearly state the name of the Offeror. The Response that is the original must clearly indicate “Original” on that Response. Florida Housing shall not accept a faxed or e-mailed Response. Florida Housing must receive any Responses on or before 2:00 p.m., Eastern Time, on Wednesday, November 3, 2010. Responses shall be opened at that time. Responses must be addressed to:

Sherry Green
Contracts Administrator
Florida Housing Finance Corporation
227 North Bronough Street, Suite 5000
Tallahassee, FL 32301-1329

(850) 488-4197; Fax (850) 414-6548
Email: sherry.green@floridahousing

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.

C. All services under the Contract awarded are to be performed solely by the contractor, and may not be subcontracted or assigned without the prior written approval and consent of Florida Housing, which consent shall not be unreasonably withheld. Any subcontracting must be disclosed in the Offeror's Response to this RFP.

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 RFP;
3. Obtain information concerning any or all Offerors, including any proposed subcontractors, 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 award, a Response other than that with the highest score if, in the judgment of Florida Housing, its and the public's interest shall be best served; and
6. Negotiate with the successful Offeror with respect to any additional terms or conditions of the Contract.

E. Any Interested Party may submit questions regarding this RFP 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 Monday, October 25, 2010. Phone calls shall not be accepted. Florida Housing expects to respond to all questions by 5:00 p.m., Eastern Time, on Wednesday, October 27, 2010. Florida Housing shall post a copy of all questions received and their answers on Florida Housing's Website at: <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForProposals.htm> 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 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 contents of this RFP or other specifications, including addenda, 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.

SECTION FOUR
SCOPE OF SERVICES

A. The Technical Assistance Provider shall provide to every assigned PLP and Demonstration Loan TA Recipient, technical assistance at the development location of the PLP or Demonstration Loan, and/or telephonic and e-mail technical assistance in compliance with Fla. Admin. Code R. 67-38 and applicable RFP requirements, et al., including, but not limited to, the following:

1. Instruct TA Recipients on how to evaluate and assess local affordable housing needs.
2. Evaluate the viability of the proposed development related to market conditions, type of housing being proposed, funding sources available and capacity of the applicant entity.
3. Compile all information required to submit a Development Plan to Florida Housing for approval or denial of a PLP loan. The Development Plan must be submitted to Florida Housing according to established procedures and in a timely manner in accordance with Board submission deadlines.
4. Assist TA Recipients with local issues, such as avoiding or dealing with NIMBY (Not In My Back Yard) issues, working in partnership with local government, neighborhoods, or other parties, if needed, to resolve the issues.
5. Instruct TA Recipients on effective strategies to address the housing needs of Farmworkers and other special needs populations.
6. Provide information and technical assistance on land use issues such as comprehensive plan amendment process, rezoning, or any other land development regulation process relevant to the Development, if needed.
7. Provide information about Florida Housing programs and other state, federal, local, and private affordable housing programs available to TA Recipients.

8. Provide information and technical assistance in developing public-private partnerships, with supportive service agencies, governmental agencies, faith-based organizations, and financial institutions.
9. Instruct TA Recipients on the importance of leveraging funds and obtaining government, philanthropic, and other contributions by providing information and direction to other financing resources.
10. Instruct TA Recipients on effective resources to learn how to build affordable energy efficient housing, including water conservation and green building techniques and incorporate universal design and visit ability features into units.
11. Instruct TA Recipients regarding the professional expertise needed on a development team and direct TA Recipients on how to assemble a qualified development team. The Technical Assistance Provider will provide information regarding necessary qualifications and the roles for Development team members and provide advice as to the type of development team members and joint ventures necessary for the TA Recipient's specific development and financing requirements. The Technical Assistance Provider will not make referrals to specific individuals, firms, or companies, except that the Technical Assistance Provider may provide a list of consultants that have previously served as consultant to any Applicant in any Florida Housing competitive cycle. The Technical Assistance Provider will verify the qualifications of development consultants that are being paid under the category of "consultant."
12. Instruct PLP TA Recipients that all proceeds of any PLP loan must comply with Fla. Admin. Code R. 67-38.008, and any use of funds that fails to comply with this Rule is an ineligible use of the loan proceeds. Instruct Demonstration Loan TA Recipients that all proceeds must comply with the solicitation under which the loan was awarded.
13. Review and submit a Development Plan to Florida Housing with a recommendation for approval or denial of the development for PLP funding.
14. Provide technical assistance to each TA Recipient to:
 - implement its Development Plan,
 - submit requests for disbursements of funds from Florida Housing,
 - execute required documents,
 - assist in the research of potential construction/permanent financing for the proposed Development and the application procedures required for these sources; and

- assist TA Recipient with completing due diligence checklist for credit underwriting for PLP and/or demonstration loan funding.
15. Instruct TA Recipients on Florida's system of local governance, including budgeting and public meeting and public records management.
 16. Provide a toll-free telephone technical assistance line for TA Recipients.
 17. Attend and participate in meetings on behalf of Florida Housing as requested, including Board meetings. Meetings may be held in Tallahassee or other designated locations in Florida. The TA Provider may be requested from time to time to speak at various meetings regarding a proposed Development.
 18. Conduct an initial site visit to each TA Recipient who has accepted the Invitation to Participate or who has not previously had a site visit from the Technical Assistance Provider, unless Florida Housing directs otherwise.
 19. Assist TA Recipients with internal control issues, if needed, such as accounting, record keeping, separation of duties and technological guidance.
 20. Assist TA Recipients staff members and Boards of Directors with organizational issues such as desired management practices in the development of affordable housing, if needed.
 21. If a PLP loan recipient is requesting an extension to the maturity date of the loan, evaluate the request and submit a written recommendation to Florida Housing to approve or deny the extension to the term of a loan pursuant to Fla. Admin. Code R. 67-38. .
 22. Prior to submitting loan disbursement requests to Florida Housing, review the Applicant's request to determine that the request is in compliance with the Development Plan and Fla. Admin. Code R. 67-38, et al.
 23. Provide a monthly status report to Florida Housing containing all activities for each Applicant initiated, in progress, or concluded for the month including, but not limited to a log documenting technical assistance activities and the number of hours expended in the following categories.

1. Site Visits

2. Telephonic Assistance
 3. Written Correspondence
 4. Other activities requested or approved by Florida Housing.
24. Provide written reports on all approved loans to Florida Housing as required by Florida Housing staff; 1 report every six months.
25. If required by Florida Housing, provide a written final report to Florida Housing summarizing all activities performed for each TA Recipient assigned to the Technical Assistance Provider.
26. Provide additional program updates and information as requested by Florida Housing on or before the tenth (10th) Day after receiving Florida Housing's request.

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 H of this RFP, 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. Notwithstanding same, any agreement with a person or entity with whom the Response has jointly filed a Response, if such joint filing is made clear on the face of the Response, shall be an exception if the Response is, in all respects, fair and without collusion or fraud.

B. Any document submitted in response to this RFP is a public record pursuant to Chapter 119, Fla. Stat., and is 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 affirmatively represents that 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 relevant 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 consultant 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: \$25,000, for a period of 36 months from 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, 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.

H. Certification Statement

THE FOLLOWING SHALL BE REPEATED IN THE APPLICANT'S RESPONSE AND SIGNED BY AN INDIVIDUAL AUTHORIZED TO BIND THE APPLICANT. 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 RFP 2010-12 and certify that all information provided in this Response is true and correct, that I am authorized to sign this Response as the Applicant and that I am in compliance with all requirements of the RFP, including but not limited to, the certification requirements stated in Section Five of this RFP.”

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 proposal to one bound volume. Responses to the items should be included immediately after the restated items without any reference to any appendix.

A. 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 changes in its management in the last two (2) years. Include the name, e-mail address, and fax and telephone number of a contact person for the Offeror.
2. Describe the Offeror's experience with providing services or engaging in activities that are similar to the work being requested in Section Four of this RFP.

3. Describe the Offeror's ability to provide the services requested in Section Four of this RFP immediately upon award of the Contract.
4. Provide information about availability of the Offeror's staff and other resources that will be required to complete the services requested in Section Four of this RFP.

B. WORK PLAN FOR SCOPE OF SERVICES

Describe the Offeror's plan to provide the services requested in Section Four of this RFP.

C. QUALIFICATIONS OF PERSONNEL

1. List the names of all of the Offeror's personnel who will be assigned to perform the services requested in Section Four of this RFP.
2. Describe each identified personnel's qualifications and experience.

D. RECENT WORK

Provide a list of the last five (5) persons or entities other than Florida Housing for whom the Offeror has provided work similar to what Florida Housing is requesting in Section Four of this RFP, and a list of the last five (5) affordable housing developments with which the Offeror has been involved. Include the name of a contact person and telephone number for each person or entity listed.

E. FEES

Indicate the proposed fees to be charged to Florida Housing. The fee structure must be in the form of an hourly rate inclusive of all travel and other costs.

FINAL FEE SCHEDULE SHALL BE SUBJECT TO NEGOTIATIONS

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 FIVE OF THIS RFP BEARING AN ORIGINAL SIGNATURE SHALL RESULT IN REJECTION OF THE RESPONSE.

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. 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 Offerors to whom to award a Contract.

The Board may use the Responses, the Committee’s scoring, 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 Offerors to whom to award a Contract.

The points available for each of the items in Section Six to be evaluated are as follows:

<u>Item Reference</u>	<u>Maximum Points</u>
A.1. General Information	05
A.2. General Information	20
A.3. General Information	10
A.4. General Information	10
B. Work Plan for Scope of Services	10
C.1. Qualifications of Personnel.....	05
C.2. Qualifications of Personnel.....	15
D. Recent Work	20
E. Fees	05
 Total Points Available	 100

SECTION EIGHT
AWARD PROCESS

Florida Housing shall provide notice of its decision, or intended decision, for this RFP 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., 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.