Request for Proposals
Legal Foreclosure Services
for
Forsyth County, NC
Tax Department

Proposals Will Be Received Until

12:00 Noon, Tuesday, July 2, 2019

By The City of W-S/Forsyth Co. Purchasing Department
In Room 324 City Hall Building
101 North Main Street
Winston-Salem, North Carolina

ADVERTISEMENT FOR BIDS

Sealed proposals endorsed Legal Foreclosure Services for Forsyth County to be furnished to Forsyth County will be received by the City/County Purchasing Department in Suite 324, City Hall Building, 101 North Main Street, Winston-Salem, N.C. until 12:00 Noon, Tuesday, July 2, 2019. To obtain the complete proposal document or receive instructions for submitting proposals contact Jerry Bates via email jerryjb@cityofws.org, phone 336-747-6939, or visit the Purchasing Department at same location from 8:00 A.M. to 5:00 P.M. Monday through Friday. The County reserves the right to reject any and/or all proposals, bids, to waive informalities in the bids, and to choose the bid that is in the best interests of the County.

Jerry Bates
Purchasing Director
INSTRUCTIONS TO PROPOSERS

INTRODUCTION:
This entire set of documents constitutes the RFP. The proposer must return the RFP with all information necessary to properly analyze the proposer’s response in full, in the same numerical order in which it was issued. Proposer’s notes, exceptions, and comments may be rendered on an attachment, provided the same format of this RFP text is followed.

RFP Response Submission
All proposals shall be returned in a sealed container or opaque envelope containing one original proposal (please mark document as original) showing original signatures and seals and two (2) printed copies marked Legal Foreclosure Services for Forsyth County. Proposals must be submitted to the City/County Purchasing Department in Suite 324, City Hall Building, 101 North Main Street, Winston-Salem, NC, no later than until 12:00 Noon, Tuesday, July 2, 2019. Late proposals will not be considered. Submittals will not be accepted by fax or electronic mail.

The County will not be obligated for the expenses of any provider arising out of preparation and/or submittal of responses to this RFP. Any and all proposals to this RFP are to be prepared at the cost and expense of the respondents, with the express understanding that there may be no claims whatsoever for the reimbursement of any costs, damages, or expenses relating to this procurement from the County or any other party for any reason (including the cancellation of this RFP).

Proposals must be made in the official name of the individual, firm, or corporation under which the business is conducted (showing official business address) and must be signed in ink by a person duly authorized to legally bind the business entity submitting the proposal.

All proposals should be complete and carefully worded and must convey all of the information requested by the County. If errors or exceptions are found in the proposal, or if the proposal fails to conform to the requirements of the RFP, the County will be the sole judge as to whether that variance is significant enough to reject the proposal.

Proposals should be prepared simply and economically. All data, materials, and documentation shall be available in a clear, concise form. The County reserves the right to reproduce proposals for internal use in the evaluation process.

Proposers are expressly forbidden from contacting any other County employee or Forsyth County elected official regarding this Request for Proposals. Any such outside contact may result in disqualification from the request for proposal process.

Proposer Questions and Inquiries
Proposer Questions and Inquiries relative to this RFP must be submitted in writing only by 12:00 Noon, Monday, June 24, 2019, to Jerry Bates, City/County Purchasing Director, 101 North Main Street, Winston-Salem, NC 27101 or e-mail: jerryjb@cityofws.org (Email is preferred), Fax: (336) 727-2443. The County will provide written responses to all inquiries received by this date, and responses will be made available to all recipients of this RFP. Any oral responses made by any representative of the County may not be relied upon. Any supplements or amendments to this RFP will be in writing and furnished to potential bidders.

► All proposals must include a signed acknowledgement of any addendums issued.
Purpose of Specifications:
The County of Forsyth is seeking a sole provider for mortgage style foreclosures for our county and the municipalities we represent.

VENDOR REQUIREMENTS:
- Must comply with all NC laws for mortgage style property tax foreclosures.
- Must agree that the County will determine the frequency of distribution of accounts, however there will be at least one distribution per year.
- Must agree the County can perform its own In-Rem foreclosures.
- Must understand that the County does not bid on foreclosure properties.
- Must understand that the foreclosure bids can be as low as $100 and go through multiple upset bids.
- Must indicate rates for administrative work performed during the upset bid processes.
- Must be willing to meet with County Attorney, County Chief Financial Officer, County Budget & Management Director regarding foreclosure process as necessary.
- Must agree to start foreclosure process within 6 months of receiving file from County. (desired start time is within 4 months).
- Must provide County Tax Collector bi-annual status reports of accounts.
- Must agree that all foreclosure work be completed on account from vendor start date within 24 months (desired completion time frame is 18 months).
- Must understand that advertisement by publication is acceptable and allowable by law.
- Must agree to work jointly with the County in determining which records are to be deemed Impractical and/or Impossible for the foreclosure attorney to complete.
- Must provide fee amount charged for accounts that are deemed by County and Vendor to be Impractical and/or Impossible to complete. Must provide information on whether this is an additional fee for accounts recalled by the County above and beyond charges for work already done.
- Must agree to no volume requirement. The estimate at this time is between 100-300 accounts annually. There is no estimate now of how many In-Rem the County may process.
- Must agree to advertise foreclosure auctions on foreclosure vendor’s website.
- Must provide information about the minimum amount of time vendor would advertise prior to a foreclosure.
- Must be willing to meet with the Sheriff’s Office and Clerk of Court to work within their requirements.
- Must provide workflow of process planned.
- Must have ability to communicate with County up to a daily basis in an electronic format.
- Must understand that previously awarded foreclosures would be completed by the original foreclosure attorney. This contract is for new mortgage style foreclosure accounts going forward.
- Must meet all County minimum insurance and contract requirements.

RESPONSIBILITY OF COUNTY
- County will determine number and volume of new accounts to be provided to foreclosure attorney.
- County will perform all In-Rem foreclosures.
- County understands that after researching an account, vendor may find reasons to discuss with County the possibility of the account being deemed Impractical and/or Impossible.
- County will work with vendor to make final decision on which records are Impractical and/or Impossible.
• County will advertise foreclosure auctions on County website and notify adjoining owners of upcoming auctions.

**General Conditions:**

1) In order for a bid to be considered complete, vendors must be able to supply all items in the bid package. In addition, all requested information in the bid package must be completed and returned in its entirety to constitute a complete bid.

2) Contract Period: The services of the Provider shall begin on or about August 1st, 2019, and continue through June 30th, 2023, with up to two (2) one year extensions provided that either party shall have the right to terminate the Agreement for services upon (30) thirty days’ notice in writing to the other party. A detailed project implementation schedule is below:

<table>
<thead>
<tr>
<th>RFP Release Date</th>
<th>Week of June 17th, 2019</th>
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</thead>
<tbody>
<tr>
<td>Deadline for Questions</td>
<td>12:00 Noon, June 24th, 2019</td>
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<tr>
<td>Addendums Issued</td>
<td>By June 27th, 2019</td>
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<tr>
<td>RFP's Due</td>
<td>12:00 Noon, July 2nd, 2019</td>
</tr>
<tr>
<td>Work Start Date</td>
<td>Anticipated August 1st, 2019</td>
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3) Default and Termination: Contractor may be found in default of contract if services are not performed to the degree of quality and frequency so stated herein.

4) Basis of Award: Bid will be awarded to the vendor based upon the ability to meet or exceed all specifications and with consideration to cost to the County. The County reserves the right to reject any and all bids.

5) Invoicing Instructions: Attorney shall invoice County for foreclosure work on each parcel upon settlement of the foreclosure action and entry of the order of foreclosure, otherwise Attorney shall invoice upon receipt of bankruptcy filing on an account, upon declaration of an account being impractical and/or impossible, upon full redemption of the account or if the County elects to withdraw the account from foreclosure proceedings. Invoices payable within 15 days following billing date, with breakdown of services by work submitted. Send invoices to: Forsyth County Tax Administration 201 N. Chestnut Street, Winston-Salem, NC 27101

6) Taxes:
   A. Federal: Forsyth County is exempt from Federal Excise Taxes. The County will issue Federal Excise Exemption Certificates or Bureau of Internal Revenue Tax Exception Number only upon request of the contractor. Issuance of the certificate does not mean that the contractor is entitled to a tax refund. All requests for refunds are to be handled by the contractor. The County will not guarantee any Federal Tax refunds to the contractor.
   B. State: Applicable North Carolina Sales and Use Taxes are NOT to be shown on bids, but are to be added to invoices as a separate item.

7) All bids must be firm and not subject to increase.

8) Forsyth County reserves the right to hold bids open for a period of sixty (60) days after bid opening before making awards.

9) No special inducements will be considered that are not a part of the original bidding document.

10) BID DEPOSIT REQUIREMENTS: BID DEPOSIT NOT REQUIRED FOR THIS BID.

11) PERFORMANCE BOND REQUIREMENTS - NOT REQUIRED FOR THIS BID.

12) Pursuant to N.C.G.S. Chapter 55 Article 15 entitled Foreign Corporations, the successful bidder must have on file with the Secretary of State of the State of North Carolina a Certificate of Authority to transact business in this state.
1) **GENERAL**
   a) Contracts awarded will be governed by the laws of the State of North Carolina.
   b) Contracts awarded are not assignable, by either party, by operation of law or otherwise.
   c) Should any provision, portion or application thereof of Contracts awarded be determined by a court of competent jurisdiction to be illegal, unenforceable or in conflict with any applicable law or constitutional provision, the Parties shall negotiate an equitable adjustment in the affected provisions of any Contracts awarded with a view toward effecting the purpose of Contracts awarded, and the validity and enforceability of the remaining provisions, portions or applications thereof, shall not be impaired.
   d) The subject headings of the paragraphs are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. Contracts awarded shall be deemed to have been drafted by both parties, and no purposes of interpretation shall be made to the contrary.
   e) Contracts awarded including any attachments, will constitute the entire understanding between County and the Contractor and will supersede all prior understandings and agreements relating to the subject matter hereof. Any modification, revision or amendment to this Agreement must be in writing and executed by both parties. Contracts awarded may not be orally modified.

2) **SELECTION PROCESS:**
   a) **Evaluation** – As part of the evaluation process, the Evaluation Panel may engage in discussions with one or more proposer(s). Discussions might be held with an individual proposer to determine in greater detail the proposer’s qualifications, to explore with the proposer the scope and nature of the required contractual Services, to learn the proposer’s proposed method of performance and the relative utility of alternative methods, and to facilitate arriving at a Contract that will be satisfactory to the County. An Evaluation Panel will evaluate proposals for quality, completeness, and price value to the County. Selection shall be made from all offers deemed to be fully qualified and best suited among those submitting proposals based on the evaluation of factors included in the RFP, including price. Price shall be considered, but need not be the sole determining factor. The Evaluation Panel may cancel this RFP or reject proposals at any time prior to an award and is not required to furnish a statement of the reason why a particular proposal was not deemed the most advantageous. The County reserves the right, as part of the selection process, to request on-site (or virtual) demonstrations and/or presentations.
   b) **Evaluation Criteria** – Below is a description of the evaluation criteria that will be used to evaluate the proposals. To be deemed responsive, it is important for the firm’s proposal to contain appropriate detail to demonstrate satisfaction of each criterion and compliance with the performance provisions outlined in this RFP. The proposal will be the primary source of information used in the evaluation process. The proposal must contain information specifically related to the proposed services requested in this RFP. Failure of any firm to submit information requested may result in the elimination of the proposal from future evaluation. Major criteria to be considered in evaluation may include, but shall not necessarily be limited to:
      (a) **Qualifications and Experience:** Proposers will be evaluated based on their qualifications and experience for performing the requested Legal Foreclosure Services.
      (b) **Requirements:** Ability to meet RFP requirements and be evaluated on their expert ability to meet vendor requirements.
      (c) **Price/Fee:** Price shall be considered, but need not be the sole determining factor.

This document IS NOT the complete proposal. To obtain the completed proposal specifications contact Jerry Bates via email jerryjb@cityofws.org, by phone 336-747-6939, or visit the Purchasing Department, City Hall Building, Suite 324, 101 North Main Street, Winston-Salem, NC during regular office hours.
PROPOSAL FOR
Legal Foreclosure Services
FORSYTH COUNTY

PROPOSERS:
The undersigned bidder hereby declares that they have carefully examined the specifications contained herein and will provide all labor, materials, equipment, supervision, and insurance applicable to perform the service in accordance with the specifications and the requirements under the following sum to wit:

PLEASE NOTE THE FOLLOWING:
The contract period will be from date of a fully executed contract (estimated to be August 1, 2019) through June 30, 2023, with up to two (2) one year extensions.

If after thirty (30) days, the Contractor has not reached an acceptable level of service, they shall be given thirty (30) days notice that the contract will be terminated at the end of thirty (30) days in which event the County will be responsible only for payment of services performed through the date of termination. The value of work completed shall be the sole determination of the County in such a case.

By signing below the Proposer agrees to the following:
The Proposer agrees that in carrying out this agreement, compliance will be maintained with all applicable federal, state, and local laws, specifically including, without limitations, the Occupational Safety and Health Act of 1970 and Section 1324A, the Immigration Reform and Control Act.

The Proposer certifies that the proposal is made in good faith and without collusion with any person submitting a proposal in response to this RFP or with any officer or employee of the County of Forsyth.

The undersigned further agrees, in connection with the performance of this agreement, not to discriminate against any employee or applicant for employment because of race, religion, color, gender, age, handicap, political affiliation or national origin.

The County reserves the right to hold proposals open for a period of sixty days (60) calendar days after due date before making awards.

Proposals are to be signed by an officer of the company authorized to bind the submitter to its provisions. Failure to manually sign the appropriate proposal form will disqualify the Proposer and the proposal will not be considered.

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