



REQUEST FOR PROPOSALS
Supplemental Closing Attorney Services

Posting Date: September 18, 2023

Response Submission Deadline: 3:00 EST p.m. on October 13, 2023.

NOTE TO RESPONDENTS:

Please be advised that **all** submissions (including those not selected for engagement) may be made available to the public on request pursuant to the Rhode Island Access to Public Records Act, Chapter 2 of Title 38 of the Rhode Island General Laws (the “APRA”) upon award of a contract(s). As a result, respondents are advised not to include information that they deem proprietary or confidential or that constitutes a trade secret.

INTRODUCTION

Rhode Island Housing and Mortgage Finance Corporation (“RIHousing”) is a privately funded public purpose corporation and instrumentality of the State of Rhode Island. RIHousing was created to address the housing needs of low- and moderate-income Rhode Islanders by encouraging the investment of private capital to stimulate the construction and rehabilitation of housing, providing construction and mortgage loans to eligible homebuyers, and making provisions for the purchase of mortgage loans through the use of public funds.

RIHousing is inviting all interested and qualified firms to submit proposals to provide RIHousing with supplemental real estate closing legal services in Rhode Island. The selected firm or firms shall be engaged for a one-year period ending on or about November 30, 2024. This request for proposals (“RFP”) seeks to supplement RIHousing’s current real estate closing legal counsel list(s). Accordingly, firms on any existing real estate closing legal counsel list need not respond to this RFP.

RIHousing is committed to engaging one or more firms or practitioners with multilingual capabilities to expand RIHousing’s ability to offer home loans to a culturally and linguistically diverse customer base. In particular, RIHousing has a need for providers, who are able to communicate effectively with customers whose primary languages – in descending order of prevalence – are Spanish, Portuguese, Chinese (including Mandarin and Cantonese), Haitian, Khmer, French, Arabic, Italian, or Thai (including Lao or other Tai-Kadai languages). The successful firm(s) will be expected to provide high-quality legal services and assist RIHousing to contain legal costs. RIHousing strongly encourages firms that are certified by the State of Rhode Island as minority- and/or woman-owned business enterprise (“MWBES”), as well as firms that are not yet certified, but have applied for certification, to submit responses to this RFP.



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INSTRUCTIONS

Proposals must be submitted via email to: Deborah Devine, Executive Assistant, at ddevine@rihousing.com no later than the response submission deadline set forth above.

Proposals that are not received by the response submission deadline or that do not adhere to the submission instructions described herein shall not be accepted or considered by RIHousing.

Proposals should be concise and adhere to the word count applicable to each section of this Request for Proposals (“RFP”). Proposals should be presented on business letterhead and include all attachments, certifications (including the Submissions Certification at Attachment A), and work samples (as applicable). Please note that failure to provide any information, certification, or document requested in this RFP may cause your submission not to be reviewed or considered by RIHousing.

RIHousing may invite one or more finalists to make presentations, including demonstrations of requested products, if applicable.

Updates, amendments and Q&As related to this Request for Proposals may be posted from time to time at: [RFPs & RFQs | RIHousing](#).



SCOPE OF WORK

Please see the Scope of Work as provided on Attachment B.

ITEMS TO BE INCLUDED WITH YOUR PROPOSAL

SUBMISSION
CHECK LIST

Section A: General Firm Information (Total word limit: 500 words)

1. Provide a brief description of your firm, including but not limited to the following:
 - a. Name of the principal(s) of the firm.
 - b. Name, business telephone number and business email address of a representative of the firm authorized to discuss your proposal.
 - c. Locations of all offices of the firm.
 - d. Number of employees of the firm.

RIHousing requests that the contact information provided in response to this subsection (1) be strictly limited to business addresses, telephone numbers, and email addresses to protect any personal information from being made available to the public pursuant to APRA.

2. Identify any material litigation, administrative proceedings or investigations which (i) currently names your firm as a party, (ii) have been threatened against your firm; or (iii) have been settled within the past two (2) years and involved your firm as a party.

3. Provide current information regarding the carrier, type and amount of professional liability insurance your firm carries. Selected firms will be asked to provide RIHousing with their professional liability insurance certificate prior to engagement. The following coverage is required:

- a. The firm must have in full force and effect professional liability insurance with an insurance company rated at least "A-" in Best's Guide in an amount not less than \$1,000,000, which liability insurance shall include specific coverage for practice in the field in which you propose to respond.

Section B: Experience and Resources (Total word limit: 3500 words)

1. RIHousing's customers come from a variety of linguistic and cultural backgrounds. Please identify those languages, other than English, in which members of your firm are fluent and able to provide customer-facing services.



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Identify the role of the person who has the language capability, e.g., attorney, paralegal, processor, staff interpreter, etc. If your firm relies on a third-party interpretation service, please describe such service.

- 2. Please identify any resources, procedures, and/or policies in place at your firm to aid in representing and serving people of diverse cultural and socio-economic status.
- 3. RIHousing is committed to fostering diversity in the workplace as part of our mission. Please provide any resources, procedures, and/or policies in place at your firm to support diversity, equity and inclusion initiatives.
- 4. If your firm is a State-certified minority-owned business enterprise (“MBE”) or women-owned business enterprise (“WBE”), please provide documentation evidencing registration. For firms that are not certified but applied for certification, please provide evidence of filing, including filing date.
- 5. Describe your experience in representing clients in single-family loan closing transactions (which consist of 1-4-unit residential properties). Include a description of any unique transaction types that may be of particular interest to RIHousing (e.g. HECM reverse mortgages for elderly, co-op loans, leased land mortgages). Indicate your experience in closing mortgages originated for sale into secondary market. Provide an estimate of the number of loans you have closed for each of the past two (2) years.
- 6. Provide a listing of lenders for which the firm is an approved closing attorney.
- 7. To the extent applicable, describe your experience in closing mortgages originated by RIHousing’s participating lenders for eventual sale to RIHousing. Identify the participating lender and provide an estimate of the number of RIHousing loans you have closed for each of the past three (3) years. RIHousing’s participating lenders are listed at:
<https://www.rihousing.com/buyers/participating-lenders/>.
- 8. Please detail the title insurance companies you are authorized to represent.
- 9. RIHousing intends to have single-family loan closing counsel provide the pre-consummation disclosures required. Describe the technology that your firm utilizes in handling single-family loan closings. Include in your response the name and function of all software programs and platforms and confirm that your firm is able to generate and receive encrypted e-mail. RIHousing will



require that firms providing single family loan closing services indemnify RIHousing against any claims or losses caused by the provider’s failure to provide disclosure in accordance with applicable law.

- 10. Indicate whether your firm is capable of providing disclosures electronically pursuant to 15 U.S.C. §7001 *et seq.* and R.I. Gen. Laws §42-127.1-1 *et seq.*
- 11. Provide a description of the results of any audits performed by title insurance agencies as pertaining to your role as title insurance agent for any loan closed by your firm within the last 3 years.
- 12. Provide the details of any title insurance claim against any policy issued by your firm with respect to any loans closed by your firm in the last 3 years, and how these claims were resolved.
- 13. Provide the details of any claim covered by your Errors and Omissions insurance policy with respect to any loans closed by your firm in the last three (3) years, and how these claims were resolved.
- 14. Indicate which principals and associates from your firm would be involved in providing services to RIHousing. Provide appropriate background information for each such person, including bar admission, and identify their responsibilities.
- 15. Provide three (3) references from representative clients including a description of the type of work performed for said client and the name, address and telephone number of a contact person at the client who can evaluate the firm’s work. Your inclusion of this information will constitute permission for RIHousing to contact the references provided as it determines necessary.

Section C: Fee Structure (Total word limit: 500 words)

The cost of services is one of the factors that will be considered in awarding this contract. The information requested in this section is required to support the reasonableness of your fees. Although proposed fees will be taken into account, RIHousing reserves the right to negotiate a lower or different fee structure with any firm selected or decline to engage a firm if no agreement with respect to fees can be reached.

- 1. Please provide a cost proposal for providing the Scope of Work at Attachment B.
- 2. Provide an itemized breakdown of billing rates and hourly costs, list of key personnel and their hourly rates, reimbursable expenses, etc. for any services that may be requested in addition to the services previously described.



- 3. Where appropriate, please provide an alternative fee structure or proposal such as a fixed or flat fee pricing. Please be as specific as possible. RIHousing is open to alternative and creative cost models and schedules.
- 4. Indicate whether your firm has discounted rates for quasi-governmental entities. Pursuant to R.I.G.L. Section 37-2-70(b), firms engaged by RIHousing must certify that the rate of compensation does not exceed the rate of compensation charged to the firm’s preferred public or private clients.

Section D: Technology, Data Security and Consumer Information Protocols

- 1. Have you had a data breach within the past three (3) years? If yes, please provide a narrative describing the occurrence.
- 2. Describe your firm’s information security systems and the steps that your firm takes to safeguard client communication, confidential information, and client data. Include in your response whether your firm performs penetration testing, your firm’s encryption methods, and whether client data is stored onshore or offshore.

Section E: Miscellaneous

- 1. Describe in detail your firm’s process for identifying, disclosing and resolving or waiving any conflicts of interest among past, current and potential clients. RIHousing reserves the right to remove a firm from its list if it becomes apparent that the firm has not adhered to its conflict policy when handling RIHousing matters.
- 2. Identify any conflicts that may arise as a result of business activities, associates and/or ventures by partners, counsel or associates of your firm, or as a result of any individual’s status as a member of the board of directors of any organization likely to interact with RIHousing. Describe how your firm will handle actual and/or potential conflicts of interest.

Section F. Certifications

All applicants must respond to and provide documentation as outlined in the Request for Proposals Submission Certifications at Attachment A.



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EVALUATION AND SELECTION

A selection committee consisting of RIHousing employees will review all proposals that meet the requirements set forth in the “Instructions” section of this RFP and make a selection based on the following factors:

- Firm’s responsiveness to the RFP (e.g. organization, completeness, clarity and quality of proposal);
- Professional capacity and experience to undertake the Scope of Work;
- Foreign language capabilities of the firm;
- Proposed fee structure and willingness to work with RIHousing to minimize costs;
- Previous work experience and performance with RIHousing and/or similar organizations;
- Firm’s technological capabilities; information security and privacy practices;
- Diversity (e.g. firm’s minority, MBE or WBE status) and commitment to equal opportunity programs and activities;
- Approach to conflicts or potential conflicts;
- Other pertinent information submitted.

By this RFP, RIHousing has not committed itself to undertake the work set forth herein. RIHousing reserves the right to reject any and all proposals, to rebid the original or amended scope of services and to enter into negotiations with one or more respondents. RIHousing reserves the right to make those decisions after its receipt of responses. RIHousing’s decision on these matters is final.

For additional information contact: Deborah Devine at ddevine@rihousing.com



Attachment A

Requests for Proposals Submission Certifications

Please respond to **all** items below and include it in your response to this RFP. Be sure to include any additional information in the space provided or as an attachment as needed. Please ensure that any attachments refer to the appropriate item by name (i.e., “Conflict of Interest,” “Major State Decision Maker,” etc.)

Total word limit for Sections A and B: 500 words

Section A: Certifications

1. RIHousing insists upon full compliance with Chapter 27 of Title 17 of the Rhode Island General Laws, Reporting of Political Contributions by State Vendors. This law requires State Vendors entering into contracts to provide services to an agency such as RIHousing, for the aggregate sum of \$5,000 or more, to file an affidavit with the State Board of Elections concerning reportable political contributions. The affidavit must state whether the State Vendor (and any related parties as defined in the law) has, within 24 months preceding the date of the contract, contributed an aggregate amount in excess of \$250 within a calendar year to any general officer, any candidate for general office, or any political party. **Please acknowledge your understanding below.**

I have read and understand the requirements of Chapter 27 of Title 17 of the Rhode Island General Laws, Reporting of Political Contributions by State Vendors.

2. Does any Rhode Island “Major State Decision-maker,” as defined below, or the spouse or dependent child of such person, hold (i) a ten percent or greater equity interest, or (ii) a Five Thousand Dollar or greater cash interest in this business?

For purposes of this question, “Major State Decision-maker” means:

- (i) All general officers; and all executive or administrative head or heads of any state executive agency enumerated in § 42-6-1 as well as the executive or administrative head or heads of state quasi-public corporations, whether appointed or serving as an employee. The phrase “executive or administrative head or heads” shall include anyone serving in the positions of director, executive director, deputy director, assistant director, executive counsel, or chief of staff;
- (ii) All members of the general assembly and the executive or administrative head or heads of a state legislative agency, whether appointed or serving as an employee. The phrase “executive or administrative head or heads” shall include anyone serving in the positions of director, executive director, deputy director, assistant director, executive counsel, or chief of staff;
- (iii) All members of the state judiciary and all state magistrates and the executive or administrative head or heads of a state judicial agency, whether appointed or serving as an



employee. The phrase “executive or administrative head or heads” shall include anyone serving in the positions of director, executive director, deputy director, assistant director, executive counsel, chief of staff or state court administrator.

Please indicate your response below.

Yes

If your answer is “Yes,” please identify the Major State Decision-maker, specify the nature of their ownership interest, and provide a copy of the annual financial disclosure required to be filed with the Rhode Island Ethics Commission pursuant to R.I.G.L. §§36-14-16, 17 and 18.

No

3. In the course of providing goods or services to RIHousing, the selected respondent may receive certain personal information specific to RIHousing customer(s) including, without limitation, customer names and addresses, telephone numbers, email addresses, dates of birth, loan numbers, account numbers, social security numbers, driver’s license or identification card numbers, employment and income information, photographic likenesses, tax returns, or other personal or financial information (hereinafter collectively referred to as the “Personal Information”). The maintenance of the Personal Information in strict confidence and the confinement of its use to RIHousing are of vital importance to RIHousing.

Please certify below that in the event your firm is selected:

(i) any Personal Information disclosed to your firm by RIHousing or which your firm acquires as a result of its services hereunder will be regarded by your firm as confidential, and shall not be copied or disclosed to any third party, unless RIHousing has given its prior written consent thereto; and

(ii) your firm agrees to take all reasonable measures to (a) ensure the security and confidentiality of the Personal Information, (b) protect against any anticipated threats or hazards to the security or integrity of the Personal Information, and (c) maintain reasonable security procedures and practices appropriate to your firm’s size, the nature of the Personal Information, and the purpose for which the Personal Information was collected in order to protect the Personal Information from unauthorized access, use, modification, destruction or disclosure; and

(iii) when discarding the Personal Information, destroying it in a commercially reasonable manner such that no third party can view or recreate the information, electronically or otherwise.



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These provisions, which implement the requirements of the Rhode Island Identity Theft Protection Act, R.I.G.L. § 11-49.2 et seq., will also be incorporated into the final contract with the selected respondent(s). In addition, if selected, your firm may be requested to provide a copy of its information security plan.

I certify that in the event our firm is selected, we will comply with the Personal Information and Security guidelines noted above.

4. Your firm’s president, chairman or CEO must certify below that (i) no member of your firm has made inquiries or contacts with respect to this RFP other than in an email or written communication to Deborah Devine at ddevine@rihousing.com seeking clarification on the Scope of Work set forth in this proposal, from the date of this RFP through the date of your proposal, (ii) no member of your firm will make any such inquiry or contact until after October 27, 2023, (iii) all information in the proposal is true and correct to the best of your knowledge, (iv) no member of your firm gave anything of monetary value or promise of future employment to a RIHousing employee or Commissioner, or a relative of the same, based on any understanding that such person’s action or judgment will be influenced, and (v) your firm is in full compliance with Chapter 27 of Title 17 of the Rhode Island General Laws, Reporting of Political Contributions by State Vendors.

I certify that no member of our firm has made or will make any such inquiries or contacts; all information supplied is true and correct; no member of our firm has provided anything of value to influence RIHousing; and our firm is in compliance with applicable political contribution reporting.

President, Chairman or CEO (*print*): _____

Signature: _____

Firm Name: _____



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Attachment B

Scope of Work

I. Services to be Provided

RIHousing seeks to engage qualified legal counsel to facilitate the closing of loans funded through RIHousing's Loan Center, and record mortgage instruments in municipal land records offices throughout Rhode Island. In particular, RIHousing is seeking to supplement its existing roster by adding firms with diverse language capabilities, such as Spanish, Portuguese, Chinese (including Mandarin and Cantonese), Haitian, Khmer, French, Arabic, Italian, and Thai (including Lao or other Tai-Kadai languages). Closings are expected to occur on a continuing basis. Selected firms will be added to the legal counsel roster that is provided to our prospective borrowers so that they may select a closing attorney.

Upon RIHousing's indication that a loan is clear to close, the selected firm must contact the borrower and confirm the closing date, time, and location. The selected firm must receive and print the closing documents transmitted electronically, or pick up the closing documents from RIHousing. The selected firm must organize and assemble these documents into a packet ready for execution and reviewing the closing documents for missing items or gross irregularities (for example, if an incorrect name appears in place of the borrower's).

At the appointed time and place for the closing, the selected firm must collect copies of photo identification of all borrowers. The selected firm may be required to provide these services to parties that are multilingual and to whom English may be a foreign language. The selected firm must clearly and accurately explain, in the borrower's primary language, the documents comprising the closing package and answer customer questions, following written closing instructions to be provided by RIHousing. The selected firm will assist the borrowers to execute each of the closing documents, and will notarize the borrowers' signatures in accordance with Rhode Island notarization standards. In some cases, the selected firm will collect a check or money order from the borrower, which the facilitator will immediately deliver to RIHousing's post-closing agent. The selected firm must provide the borrower with a complete copy of each of the signed closing documents.

The selected firm will escrow funds from the closing and disburse funds from escrow after closing.

The selected firm will be responsible for recording mortgage documents and any other security instruments at the applicable municipal land evidence records and must return a duplicate set of recorded original documents to RIHousing.