

REQUEST FOR PROPOSALS FOR TITLE AGENT SERVICES FOR BROWARD COUNTY, FLORIDA

Broward County ("County") is seeking to create a pool of pre-qualified firms to provide title and closing services for various County projects/transactions on as-needed, non-exclusive basis for a term of three (3) years, with two (2), one (1) year options to extend. In addition to various Broward County projects, this solicitation includes providing title and closing services for the Broward County Aviation Department in connection with the Conveyance and Release Program and the Standard Sales Assistance Program. Information about the Conveyance and Release Program and Standard Sales Assistance Program can be found at <http://www.fillnoisemitigation.com>. This document invites your firm to submit a proposal to perform as title agent for the County for either of the various County projects, the Broward County Aviation Department projects, or both.

CRITERIA FOR SELECTION AND EVALUATION

All proposals will be reviewed by the Real Property Section for Broward County and will be evaluated on the basis of the perceived ability of the firm to meet the demands of Broward County in a timely, effective, and efficient manner. Based on the information provided in response to this solicitation, experience, depth of expertise, and availability of facilities and resources will also be considered. The County reserves the right to reject any or all proposals submitted.

Personal interviews may be conducted at the discretion of the County. The project/transaction that will be assigned will depend on the nature of the work, subject matter expertise, ability to meet time constraints and cost, with an attempt to ensure equitable distribution of the work. The selected firm(s) will be required to sign an agreement which will set forth the rights and obligations of all parties, payment schedule, and the scope of services. A copy of the agreement will be made available upon request.

SUBMISSION OF PROPOSAL

Three (3) copies of each proposal must be delivered to the Real Property Section, Room 501, Broward County Governmental Center, Attn. Cindy Cohick, Legal Information Coordinator, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301, before 5:00 p.m. on Monday, June 1, 2016, enclosed in a sealed envelope.

PROPOSER INFORMATION

I. Minimum Qualification Requirements

Provide documentation that demonstrates Proposer's ability to satisfy both of the minimum qualification requirements below. Proposers who do not meet the minimum qualification requirements or who fail to provide supporting documentation may be deemed non-responsive.

1. Proposer is a licensed Title Insurance Agency in the State of Florida at the time of proposal due date. Provide a copy of Proposer's license as a Title Insurance Agency.
2. Proposer is authorized to engage as an Escrow Agent according to Florida Statutes, Sections 626.841 through 626.8473, at the time of the proposal due date. Provide a letter on the bank's/attorney's letterhead confirming the proposer's escrow account is held at such bank/attorney's office, along with bank/attorney's contact name, phone number, and email address. **Note: Submitted proposals will become public record; therefore, do not include any confidential information regarding the escrow account, i.e., account number, etc.**

II. Proposer's Experience and Past Performance

1. Describe the Proposer's past performance and experience and state the number of years that the Proposer has been in existence, the current number of employees, and the primary markets served.

Provide a detailed description of comparable contracts (similar in scope of services to those requested herein) which the Proposer has either ongoing or completed within the past three years. Where possible, list and describe those projects performed for government clients or similar size private entities (including any work performed for Broward County). The description should identify for each project:

- a) Client
 - b) Description of work
 - c) Total dollar value of the contract
 - d) Dates covering the term of the contract
 - e) Client contact person and phone number
 - f) State whether prime contractor or subcontractor
 - g) Results of the project
2. List the Proposer's title insurance underwriters and length of time Proposer has been working with each underwriter. Also, include verification of the underwriter's current rating from any of the following firms: Laclede Financial Corp, Demotech, Inc., Moody's Investor Service, Fitch Ratings, A.M. Best Company, or equivalent.
 3. Describe the Proposer's experience with title related services performed for government agencies. List up to five agencies for which these services were performed, include their contact names and phone numbers, and property locations.
 4. Describe the Proposer's experience with quiet title actions, including the scope and level of involvement.

5. Describe the Proposer's experience providing title products or services for properties under the threat of condemnation. Provide a brief description of a particular case
6. Describe any prior or pending litigation either civil or criminal, related to title and closing services, in which the Proposer, any of its employees or subcontractors is/are or has/have been involved within the last three (3) years.

III. **Key Personnel and Subcontractors Performing Services**

1. Provide an organization chart showing all key personnel, including their titles, and years of experience in the title insurance industry, to be assigned to this contract. This chart must clearly identify the Proposer's employees and those of the subcontractors or sub-consultants, and shall include the functions to be performed by the key personnel. All key personnel include all partners, managers, seniors and other professional staff that will perform work and/or services in this contract.
2. List the names and addresses for all first tier subcontractors, and describe the extent of work to be performed by each first tier subcontractor. Describe the experience, qualifications, and other vital information, including relevant experience on previous similar projects, of the subcontractors who will be assigned to this contract.
3. Identify the Proposer's title agent(s) on staff that will be primarily assigned to this contract. Describe the experience, qualifications, and other vital information, including relevant experience on previous similar contracts.
4. Describe the experience, qualifications, and other vital information, including relevant experience on previous similar contracts, of all key personnel (excluding the title agents described in the above section), including those of subcontractors, who will be assigned to this contract.
5. Provide resumes, if available with job descriptions and other detailed qualification information for the contract manager, Title Examiner, and all key personnel who will be assigned to this project, including any key personnel of subcontractors.
6. Describe the Proposer and sub-contractor's key personnel experience in the following and provide a list (where applicable), and a brief description:
 - a) Testifying in a court of law in defense of a title product or service. Provide a list.
 - b) As an expert witness for title products or services in a court of law.
 - c) With title related services performed for government agencies.
 - d) Researching oil, gas, mineral, air, or utility rights separate from land ownership.

- e) Providing title products or services for properties under the threat of condemnation. Provide an example.

Note: After proposal submission, but prior to the award of any contract issued as a result of this Solicitation, the proposer has a continuing obligation to advise the County of any changes, intended or otherwise, to the key personnel identified in its proposal.

IV. Proposed Approach to Providing the Services

1. Explain the method used by the Proposer to research titles dated prior to 1976.
2. Provide an ALTA Closing Protection Letter, addressed to Broward County, covering all closings and insuring against loss or damage arising from or due to the fraud of, dishonesty of, misappropriation of funds by, or failure to comply with Broward County's written closing instructions.
3. Identify if Proposer has taken any exception to the terms of this Solicitation. If so, indicate what alternative is being offered and the cost implications of the exception(s).

FORM B-1

PRICE PROPOSAL SCHEDULE

FOR BROWARD COUNTY PROJECTS AND ASSIGNMENTS OTHER THAN THE BROWARD COUNTY AVIATION DEPARTMENT CONVEYANCE AND RELEASE PROGRAM AND STANDARD SALES ASSISTANCE PROGRAM

INSTRUCTIONS:

The Proposer's price shall be submitted on this Form B-1, "Price Proposal Schedule", and in the manner stated herein; there is no exception allowed to this requirement. Proposer is requested to fill in the applicable blanks on this form and to make no other marks.

NOTE: Broward County is exempt from all taxes (Federal, State, and Local). Tax Exemption Certificate furnished upon request.

1. Proposed Pricing:

The Proposer shall state its fees, as a fixed price per parcel, for providing all services as stated in this Solicitation, excluding the "Additional Services" below. The proposed prices include all costs to provide the services and shall be provided following the format below.

Title Search Report	\$_____ each
Certificates of Title (certified by attorney)	\$_____ each
Re-certifications and/or Updates	\$_____ each
Title Examination	\$_____ each
Ownership Search Report	\$_____ each
Opinion of Title (certified by attorney)	\$_____ each
Title Insurance Commitment	\$_____ each

Title Insurance Policy Premium	*Promulgated Rate Less _____% *Provide percentage of the Title Insurance Agent's share of the promulgated rate approved by the Insurance Commissioner by which the Proposer shall reduce the premium, only if applicable. Otherwise Proposer should state "0" as the percentage.
Municipal and County Lien Search (including code violations, open permits, utilities, waste and tax lien searches)	\$_____/Per parcel, in addition to actual costs charged by the Municipality or County.
Title Insurance Endorsements:	
Endorsements for which the Insurance Commissioner Has Promulgated Rates	<u>Promulgated Rates</u> /Endorsement
Endorsements Occasioned by Selected Proposer's Error	<u>\$0.00 (No Charge)</u> /Endorsement
Endorsements with a Minimum Risk Rate Premium of \$25	\$_____/Endorsement
Endorsements with a Minimum Risk Rate Premium of \$100	\$_____ /Endorsement
Closing Fee	\$_____/Closing

2. Additional Services

Occasionally, the County may require the additional services listed below in this B-1. These additional services are related to, but not included in providing the base products/services sought. The following services shall be provided without the issuance of title insurance.

The positions identified in the following table should be the same as the personnel identified in the Proposer's Information under Key Personnel and Subcontractors Performing Services. The County expects that these personnel will be performing the services as needed.

Proposer should list in the tables below not-to-exceed hourly rates for the various staff levels proposed to complete the additional services when requested.

Technical Assistance:	
Expert Witness Services \$ _____/Hour	
General Title Research \$ _____/Hour	

Notes:

1. All proposed fees and rates include all costs, including all out-of-pocket expenses, to provide the applicable services or products, such as personnel and labor costs, travel, per diem, miscellaneous costs and fees (i.e., copies, postage, courier fees, document preparation, scanning etc.), which shall be incorporated in this price schedule, as they will not be reimbursed separately by the County.
2. Prices are fixed for the initial term of the contract to be entered into between Proposer(s) and County, including any option-to renew and renewal periods.
3. The hourly rates for the Additional Services are fixed for the term of the contract, including any option-to-renew and extensions periods. Notwithstanding the proposed fees for Additional Services, the County reserves the right to negotiate the final pricing on a project by project basis, at the County's sole discretion.
4. The selected Proposer shall not exceed the maximum hourly rates for Additional Services when calculating the not-to-exceed cost statement require for any future Work Orders.
5. In the event that Proposer is required or requested to perform any additional or extraordinary services not herein contemplated, Proposer shall be entitled to apply for additional compensation, the amount of which shall be subject to the approval of County and no such additional compensation shall be paid unless specifically authorized in advance by County, in its sole discretion. If County fails to authorize additional compensation, Proposer shall not be obligated to provide the additional or extraordinary services.

6. The key personnel, identified in the Proposer Information under Key Personnel and subcontractor Performing Services, including the Project Manager/Key Individual, who will be performing the Base Services shall be the same key personnel who will perform the Additional Services, as needed.

FORM B-2

PRICE PROPOSAL SCHEDULE

BROWARD COUNTY AVIATION DEPARTMENT PROGRAMS ONLY

The Broward County Aviation Department is administering a Standard Sales Assistance Program (SA) and a Conveyance and Release Program ("CAR") approved by the Board of County Commissioners and which are eligible for financial assistance from the Federal Aviation Administration. There are approximately 857 residential units eligible to participate in either the SA or the CAR.

Under both programs a Conveyance and Release Agreement ("CAR Agreement") will be recorded in favor of Broward County. Broward County is required to ensure to the Federal Aviation Administration that (i) marketable title to the property interest conveyed to Broward County by the CAR Agreement is free and clear of any interest or encumbrance that may conflict with the Program needs and the use of the property in accordance with the terms of the CAR Agreement; and, (ii) there are no encumbrances or liens (including mortgages) that have legal priority over the recorded CAR Agreement. Proposers will be required to do the following ("Proposer Obligations"): issue and mark-up title insurance commitments in form acceptable to Broward County, prepare title objection letters, prepare in form acceptable to Broward County subordination of mortgages and other liens to ensure and document the priority of the CAR Agreements, prepare consent and non-disturbance agreements in form acceptable to Broward County to ensure and document the priority of the CAR Agreements, prepare various affidavits and other documents as required in the title insurance commitments proposing to insure the interest of the CAR Agreement, prepare curative title documents, prepare closing statements, attend closings at BCAD offices, record CAR Agreements, prepare and deliver owner's title insurance policies in form acceptable to Broward County, issue Form 1099's, handle any required escrows, and take such other further action required by Broward County with regard to the preceding requirements. All relevant instruments must be recorded in the Public Records of Broward County, Florida by the Proposer. The contract provisions identified in 49 CFR 18.36(i) will become part of the agreement between Proposer(s) and County for these programs only.

INSTRUCTIONS:

The Proposer's price for the Standard Sales Assistance Program and Conveyance and Release Program shall be submitted on this Form B-2, "Price Proposal Schedule", and in the manner stated herein; there is no exception allowed to this requirement. Proposer is requested to fill in the applicable blanks on this form and to make no other marks.

NOTE: Broward County is exempt from all taxes (Federal, State, and Local). Tax Exemption Certificate furnished upon request.

1. Proposed Pricing:

The Proposer shall state its fees, as a fixed price per parcel, for providing all services as stated below in this Form B-2. The proposed prices include all costs to provide the services and shall be provided following the format below.

Title Insurance Commitment	\$ _____ for each Parcel, including updates to the Title Insurance Commitment, not to exceed \$150 per parcel.
Title Insurance Policy Premium	*Promulgated Rate Less _____% *Provide percentage of the Title Insurance Agent's share of the promulgated rate approved by the Insurance Commissioner by which the Proposer shall reduce the premium, only if applicable. Otherwise Proposer should state "0" as the percentage.
Closing Fee	\$ _____/per closing, not to exceed \$250 per closing. This is inclusive of the Proposer Obligations as described and defined above.
Municipal and County Lien Search (including code violations, open permits, utilities, waste and tax lien searches)	\$ _____/per parcel, in addition to actual costs charged by the Municipality or County.

Notes:

1. All proposed fees and rates include all costs, including all out-of-pocket expenses, to provide the applicable services or products, such as personnel and labor costs, travel, per diem, miscellaneous costs and fees (i.e., copies, postage, courier fees, document

preparation, scanning etc.), which shall be incorporated in this price schedule, as they will not be reimbursed separately by the County.

2. Prices are fixed for the initial term of the contract to be entered into between Proposer(s) and County, including any option-to renew and renewal periods.

3. The key personnel, identified in the Proposer Information under Key Personnel and Subcontractors Performing Services, including the Project Manager/Key Individual, who will be performing the Services.

4. In the event that Proposer is required or requested to perform any additional or extraordinary services not herein contemplated, Proposer shall be entitled to apply for additional compensation, the amount of which shall be subject to the approval of County and no such additional compensation shall be paid unless specifically authorized in advance by County, in its sole discretion. If County fails to authorize additional compensation, Proposer shall not be obligated to provide the additional or extraordinary services.