



REQUEST FOR PROPOSALS

FOR

FRANCONIA CLAIM CONSULTING, EVALUATION AND RECOVERY SERVICES

Northwest Oregon Housing Authority

P.O. Box 1149

Warrenton, OR 97146

Phone (503) 861-0119

Date of Issuance: October 1, 2024

Contact: Hsu-Feng Andy Shaw, Executive Director

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PROPOSALS ARE DUE NO LATER THAN 3:00 P.M. (PST) ON October 31, 2024

I. PURPOSE

The Northwest Oregon Housing Authority (NOHA) is seeking proposals from qualified and experienced firms for consulting, evaluation, and recovery services pertaining to Franconia claims as they may relate to NOHA's Echanie Court housing development. The selected respondent will provide comprehensive services on an as-needed and as-directed basis for NOHA.

II. GENERAL INFORMATION ABOUT FRANCONIA CLAIMS

Before 1979, owners utilizing the Farmers Home Administration (FmHA – now known as USDA Rural Development) 515 loan program had the option to pre-pay their promissory notes at any time. After 1979 and before December 15, 1989, those who had entered into loan agreements were eligible to pre-pay after 20 years.

In 1988, the United States Congress passed the Emergency Low-income Housing Preservation Act of 1987 (ELIHPA). Although ELIHPA was designed to preserve federally funded low-income housing projects, it effectively eliminated a property owner's right to pre-pay loan agreements and leave the 515 program.

As a direct result of ELIHPA, a suit was filed by numerous owners of FmHA properties against the government for breach of contract. In a series of cases, the most notable being *Franconia Associates v. the United States*, 61 Fed. Cl. 718 (2004), the US Court of Federal Claims ordered the government to pay \$13 million to the plaintiffs. Furthermore, the Federal Claims Court's decision provided a framework that allows former and current FmHA property owners to make a claim and receive a settlement under a predetermined formula.

III. SCOPE OF SERVICES

NOHA is soliciting proposals from firms to provide consulting and recovery services for purposes of investigating, evaluating, claiming and recovering on Franconia type claims as they may be applicable to one of NOHA's housing developments, namely the Echanie Court housing development. It is expected that that the qualified firm will have expertise and demonstrated success in:

- USDA-RD properties, lending programs, claim recovery for owners/borrowers under said programs, and laws/regulations pertaining to the same
- Franconia claim consulting, evaluation, filing, litigation, settlement and recovery

Services may include but are not limited to:

- Working with NOHA staff to review housing development documentation for claim assessment.
- Independent research with other agencies for claim assessment.

- Reporting to the Executive Director and NOHA's Board of Commissioners regarding initial claim evaluation and through all stages of claim recovery thereafter.
- Engaging third party professional services for claim recovery, and/or advising NOHA on the same, and/or acting as a liaison where NOHA may engage directly other third-party professional services.
- Consultation with NOHA's legal counsel on claim litigation and settlement decisions.

IV. PROPOSAL FORMAT

NOHA requests that interested respondents submit a proposal containing the following:

- A cover letter that summarizes the respondent's interest in providing the consulting and recovery services to NOHA. The cover letter should also identify a contact person, and describe the respondent's understanding of the services required, and specifically detail the firm's ability to deliver the services requested by NOHA.
- A specific statement detailing the firm's qualifications and experiences with USDA-RD properties, lending programs, claim recovery for owners/borrowers under said programs, and laws/regulations pertaining to the same.
- A specific statement detailing the firm's experience, representative cases, and successes with Franconia claim consulting, evaluation, and recovery for similarly situated owners/claimants.
- A detailed services information, costs, and fees statement (or spreadsheet) for all aspects or stages of the required services from initial consultation, claim investigation and research, claim analysis/evaluation, claim advising, claim filing, claim litigation, claim settlement, and final claim recovery. The statement (or spreadsheet) should also include a preliminary settlement award estimate based upon the firm's prior, successful claim recoveries for like agencies. The statement should also include the costs for any type of initial, up front, deposit, or other like costs required for the services, and the timing and method for payment of the same. The statement should also include any service fees or costs that will be on a contingency or percentage fee related to recovered amounts, the percentage and contingency conditions, when the fees or costs become due, and any premium depending upon recovery stage or service type.
- A preliminary schedule for the stages of services.
- A statement of conditions and terms, including fee, cost, and billing terms, for utilizing third-party professional services related to claim processing, litigation, settlement or recovery.
- A copy of the firm's commercial insurance declaration page and other related insurance documentation demonstrating errors and omissions coverage for the requested services.
- A list of representative clients with reference / contact information.

V. PROPOSAL EVALUATION CRITERIA

Proposals will be reviewed under the direction of NOHA Executive Director. NOHA will determine a score based off the scoring criteria listed below. NOHA reserves the right to hold interviews with firms submitting proposals if it deems necessary for selection. A maximum of 100 points is available:

30 pts	Firm qualifications including experience with USDA-RD properties, lending programs, claim recovery for owners/borrowers, and laws/regulations pertaining to the same
30 pts	Experience, qualifications, and illustrative success with all aspects Franconia claim services
20 pts	Timeliness and availability to provide the services
20 pts	Total cost including any advanced fees, fixed fees, and/or contingency amounts or fee percentages taken from the recovery amount
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100 pts	Total

VI. DEADLINE

All proposals should be submitted via email to: Hsu-Feng Andy Shaw, Executive Director, at hsufengandy@nwoha.org not later than 3:00 p.m. (PST) on October 31, 2024.

Proposals must be received prior to the established deadline to be considered by NOHA. Proposals received after the deadline will not be considered.

VII. QUESTIONS AND CLARIFICATIONS

Questions and clarification inquiries about this RFP must be submitted in writing and be received prior to 3:00 p.m. on October 25, 2024. Inquiries should be directed to Hsu-Feng Andy Shaw, Executive Director, at hsufengandy@nwoha.org.

VII. RESERVATION OF RIGHTS

NOHA reserves any and all rights, including without limitation, the right to reject any or all proposals, to waive any informality in the RFP process, to terminate the process at any time and without advanced notice, to reject any and all proposals, to negotiate all terms of service, to reject and not consider any proposal that does not meet the requirements of this RFP, to make an award to other than the lowest proposal, and to the right to reject and not consider any proposal that, in NOHA's sole discretion, does not meet the requirements of this RFP, including without limitation, incomplete proposals.