

**REQUEST FOR QUALIFICATIONS 2010-03**

**FOR INCLUSION IN A POOL OF ENERGY CONSUMPTION PROVIDERS**

**for**

**FLORIDA HOUSING FINANCE CORPORATION**

**March 12, 2010**

**SECTION ONE**  
**INTRODUCTION**

Florida Housing Finance Corporation (Florida Housing) is soliciting Responses from Offerors who wish to be included in a pool of Energy Consumption Providers approved by Florida Housing to calculate utility allowance estimates using the “energy consumption model” for the owners of Housing Credit Program developments monitored by Florida Housing. Selection of an Offeror as an Energy Consumption Provider (Provider) by Florida Housing for inclusion in the pool under this RFQ will not result in a contract or agreement between the selected Provider and Florida Housing or between the selected Provider and any owner of a Housing Credit Program Development. An owner of a Housing Credit Program development seeking a Florida Housing approved Energy Consumption Provider must choose a Provider from the pool and contract directly with the Provider in order to obtain the energy consumption estimate. Payment or compensation due the Provider shall be the sole responsibility of the owner of the Housing Credit Program development who contracts with the Provider. Florida Housing shall not be a party to any such contract and shall have no obligation to the owner of the development or to the Provider under any such contract. Selection for inclusion in the pool does not assure the Provider that an owner of a Housing Credit Program development will elect to contract with that Provider.

- A. 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.
- B. Effective July 29, 2008, 26 CFR part 1 relating to the low-income housing credit under Section 42 of the Internal Revenue Code was amended to update the utility allowance regulations to provide new options for estimating tenant utility costs. The final regulations affected owners of low-income housing properties who claim the credit, the tenants in those low-income housing properties, and the State and local housing credit agencies that administer the credit.
- C. Previously, under 26 CFR s 1.42-10(b)(4), owners generally used the applicable Public Housing Authority (PHA) utility allowance established for the Section 8 Program or used a local utility company estimate.
- D. As an alternative, under the amended utility allowance regulations at 26 CFR s. 1.42-10(b)(4)(ii)(E), utility allowance estimates may be calculated by a building owner 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 of the building location. The utility consumption estimates must be calculated by a properly licensed engineer or a qualified professional approved by Florida Housing.

- E. Florida Housing is soliciting competitive, sealed Responses from Offerors to be approved by Florida Housing for inclusion in a pool of Energy Consumption Providers approved by Florida Housing to calculate utility allowance estimates using the Energy Consumption Model for the owners of Housing Credit Program developments monitored by Florida Housing. Owners who are seeking a Florida Housing approved Energy Consumption Provider must contract directly with a Provider in the pool to obtain the energy consumption estimate.
- F. Providers shall be selected and determined through Florida Housing’s review of each Offeror’s Response to this RFQ, considering the factors identified in this RFQ and any other factors that it considers relevant to serving the best interests of Florida Housing and its mission.
- G. The pool of Energy Consumption Providers established by this RFQ shall be effective for a period of three (3) years following the date of approval by the Board and the Providers selected for inclusion within the pool of Energy Consumption Providers will be eligible to remain in the pool for that period, unless sooner removed by Florida Housing. Florida Housing reserves the right to remove a Provider from the pool at any time if the Provider fails to adhere to the Energy Consumption Model requirements in calculating the utility allowance estimates, fails to maintain its status as a licensed engineer or qualified professional, fails to comply with any of the other requirements imposed under this RFQ, or if the Provider engages in conduct or other actions deemed by Florida Housing to be detrimental or contrary to the Housing Credit Program or owners.
- H. Notwithstanding the foregoing, Florida Housing may, but shall be under no obligation to monitor, confirm or otherwise ensure the correctness of the utility allowance estimates prepared by a Provider under contract with an owner of a Housing Credit Program development. The owner of the Housing Credit Program development shall be responsible for any utility allowance estimates calculated or prepared on behalf of the owner by a Provider.

**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.   |
| “Committee” | The review committee composed only of employees of Florida Housing that is established pursuant to Fla. Admin. Code, R. 67-49.007. |

“Days”	Calendar days, unless otherwise specified.
“Energy Consumption Model”	The model used to calculate utility allowance estimates as contemplated and permitted by 26 CFR s. 1.42-10(b)(4)(ii)(E).
“Energy Consumption Provider” or “Provider”	A person or entity approved by Florida Housing to provide the services described in Section Four of 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 rental housing 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 with the meaning of Section 42(h)(7)(A) of the IRC and Rule chapter 67-45, Fla. Admin. Code.
“Interested Party”	A person or entity that obtains a copy of the Request for Qualifications from Florida Housing.
“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.
“Offeror”	Any person or entity who has the capability in all respects to perform fully the requirements contained in this Request for Qualifications and submits a response to this Request for Qualifications.
“Qualified Professional”	Any person or entity who is a RESNET certified energy rater.

“Response”	The written submission by an Offeror to this Request for Qualifications.
“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 home address of which is <a href="http://www.floridahousing.org">www.floridahousing.org</a> .

**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 2010-03.” A copy of the Response shall be submitted in an electronic format (compact disk) 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 Tuesday, April 6, 2010. 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](mailto:sherry.green@floridahousing.org)

B. This RFQ does not commit Florida Housing to award a Contract to any Offeror, to select any Offeror for inclusion in the pool of Energy Consumption Providers, or to pay any costs incurred in the preparation or transmitting/submitting a Response.

C. All services contemplated by this RFQ are to be performed solely by the

Provider pursuant to a contract between the owner of the Housing Credit Program development and the Provider. The performance of such services may not be subcontracted or assigned without the prior written approval and consent of Florida Housing. Florida Housing shall be under no obligation to approve or consent to any such subcontract or assignment. Failure to abide by the terms of this paragraph may result in the removal of any offending Provider from the pool and the rejection of any energy consumption estimate submitted by that Provider, at the sole discretion 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 by any or all Offerors;
5. Modify the terms of the RFQ 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 RFQ. 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 Wednesday, March 24, 2010. Phone calls shall not be accepted. Florida Housing expects to respond to all questions by 5:00 p.m., Eastern Time, on Friday, March 26, 2010. 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](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 RFQ 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. Subject to the terms and conditions of this RFQ and unless sooner removed from the pool by Florida Housing as provided elsewhere in this RFQ, the selected Provider(s) will be approved to perform energy consumption estimates for a term of three (3) years, beginning with the date that the Board makes the selection.

#### **SECTION FOUR** **SCOPE OF SERVICES**

A. Energy Consumption Providers shall calculate utility allowance estimates for owners of Housing Credit Program developments monitored by Florida Housing using the Energy Consumption Model. The utility allowance estimate calculated by the Energy Consumption Provider must:

1. 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.
2. Be calculated by 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 Section 267(b) or 707(b).
3. Otherwise comply in all respects with 26 CFR s 1.42-10(b)(4)(ii)(E), and any other applicable regulations.

B. 26 CFR s 1.42-10(c), provides that the building owner must pay for all costs incurred in obtaining the utility allowance estimates and providing the estimates to Florida Housing and the tenants.

#### **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 G of this RFQ, 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(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.

**SECTION SIX**  
**INFORMATION TO BE PROVIDED IN RESPONSE**

A. COVER LETTER

Each Response 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. If the Offeror is a legal entity (e.g., a corporation, limited liability company or limited partnership), provide evidence from the Florida Department of State that the Offeror is qualified to do business in the State of Florida. If the Offeror is not a legal entity (e.g., an individual or sole proprietorship), provide a copy of the Offeror's business license issued by the local jurisdiction in Florida in which the Offeror conducts business. .
2. Describe the Offeror's methodology in developing an Energy Consumption Model. Provide a sample energy consumption model for a proposed rental housing tax credit development.
3. 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 Provider services is a RESNET certified energy rater or is a Licensed Engineer.. (Threshold Item)

C. EXPERIENCE

1. Describe the Offeror's experience in conducting affordable housing utility allowance estimates.
2. Provide a list of at least three (3) affordable housing utility allowance 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; and
  - Brief description of work performed for the client.
3. Provide information on any contract entered into by the Offeror 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 (no more than 5 pages) of staff who will be performing the Energy Consumption Provider services.

E. 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.

F. 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.

G. CERTIFICATION STATEMENT (Threshold Item)

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 RFQ 2010-03 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 RFQ, including but not limited to, the certification requirements stated in Section Five of this RFQ.”

\_\_\_\_\_  
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. General Information.....	5
B.3. General Information .....	(Threshold Item)
C.1 Experience .....	15
D. Qualifications of Personnel .....	15
H. Certification Statement .....	(Threshold Item)
Total Points Available .....	35

**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.