

REQUEST FOR PROPOSALS 2009-05

REAL ESTATE BROKERAGE SERVICES

for

FLORIDA HOUSING FINANCE CORPORATION

August 21, 2009

SECTION ONE
INTRODUCTION

The mission of Florida Housing Finance Corporation (Florida Housing) is to help our fellow Floridians obtain safe, decent, and affordable housing that might otherwise be unavailable to them. One of the ways this is done is by making loans to developers of affordable multifamily and single family housing developments and/or first time homebuyers of single family residences. As it may become necessary for Florida Housing to foreclose on such loans, to otherwise acquire properties or to assist owners of low income housing tax credit properties who have submitted requests for qualified contracts, Florida Housing has a need for qualified firms with a minimum of 5 years of real estate brokerage experience to provide real estate marketing and brokerage services and assist Florida Housing with the marketing and disposition of multifamily and single family housing developments and or single family residences, in accordance with the terms and conditions set forth in this Request for Proposals (RFP), and any other term and condition in any final contract. Offerors must be licensed by the state of Florida pursuant to Chapter 475, Part I, Fla. Stat. Selection shall be determined through Florida Housing’s review of each response, considering the factors identified in this RFP, and any other factors that are considered relevant to serving the best interests of Florida Housing and its mission. Florida Housing expects to engage the services of a pool of brokers that propose to provide all of the services specified in this RFP.

SECTION TWO
DEFINITIONS

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

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| “Board” | The Board of Directors of Florida Housing Finance Corporation. |
| “Broker” | A person or entity providing the real estate brokerage services described in Section Four of this RFP. |
| “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. |

“Effective Date”	The date the last party signs the Contract(s) that is awarded as a result of this RFP.
“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.
“Offeror”	Any person or entity who has the capability in all respects to perform fully the requirements contained in this Request for Proposals and submits a response to this Request for Proposals.
“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.
“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 2009-05.” A copy of the proposal shall be submitted in an electronic format at the same time as the hard copies. 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 Friday, September 18, 2009. Responses shall be opened at that time. Responses must be addressed to:

Sherry M. 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 RFP does not commit Florida Housing to award a Contract to any Offeror or to pay any costs incurred in the preparation or transmitting/submitting 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.

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 from any source;
4. Schedule an oral interview before the Committee and/or the Board by 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 interest shall be best served; and
6. Negotiate with the successful Offeror with respect to any additional terms or conditions of the Contract.
7. Modify the terms of the RFP at any point prior to the opening of Responses. Modified portions, if any, shall be provided to those potential Offerors who requested copies of the RFP. Furthermore, a notice of such modification shall be posted on Florida Housing's Website and 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 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 Tuesday, September 1, 2009. Phone calls shall not be accepted. Florida Housing expects to respond to all

questions by 5:00 p.m., Eastern Time, on Thursday, September 3, 2009. 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 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 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.

G. The term of the Contracts shall be for three years, subject to satisfactory performance at the sole discretion of Florida Housing. If the parties mutually agree in writing, the Contracts may be renewed twice. Each renewal shall be for an additional one-year period.

SECTION FOUR **SCOPE OF SERVICES AND REQUIREMENTS**

The Broker shall perform and render the services reflected below as an independent contractor and not as an agent, representative, or employee of Florida Housing. Those services and requirements shall include, but are not limited to, the following:

- Advise Florida Housing on expected selling price range as well as listing price;
- Provide valuation model utilized to determine expected selling price and proposed listing price;
- Advise Florida Housing concerning market conditions and expected time to sell;
- Develop a sale strategy and marketing plan for each property;
- Provide marketing materials (subject to review and approval by Florida Housing);
- Provide timely market analysis and research;
- Provide access to broker networks including listing properties on commercial listing websites;
- Provide and review documents related to sales and assist in the closing of sales;

- List single family homes on the Multiple Listing Service and other appropriate residential listing venues;
- Marketing and showing properties and homes to prospective buyers;
- Work with prospective buyers, as well as other real estate agents/brokers, to facilitate offers and negotiate sales agreements;
- Suggest any available financing options to potential buyers;
- Assist in the preparation and review of legal contracts related to the sale of properties and single family homes;
- Represent Florida Housing at closings;
- Provide appraisal services if needed; and
- Such other real estate services as may be requested by Florida Housing from time to time.

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. 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 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(32), 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 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.

SECTION SIX
INFORMATION TO BE PROVIDED IN RESPONSE

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, fax number, and e-mail address of a primary contact person, who will be responsible for day-to-day contact with Florida Housing, and any backup personnel who would be accessible if the primary contact cannot be reached.
2. Legal business status (individual, partnership, corporation, etc.) and address and telephone number of the Offeror.

B. GENERAL INFORMATION

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.

1. Provide a brief history of the Offeror, including the year organized, ownership, and the total number of employees and sales associates and the location of offices.
2. Provide evidence of certification that the Offeror is qualified to do business in the State of Florida.
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 proof of current professional liability errors and omissions insurance to include the following:

Name of carrier and policy number;
Effective date and termination date of insurance;
Policy exclusions, if any;
Current coverage amounts;
Staff covered; and
Type of coverage.
5. Provide a copy of the Offeror's Real Estate Broker's license from

the Florida Department of Business and Professional Regulation.

6. Provide Offeror's strategy to position, market and sell targeted properties. Provide a typical action plan for property sale including report format and content.
7. Describe Offeror's approach to determining value of multifamily properties, and provide an example of Offeror's model used in such valuation approach.

C. EXPERIENCE

1. Provide a detailed description of previous work experience in providing services similar to those described in Section Four of this RFP during the past two years, covering experience in the sale of affordable multifamily and single-family housing developments or affordable single-family homes. The detailed information must include the time period from listing to sale of each transaction and quantify the resulting degree of affordability (affordable units as a percentage and number of total units), amount of sales transaction and amount of seller's gain/loss on transaction, if known.

In a separate table, list your multifamily affordable housing experience with low income housing tax credits separating the 4% and the 9% transactions. Identify the agency that allocated the low income housing tax credits and issuers of tax exempt and taxable bonds, if any.

2. Provide a list of at least three (3) clients as references that includes:
 - Client name and address;
 - Contact person;
 - Title of contact person;
 - Telephone number and e-mail address of the contact person;
 - Dates services provided;
 - Brief description of work performed for the client; and
 - A statement of express permission for Florida Housing to contact any identified client and request information on the performance of the Offeror.

Prior to submittal of the Response, the Offeror must inform the named clients that their names are being listed. Selected clients may be contacted to determine the quality of work performed and personnel assigned to perform the work. The result of the reference checks may be provided to the Committee to be used in scoring the written Response.

3. Provide information on any contract entered into by the Offeror to provide services similar to those described in Section Four of this RFP that was terminated prior to completion in the last five years. Provide details of such circumstances.

D. QUALIFICATIONS OF PERSONNEL

1. Provide the name, title, office location, telephone number, e-mail address, and brief resumes for the personnel who will be assigned to Florida Housing's account. Include their level of responsibility and availability. Describe the professional background of these individuals, specifically identifying assignments involving services similar to those described in this RFP in the last two years.
2. Provide a description of to what extent, if any, the Offeror, including any officers or directors or other personnel are now, or have been during the five years ended June 30, 2009, under indictment, investigation, order or disciplinary proceeding issued by a regulatory or governmental entity, or engaged in litigation or subject to an order from a court of competent jurisdiction. If any such condition exists, or existed in the time period specified, discuss the outcome and to what extent this could impair the level of service of the Offeror.

E. FEES

Provide any and all fees to be charged in connection with the services described in Section Four of this RFP. An estimated maximum brokerage fee expressed in terms of a percentage per sales price per property should be specified that includes travel expenses and printing of required research and marketing materials. This is a fee for services contract and will not separately cover expenses incurred by the Offeror.

FINAL FEE SCHEDULE SHALL BE SUBJECT TO NEGOTIATION

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 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 RFP 2009-05 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, including but not limited to, the certification requirements stated in Section Five of this RFP.”

Authorized Signature

Print Name and Title: _____

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 RFQ. 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 to be evaluated are as follows:

<u>Item Reference</u>	<u>Maximum Points</u>
B.1 General Information.....	5
B.3 General Information.....	10
B.6 General Information.....	15
B.7 General Information.....	15
C.1 Experience	25
C.2 Experience	5
D. Qualifications of Personnel	15
E. Fees	10
 Total Points Available	 100

SECTION EIGHT
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 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.