

**FLORIDA HOUSING FINANCE  
CORPORATION**

**REQUEST FOR QUALIFICATIONS (RFQ)  
2012-02**

**for**

**BOND COUNSEL SERVICES**

**PUBLISHED: May 18, 2012  
RESPONSES DUE: June 19, 2012**

## **SECTION ONE INTRODUCTION**

A. Florida Housing is a public corporation and public body corporate and politic created by Section 420.504, Fla. Stat. Pursuant to Part V, Chapter 420, Fla. Stat., Florida Housing may issue revenue bonds to include the following: finance the development of affordable housing, make funds available to people in Florida to help them buy a home, capitalize the Florida Affordable Housing Guarantee Program, refinance prior bond issues of Florida Housing, and such other purposes as may be permitted by law. Florida Housing may issue bonds that are exempt from federal income tax and bonds that are not exempt from federal income tax. Florida Housing may issue bonds through competitive and negotiated sales, including private placements.

B. Florida Housing retains outside bond counsel to prepare bond documents, issue opinions on the tax exempt status of the bonds, answer questions posed by the Staff and the Board, interact with interested parties involved with bond transactions, and perform other functions as described more fully in this RFQ.

C. Florida Housing is soliciting competitive, sealed responses from qualified law firms to act as bond counsel to perform services for and on behalf of Florida Housing in accordance with the terms and conditions set forth in this RFQ.

D. Florida Housing expects to select one or more Offerors as bond counsel, although the Board may increase that number if it deems appropriate to meet the service needs of Florida Housing.

## **SECTION TWO DEFINITIONS**

For purposes of this document:

“Board”	The Board of Directors of the Florida Housing Finance Corporation.
“Bond Counsel”	Any attorney that Florida Housing enters into a Contract with to provide bond counsel services to Florida Housing.
“Committee”	The review committee appointed by the Executive Director that acts according 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 require.

“Days”	Calendar days, unless otherwise specified.
“Effective Date”	The date the last party signs the Contract that is awarded as a result of this RFQ, unless otherwise specified in writing.
“Florida Housing”	Florida Housing Finance Corporation, a public corporation and public body corporate and politic created by Section 420.504, Fla. Stat.
“Guarantee Program”	The Florida Affordable Housing Guarantee program that Florida Housing administers pursuant to Sections 420.507 and 420.5092, Fla. Stat., and Fla. Admin. Code R. Chapter 67-39.
“HUD”	The United States Department of Housing and Urban Development.
“Interested Party”	A person or entity that requests 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.
“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 shall submit an original and five (5) copies of the Response in a sealed envelope marked “RFQ 2012-02.” An electronic copy on a CD or a USB drive is required at the same time as the original and five copies. Each envelope or package containing Responses shall clearly state the name of the Offeror. The Response that is the original shall 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, Tuesday, June 19, 2012. 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 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, 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 contemplated by the Offeror shall be disclosed in the Offeror’s Response to this RFQ.

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 award, a Response other than that with the highest ranking if, in the judgment of Florida Housing, both Florida Housing and the public’s interest shall be best served; and

6. Negotiate with the successful Offeror(s) with respect to any additional terms or conditions of the Contract.

E. Any Interested Party may submit any question regarding this RFQ in writing *via* mail, fax, or e-mail to Sherry M. Green at the address given in Section Three, paragraph A. All questions are due by 5:00 p.m., Eastern Time, Tuesday, May 29, 2012. Phone calls shall not be accepted. Florida Housing expects to respond to all questions by 5:00 p.m., Eastern Time, on Friday, June 1, 2012. Florida Housing shall post a copy of all questions received and their answers on Florida Housing's Website. 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, Contracts Administrator, or her designee, that are posted on the Website shall be construed as an official response to questions submitted to 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, shall 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 provided in the Contract shall be for three (3) years. The Contract may be renewed twice for an additional one (1) year period. Renewals are at the discretion of Florida Housing, and shall be contingent upon satisfactory performance evaluations by Florida Housing.

H. Florida Housing anticipates making Bond Counsel assignments on a rotating basis, with each Bond Counsel firm or team receiving a roughly comparable volume of work. Florida Housing's award of a Contract to an Offeror does not obligate Florida Housing to assign a *pro rata* portion of work, or any work, to the Offeror for any service contemplated by the Contract.

I. Florida Housing is not required to utilize the services of any selected Bond Counsel and may terminate any selected Bond Counsel without cause and without penalty.

J. In addition to the conflict of interest rules imposed by the Rules Regulating the Florida Bar, no attorney who is selected as Bond Counsel, no attorney that is a member of the Bond Counsel's law firm, or the Bond Counsel's law firm, may represent any person or entity in any matter before Florida Housing or before its Board without prior written approval by Florida Housing's Executive Director. Each Bond Counsel shall file a written disclosure identifying any person or entity that the firm represents in any capacity that does business with Florida Housing

or appears before Florida Housing or its Board. The first written disclosure shall be submitted on or before the Effective Date of the Contract, and, at least, annually thereafter for the duration of the Contract.

K. Florida Housing will not contract with any Offeror if there are outstanding documents owed to Florida Housing by that Offeror, or a member of that Offeror team, from a bond transaction prior to the date of publication of this RFQ.

L. Bond Counsel shall, have an emergency management/disaster recovery plan (Recovery Plan) in place within 30 days of the execution of the Contract; a copy of such Recovery Plan shall be provided to Florida Housing. Bond Counsel shall update its Recovery Plan annually, and copies of all updates are to be provided to Florida Housing within 30 days of such updates. The Recovery Plan shall include, at a minimum, provisions relating to business closings and facilities restoration, record keeping and retention, the integrity of computer-based systems and the recovery thereof, employee availability and business interruption insurance. The Recovery Plan must demonstrate the ability to perform all services under the Contract without unreasonable delay. Bond Counsel acknowledges that it is assuming the risk of default if it cannot perform its obligations under the Contract in the event of a natural or man-made disaster or other unanticipated emergency situation.

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

The bond counsel shall provide legal services to Florida Housing which shall include, but are not limited to, the following:

A. Issuing standard, comprehensive bond counsel opinions as to the legality of the bonds, the security for their payment and the exemption or exclusion from federal taxation of the interest on the bonds.

B. Reviewing financing programs and advising on the legal feasibility and compliance with applicable law and pending or proposed revisions in the laws and regulations, including but not limited to Internal Revenue Service, U.S. Treasury and HUD, to include, but not be limited to, those programs initiated by Florida Housing, proposed to Florida Housing by prospective borrowers, or proposed to Florida Housing by underwriters.

C. Assisting as to procedures, required approvals and filings, schedule of events for timely issuance, potential cost-saving techniques and other legal matters relative to issuance of bonds, remarketing bonds, refunding bonds, or any change affecting bond documents, whether the financing is undertaken by competitive bid or negotiated sale, or other financing programs, whether involving 501(c)(3) organizations or otherwise.

D. Attending meetings of Florida Housing with its underwriters or structuring agents.

E. Attending meetings of the Board and its committees, as needed or requested by Florida Housing.

F. Preparing Board resolutions and any amendments thereto in order to authorize the issuance of bonds, remarketing of bonds, refunding of bonds, or any change affecting bond documents. All Board resolutions must be issued by Florida Housing's Legal Department and presented to the Board by Florida Housing's Legal Department.

G. Preparing trust indentures, trustee, registrar or paying agent agreements, servicing and administration agreements, loan agreements, mortgage origination agreements, and any other agreements or similar documents necessary, related or incidental to bond financing.

H. If sale is by competitive bid, review bid documents, notice of sale, evaluation of bids and any other documentation or action necessary to conduct a sale of the bonds in that manner.

I. Reviewing the preliminary official statement, official statement, private placement memorandum, the award resolution, and any amendments thereto, for the sale of the bonds and reviewing the bond purchase agreement.

J. Preparing, obtaining, delivering and filing all closing papers necessary in connection with the sale and issuance of the bonds, including, but not limited to, certified copies of all minutes, resolutions and orders; certificates such as officers, incumbency, signature, no prior pledge, arbitrage, IRS Forms, and others; and verifications, consents and opinions from accountants, engineers, special consultants and attorneys.

K. Performing work including, but not limited to, validations, requests for proposals, educational seminars/workshops, etc., and general Florida Housing needs in regard to bond programs.

L. Preparing and addressing issues in connection with the application for and preservation of private activity bond allocation from the State of Florida.

M. Preparing and delivering transcripts of all documents executed in conjunction with a bond transaction within 60 days, unless given a deadline extension by Florida Housing.

## **SECTION FIVE CERTIFICATION**

Do not reproduce the language of this section in the Response. By inclusion and execution of the certification statement provided in this Section, each Offeror certifies that:

A. At least one of the firms that is a member of an Offeror team is listed in the most recent edition of The Bond Buyer's Municipal Marketplace or the online version of that publication.

B. 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.

C. 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 ten (10) Days after the Response is opened, whichever is earlier.

D. 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.”

E. 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.”

F. 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: \$35,000, for a period of 36 months from the date of being placed on the convicted vendor list.

G. 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 for the compensation agreed upon in the Contract that results from this RFQ, unless that Offeror has Florida Housing's written consent after Florida Housing has been fully informed of such activities in writing.

H. The selection of the Offeror shall not result in any current or potential conflict of interest. Alternately, should any potential or existing conflict be known by the Offeror, the Response shall specify the party with whom the conflict exists or may arise, the nature of the conflict, and whether the Offeror would withdraw from the engagement or representation creating the conflict.

I. The Offeror acknowledges that, if awarded a Contract by Florida Housing, it may not sub-contract any of the Bond Counsel services it is asked to provide to Florida Housing to any attorney in any other law firm other than the attorneys of the law firm in which Bond Counsel is currently employed.

J. The Offeror, if awarded a Contract by Florida Housing, will be called upon to render legal opinions in connection with Florida Housing bond transactions that may be as large as \$200 million per issue.

K. The Offeror, if awarded a Contract by Florida Housing, will be called upon to negotiate with lawyers representing other parties to the transaction, and will be called upon to issue legal opinions addressed to Florida Housing on complex bond issues.

L. 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 2012-02 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 Five of this RFQ.”**

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Authorized Signature (Original)

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Print Name and Title

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

In providing the following information, restate each item and sub-item (with its letter and number), and limit your Response to one bound volume, and do not include material outside of such volume. Responses to the items shall be included immediately after the restated items without any reference to any appendix.

If the Response is a joint Response submitted by more than one law firm, then all applicable items must be submitted as to all law firms that are participants in the Response. In such case, the items should be restated only once, and the complete response to such request must follow that one restatement.

A. GENERAL INFORMATION

1. Provide 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. The primary contact person so identified shall be responsible for making the Offeror's oral presentations to the Committee and/or the Board.

2. Provide a brief description of the Offeror's firm, including but not limited to, the general capabilities of the firm including information relating to total size and staffing of the tax-exempt bond department, the housing tax-exempt bond department, research capability, resource facilities, professional labor staff and clerical support.
3. State the physical location of the Offeror's firm and describe the firm's ability to be accessible to Florida Housing staff in Tallahassee, and availability for such events as meetings throughout Florida, conferences and consultation.
4. Describe what you see as the biggest challenge to housing bond issuers in the next two (2) years.

**B. MINORITY INVOLVEMENT**

Florida Housing is actively seeking minority attorneys and law firms to serve as its bond counsel. Please describe:

1. The extent to which minority attorneys will be working on Florida Housing's account. Discuss whether such attorneys are partners/shareholders or associates in the Offeror's firm; the experience of such attorneys; and the role that such attorneys will play in serving Florida Housing.
2. How fees will be divided among the law firms, if the Offeror is more than one law firm. Florida Housing will require quarterly accountings of any such fee splits.
3. The ownership structure of the Offeror law firm or law firms, the number of minority owners of the firm, and the percentage of the firm's securities or ownership interest that is owned by minority attorneys.

**C. HOUSING FINANCE EXPERIENCE OF FIRMS AND RESOURCES**

1. Name the lead attorney who would be responsible for Florida Housing's account. State where this attorney is physically located.
2. Provide a list of all attorneys who would work on Florida Housing's bond issues. Describe their qualifications and experience and their ability to handle Florida Housing business on a priority basis. Discuss the Offeror's experience within the last three (3) years with the issuance of tax exempt [including 501(c)(3)] or taxable housing bonds. Be sure to indicate experience or work that was specifically done by the lead attorney who would be responsible for

Florida Housing's account. When providing an answer to this request, include the following information:

- (a) Purpose of issue (single family, multifamily);
  - (b) Size of issue and term of bonds;
  - (c) Manner in which sold (competitive bid or negotiated sale; if enhanced, name of enhancer);
  - (d) Governmental unit issuing bonds;
  - (e) Role the Offeror served in; Bond Counsel or underwriter's counsel;
  - (f) Whether or not the Offeror issue an opinion; and
  - (g) What documents the Offeror was responsible for preparing.
3. Describe the Offeror's experience in the last three (3) years as bond counsel for a state housing finance agency. Indicate experience or work that was specifically done by the lead attorney who would be responsible for Florida Housing's account.
  4. Describe the Offeror's experience in the last three (3) years in issuance of bonds involving the State Board of Administration or the Florida Division of Bond Finance. Indicate experience or work that was specifically done by the lead attorney who would be responsible for Florida Housing's account.
  5. Describe the Offeror's participation in litigation of housing finance issues under Florida law. List cases in which your firm appeared, and describe the issues and outcome. Indicate experience or work that was specifically done by the lead attorney who would be responsible for Florida Housing's account.

#### D. FEDERAL TAX EXPERIENCE

1. List the Offeror's attorneys who will be addressing federal tax issues for Florida Housing bond financings, and describe their experience with federal tax questions related to housing, including a list of clients for whom this work was performed.
2. Name the Offeror's lead tax attorney who will be responsible for addressing these issues and describe that attorney's experience.

#### E. OTHER MULTIFAMILY AND SINGLE HOUSING EXPERIENCE

1. Describe the Offeror's experience with mortgage credit certificate programs and bond refundings, reissuances and remarketings.

2. Describe the Offeror's experience with the Low Income Housing Credit program, the Florida's State Apartment Incentive Loan (SAIL) program, the HOME Rental program, and HUD credit enhancement programs such as the HUD Risk-Sharing Pilot Program, Section 8 Restructurings, Florida Housing Guarantee Fund Program, 221(d)(4) fundings, etc.
3. Describe the Offeror's experience with the Single Family Mortgage Revenue Bond Program, the HOME Ownership Downpayment Assistance Program, the Homeownership Assistance Program, and the Fannie Mae Second Mortgage Downpayment Assistance Program.

F. SYSTEMS AND TECHNICAL CAPABILITIES

A bond closing typically involves the final negotiation and revision of 75 or more documents totaling some 400-500 pages. From time to time, Florida Housing may conduct several simultaneous closings. Describe the Offeror's staffing, systems and physical capabilities to produce large numbers of documents in a very short period of time and multiple iterations at both the Offeror's office and at Florida Housing. This information should include, but not be limited to, the following:

- Word processing capabilities, page per minute for printer, blacklining capabilities, compatibility with other systems (ability to use software offsite);
- Photocopying and collating capabilities;
- Access to documents from more than one terminal simultaneously;
- Facsimile machine capabilities; and
- Internet capacity

G. FEES

1. Indicate all fees to be charged to Florida Housing for multifamily issues, single family issues and other issues, according to the following bases, as applicable:
  - a. Per bond issues size. Fees should be stated according to the amount to be charged per \$1,000 of bonds or notes issued with respect to the following issue size:

1) \$1,000	-	\$10,000,000
2) \$10,000,001	-	\$20,000,000
3) \$20,000,001	-	\$50,000,000
4) \$50,000,001	-	\$100,000,000
5) \$100,000,001	-	Upward

To score this item, the Committee will use the average number of transactions for each of the above listed bond issue sizes that occurred in the years 2007-2011. The Committee will then calculate the fee that Florida Housing would have paid for the Offeror's services based on that average. The average number for the years 2007-2011, Florida Housing has the following number of transactions:

For size 1) there were seven (7) transactions;  
For size 2) there were three (3) transactions;  
For size 3) there was one (1) transaction;  
For size 4) there were two (2) transactions; and  
For size 5) there were two (2) transactions.

b. Fixed rate.

If a minimum fee per transaction is to be charged, it must be stated as well.

2. Describe how the Offeror would provide for mailings, courier service, fax, telephone, travel and other related expenses. Please note that no travel expenses will be paid for Board meeting attendance. Other travel expenses will be paid in accordance with Florida Housing's then current travel policy.
3. Address the method of charging for daily inquiries and information on former bond transactions. If the respondent is the original bond counsel for the transactions, no fee will be paid for the inquiries or the information for that transaction. As of March 31, 2012, there was approximately 182 multi-family bond transactions.

***FINAL FEE SCHEDULE SHALL BE SUBJECT TO NEGOTIATIONS.***

H. LEGAL ISSUES

1. Each Offeror must have current malpractice insurance covering all services to be rendered. Securities coverage must be included. Please provide:
  - a. Name of carrier and policy number;
  - b. Effective date of insurance;
  - c. Policy exclusions, if any;
  - d. Current coverage amounts;
  - e. Attorneys covered; and
  - f. Type of coverage

2. Provide detailed information on any and all litigation against the firm, or attorneys within the firm, which is currently pending, which judgment has been entered, or which has been settled within the past five years for more than \$20,000.
3. Provide detailed information on any and all administrative or civil litigation regarding any response of the Offeror, or any attorney associated with the Offeror, to any procurement process.
4. Does the Offeror represent clients that may present conflicts for the Offeror's representation of Florida Housing (such as trustees, banks, investment bankers, credit underwriters or developers)? Please list any potential conflicts. If applicable, address your ability to resolve these conflicts.

I. DRUG-FREE WORKPLACE

If the Offeror has implemented a drug-free workplace program, pursuant to Section 287.087, Fla. Stat., the Offeror shall submit a valid affidavit to demonstrate its status.

J. MINORITY BUSINESS ENTERPRISE

If the Offeror is a minority business enterprise as defined in Section 288.703, Fla. Stat., the Offeror shall submit a valid affidavit to demonstrate its status.

K. CERTIFICATION STATEMENT

**FAILURE TO INCLUDE THE CERTIFICATION STATEMENT LOCATED IN SECTION FIVE OF THIS RFQ 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 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. The Committee and/or Staff may recommend that the Board conduct oral interviews as part of the evaluation process to select the Offeror(s). 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 and/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>
A.1.....	10
A.2.....	10
A.3.....	10
A.4.....	Threshold
B.1.....	20
B.2.....	05
B.3.....	05
C.1.....	10
C.2.....	50
C.3.....	30
C.4.....	20
C.5.....	10
D.1.....	30
D.2.....	20
E.1.....	20
E.2.....	20
E.3.....	20
F.....	10
G.1.....	30
G.2.....	10
G.3.....	20
 Total Available Points.....	 360

## **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.