

Request for Quotation

Professional Title Services

Orange | Housing
County | Finance
Trust

1 League #62335
Irvine, CA 92602
(909) 706-7193

Key RFQ Dates

Issue Date: December 13, 2023
Question Cut-off: December 21, 2023
Quotation Submittal Deadline: January 10, 2024
Amended 12/14/23

Contact

Amanda Grill
(949) 229-1180
agrill@ochft.org

Adam Eliason
(909) 706-7193
aeliason@ochft.org

The Orange County Housing Finance Trust (“OCHFT” or “Trust”) is issuing this Request for Quotations for Professional Title Services to engage the services of an experienced title insurer (“Contractor” or “Vendor”) to provide title insurance and related services for our Affordable ADU Loan Program, more specifically described below. This RFQ is not a solicitation for employment or posting of a job opening with the Trust.

1 OCHFT Background

The Orange County Housing Finance Trust is a Joint Powers Authority formed in March 2019 between the County of Orange and 26 cities in Orange County, California. A complete list of member cities can be found in Attachment 1.

The mission of the Trust is to strengthen the communities in Orange County by financing the development of affordable housing for homeless and low-income individuals and families. The Trust is working to achieve this mission by contributing to the construction of 2,700 permanent supportive housing units and securing funding that will contribute to additional affordable housing units by 2025.

During its first four years of operation, the Trust provided subsidy funding to help finance 18 affordable multi-family rental communities throughout Orange County. The Trust will continue to focus on this priority subsidy financing for large developments. However, the Trust is also looking to diversify and provide subsidy financing for additional types of affordable housing.

2 Affordable ADU Loan Program

The OCHFT's innovative Affordable ADU Loan Program generates a new accessory dwelling unit that is affordable to build and affordable to rent by offering a discounted capital loan and leasing support to Orange County homeowners.

The program offers a construction-to-permanent loan to homeowners who agree to rent their ADU for ten years to a very low-income tenant. The loans are up to \$100,000, with variable low or no interest, partially forgivable, and deferred for up to 20 years.

These shared-property rentals provide ten years of stable, appropriately priced housing for very low-income households, provide valuable, affordable housing credits to cities, and contribute one ADU at a time to solving the housing crisis. Upon repayment of the low-interest, deferred, partially forgivable loan, owners

have the flexibility to use the ADU to best meet their needs, and the repayment of the loan funds helps create a new ADU.

3 Specifications

This RFQ is being issued by the Trust to solicit quotes from one or multiple, bona fide, qualified individuals and firms licensed in the State of California to provide professional services related to title searches, rendering title opinions, and loan closings in the State. Likewise, this RFQ is being issued to seek Quotes from one or multiple duly qualified individuals or firms to facilitate subordinations and ensure proper recordation of loan closing documents in a manner consistent with State law and all applicable regulations governing the use of funds.

3. A Services Required

Products and Services to be provided:

- ALTA Lender's Policy of Title insurance on a loan of \$100,000 in second or third position
- Provide the preliminary title report within ten business days of receiving all the required documents.
- Update and confirm title status at loan closing, potentially up to a year later than the preliminary report.
- Record Trust loan documents and regulatory agreement.
- Provide access to an online platform that allows the Trust to search property records in Orange County independently, including a property profile for ownership verification, loan data, and zoning information.
- Procedure for collecting payment from the borrower for title insurance fee
- Process for paying off the loan in the future and documents required to facilitate that process

The Contractor will be expected to plan and deliver title services that might include either or both abbreviated title searches and/or comprehensive title searches, depending on the particular ownership circumstances of a property and all applicable program requirements. For abbreviated title searches, the Contractor shall review and investigate all land records to verify and confirm the presence of a legal instrument, document, or recording, evidencing rightful ownership to the property by an applicant and co-applicant. The Contractor must provide the Trust with a copy of the documentation it finds evidencing property ownership along with a summary explanation of its contents. Furthermore, the Contractor must identify any issues of concern with the documentation or where sufficient documentation might be lacking in the public record. Lastly, a Contractor will be expected to provide a Tax Parcel

Identification Number with supporting documentation. Subject to the preceding, no full title exam or title insurance will be required in connection with abbreviated title searches.

In addition to all information required for abbreviated title searches noted above, a Contractor shall perform the following additional services for complete, comprehensive title searches and examinations. The Contractor shall review all recorded information concerning an identified property. Contractor must review and search all land records, mortgage, conveyance, and where applicable, all probate and suit records concerning the ownership of a property going back for thirty (30) years or more as necessary. The Contractor's review shall sufficiently determine whether there are any liens, mortgages, privileges, rights of way, servitudes, usufructs, encumbrances, or any other kinds of ownership or land use limitations affecting the particular property sufficient to allow the Trust to determine whether the property and the nature of ownership thereof, is suitable for the Program. The Contractor shall further review all public records, including but not limited to all suit records concerning a given applicant/co-applicant, owner, or co-owner of a subject property to determine if their ownership claim in the property is not compromised and is suitable for participation in the Program. For full, compressive title searches and examinations, the Contractor shall cause an abstract to be prepared and a certified title opinion to be rendered.

The Trust estimates that 70 title policies will be purchased through this RFQ, and slightly more preliminary title reports will be ordered. The Trust estimates that preliminary title reports will be needed as soon as an agreement is reached and insurance policies issued a few weeks to months later.

Due to the program design, preliminary title reports will sometimes be ordered months before the loan closes. Unless otherwise stated in the quote response, the Trust will assume that this potential delay is priced into the quotes. Additionally, many ADUs will be under construction during the Trust's loan closing and the title insurance issuance. The selected Vendor shall provide a process to accommodate this timing.

3. B Agreement

By submitting a quote to this RFQ, the Vendor is committing to the terms of the RFQ. If the terms are not agreeable, the Vendor may submit a protest of the objected terms along with their proposal. Submission of a quote will indicate a commitment of 18 months to the listed pricing and services, with the potential for annual updates after that. All purchase agreements are anticipated to be as-needed and for each parcel separately, with the Borrower paying for the

insurance fee. Vendors may stop providing title services to the Trust with 30 days written notice.

The Trust reserves the right to receive services from more than one Contractor.

3. C Vendor Minimum Requirements

Vendors shall demonstrate that they possess an ability to conduct title searches going back thirty (30) years or more and render certified title opinions sufficient to allow the Trust to determine rightful ownership to property. Vendors shall also demonstrate an ability to conduct loan closings, facilitate subordinations, and ensure proper recordation of closing documents. All key staff shall have at least five years of experience providing comprehensive title services and particular experience working with lenders and government agencies.

Vendors should possess all necessary licensing and qualifications to operate in the state of California and the County of Orange. The state license must be in good standing without excessive complaints found to be justified, as determined by the Trust.

Finally, the Vendor shall have a Corporate Credit Rating of A or better.

4 Preparation of Quotations

This is an open bid request for quotations and any vendor may submit a quote.

Quotations shall be accepted via email only to agrill@ochft.org no later than January 3, 2024, at 9:00 PM. Proposals should be sent as a single PDF file. Do not send hard copy of the proposal.

Quotations must be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of this RFQ. Emphasis should be on completeness and clarity of content with sufficient detail to allow for accurate evaluation and comparative analysis.

The Quotation shall include the following information, segregated and labeled to match the list below:

1. Summary memo, 1-3 pages total, containing:
 - a. Company overview and history
 - b. A narrative history of similar work with testimonials, references, or other evidence of expertise
 - c. The primary point of contact for the vendor and quote
 - d. License numbers, including CA Dept. of Insurance Company ID (EID)
 - e. Corporate credit rating with link to rating agency's report

2. Pricing table (Attachment 3)
3. Work management plan, including:
 - a. Tools and digital platforms used to accomplish the work
 - b. Ensuring accuracy and quality of work
 - c. Demonstrate capacity to complete the work in the required timeframe
 - d. Staffing plan and their relevant experience
4. Declaration of conflict of interest

Quotes must be valid for 120 days from the quote due date listed in this RFQ and, once agreed upon by the Trust, for at least 18 months.

Disclosure of Contributions.

The proposer shall deliver, with their quote, Attachment 4, *Disclosure of Contributions*, identifying all Trust Board members who received contributions from proposer within the preceding 12 months in excess of \$250, or stating that no contributions were made that require disclosure. This disclosure requirement includes all "Parties" and "Participants" to this action as those terms are defined in Government Code §84308 (use extra forms as required).

Confidential and Proprietary Information

Quotes are not to be marked as confidential or proprietary. The Trust may refuse to consider any proposal so marked. Quotes submitted in response to this RFQ may become subject to public disclosure per the requirements of the California Public Records Act, Government Code Section 6250 et seq. The Trust shall not be liable in any way for disclosure of any such records. Additionally, all Quotes shall become the property of the Trust. The Trust reserves the right to make use of any information or ideas in the Proposals submitted.

5 Evaluation and Selection

The proposals shall be reviewed in accordance with the Trust's Procurement Policy and applicable laws and regulations that govern the operations of the Trust.

An evaluation panel will select the Apparent Successful Vendor who most closely meets the requirements of this RFQ. Quotes received will be evaluated based on price, ability, and capacity to meet requirements, and quality of previous work as reflected in the quote and references provided and sought by the Trust. After successful term negotiations, the Apparent Successful Vendor will be selected to provide the required services. If the Trust fails to agree on terms

with the Apparent Successful Vendor, the Trust reserves the right to negotiate with the next most qualified Vendor.

Discussions and negotiations may be conducted with one or more Vendors. Each Vendor shall be accorded fair and equal treatment in conducting negotiations, and there shall be no disclosure of any information derived from proposals submitted by competing Vendors. Negotiations may be conducted concurrently with Vendors to determine source selection.

Evaluations will be weighted as follows:

- 50% on price
- 30% on the ability to meet the requirements
- 20% on experience and quality of similar services

The Apparent Successful Vendor's quote and a summary of their quote will be presented to the Trust Board of Directors for approval.

The Trust may reject all quotes without further discussion or commence negotiations with the highest-ranked vendor. If the Trust commences negotiations, the Trust may negotiate any component of the quote. The vendor, on the other hand, may raise issues only to the extent they are interrelated with negotiated topics presented by the Trust.

6 Instructions – Protest Procedures

Any actual or prospective Proposer or Contractor who alleges a grievance by the solicitation or award of a contract may submit a grievance or protest to the Trust Manager at aeliason@ochft.org.

1. All protests shall be typed under the protester's letterhead and submitted in accordance with the provisions stated herein. All protests shall include at a minimum the following information:
 - a. The name, address and telephone number of the protester;
 - b. The signature of the protester or the protester's representative;
 - c. The solicitation or contract number;
 - d. A detailed statement of the legal and/or factual grounds for the protest; and
 - e. The form of relief requested.

2. Protest of Bid/Proposal Specifications:

All protests related to bid or quote specifications must be submitted no later than five (5) business days prior to the close of the bid or quote. The Trust will not consider protests received after the five (5) business day deadline.

In the event the protest of specifications is denied and the protester wishes to continue in the solicitation process, they must still submit a quote prior to the close of the solicitation in accordance with the bid/proposal submission procedures stated in this RFQ.

3. Protest of Award of Contract:

In protests related to the award of a contract, the protest must be submitted no later than seven (7) business days after the notice of the proposed contract award is provided. Protests relating to a proposed contract award which are received after the seven (7) business day deadline will not be considered by the Trust.

4. Protest Process:

While a protest is in progress, the Trust may proceed with the solicitation or the contract unless the Trust Manager determines there is a reasonable probability that the protest will be sustained or that the stay of procurement is not contrary to the substantial interests of the Trust. The Trust Manager shall issue a written decision to the protestor within 14 days, including an explanation of the basis of the decision and a statement of the available appeals process. If the protest is sustained, in whole or part, the Trust Manager shall implement a remedy appropriate to the circumstances.

5. Appeal Process:

A protestor may appeal the decision of the Trust Manager to the Trust Board of Directors within seven (7) days from the date the decision is issued. The appeal shall contain all the information originally set forth in the protest, a copy of the decision of the Trust Manager; and the specific factual or legal error in the decision of the Trust Manager that forms the basis of the appeal. A decision by the Trust Board of Directors shall be final.

Attachment 1

List of Trust Members

1. Aliso Viejo
2. Anaheim
3. Buena Park
4. Costa Mesa
5. County of Orange
6. Dana Point
7. Fountain Valley
8. Fullerton
9. Garden Grove
10. Huntington Beach
11. Irvine
12. Lake Forest
13. Laguna Beach
14. Laguna Hills
15. Laguna Niguel
16. La Habra
17. Mission Viejo
18. Newport Beach
19. Orange
20. Placentia
21. San Juan Capistrano
22. Santa Ana
23. Seal Beach
24. Stanton
25. Tustin
26. Westminster
27. Yorba Linda

Attachment 2

Conflict of Interest Disclosure Statement

7 Disclosure Policy

It is the policy of the Trust to ensure that firms and individuals providing services to the Trust are not subject to organizational conflicts affecting their objectivity or their ability to provide impartial assistance or advice to the Trust. This form requires certain relationships to be disclosed to the Trust so that it may determine whether a potential organizational conflict exists and whether mitigation measures may be implemented so as to allow the firm or individual to perform services notwithstanding such potential conflict. Relationships with the following entities must be disclosed:

- 1) Any firm, individual, partnership, corporation, association, or other legal entity currently retained for services by a developer of affordable housing or service provider for families and individuals at risk of or experiencing homelessness.
- 2) Any firm currently retained or which may be retained for services by the County of Orange or any member city of the Trust or other public entity within Orange County, California (see list of member agencies below).

8 Disclosure

- 1) _____ Consultant IS NOT currently retained for services as defined in the Disclosure Policy above.
- 2) _____ Consultant IS currently retained for services as defined in the Disclosure Policy above.

a) Consultant is retained for services by the following member agencies of the Trust

_____ County of Orange
_____ City of Aliso Viejo
_____ City of Anaheim

_____ City of Buena Park
_____ City of Costa Mesa
_____ City of Dana Point

____ City of Fountain Valley
____ City of Fullerton
____ City of Garden Grove
____ City of Huntington Beach
____ City of Lake Forest
____ City of Laguna Beach
____ City of Laguna Hills
____ City of Laguna Niguel
____ City of La Habra
____ City of Mission Viejo

____ City of Newport Beach
____ City of Orange
____ City of Placentia
____ City of San Juan
____ Capistrano
____ City of Santa Ana
____ City of Seal Beach
____ City of Stanton
____ City of Tustin
____ City of Westminster

b) Consultant is retained for services by the following other public agencies and public or private entities within Orange County, California. (List individually.)

c) Please describe briefly those services potentially affected by this Disclosure:

Consultant is required to disclose to the Trust, in writing, any services relationship which may be entered into during the term of the Contract, which violates or appears to violate the intent of this Disclosure:

Consultant

Date

Authorized Repetitive

Title

Attachment 3

Pricing Table

Enter below the proposed price for the Services identified in the RFQ. Prices shall include direct costs, indirect costs, profit, and any other costs associated with providing the services as described in this RFQ.

Use additional lines to indicate different services that meet the requirements of the RFQ.

Use the minimum quantity column to indicate any volume-based discounts. You may add additional explanations below the table.

Item	Description	Price per Unit	Min. Qty.

Attachment 4

ORANGE COUNTY HOUSING FINANCE TRUST CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Application or Solicitation Number: _____

Application or Solicitation Title: _____

Was a campaign contribution, regardless of the dollar amount, made to any member of the Orange County Finance Housing Trust Board of Directors on or after January 1, 2023, by the applicant, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist?

Yes ____ No ____

If no, please sign and date below.

If yes, please provide the following information:

Applicant's Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is the Contributor:

- The Applicant Yes____ No ____
- Subcontractor Yes____ No ____
- The Applicant's agent/ or lobbyist Yes____ No ____

Note: Under California law as implemented by the Fair Political Practices Commission, campaign contributions made by the Applicant and the Applicant's agent/lobbyist who is representing the Applicant in this application or solicitation must be aggregated together to determine the total campaign contribution made by the Applicant.

Identify the Trust Board Member(s) to whom you, your subcontractors, and/or agent/lobbyist made campaign contributions on or after January 1, 2023, the name of the contributor, the dates of contribution(s) and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Trust Board Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

(Please add an additional sheet(s) to identify additional Trust Board Members or to whom you, your subconsultants, and/or agent/lobbyist made campaign contributions)

By signing below, I certify that the statements made herein are true and correct. I also agree to disclose to the Orange County Housing Finance Trust any future contributions made to members of the Trust Board of Directors by the applicant, or, if applicable, any of the applicant's proposed subcontractors or the applicant's agent or lobbyist after the date of signing this disclosure form, and within 12 months following the approval, renewal, or extension of the requested license, permit, or entitlement to use.

Date

Signature of Applicant

Print Firm Name, if applicable

Print Name of Applicant

ORANGE COUNTY HOUSING FINANCE TRUST

BOARD MEMBERS

Katrina Foley, Chair

Jessie Lopez, Vice Chair

Stephen Faessel

Shari Freidenrich

Mike Frost

Tammy Kim

Natalie Moser

Vicente Sarmiento

Cynthia Vasquez