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Department of Commerce and Consumer Affairs
Request for Proposals (Mortgage Foreclosure Dispute Resolution Program)

Background. The Hawaii Department of Commerce and Consumer Affairs (DCCA) is in need of neutral dispute resolution services for the Mortgage Foreclosure Dispute Resolution (MFDR) Program. The purpose of this message is to solicit proposals for the provision of these services.

[Act 48](#) requires DCCA to implement and administer a mortgage foreclosure dispute resolution program, and allows DCCA to contract for provision of dispute resolution services. DCCA is looking for a contractor or contractors to provide these services. Interested contractors should carefully review Act 48 and the attached informational sheet for more information about the MFDR Program, and to understand the neutral's responsibilities and obligations.

The number of MFDR cases that may enter into the Program is unknown at this time. There are many uncertainties associated with this new program; therefore, DCCA is considering a wide variety of options for the provision of dispute resolution services. DCCA welcomes input from potential providers in the form of a proposal.

Criteria. Proposals will be accepted for provision of dispute resolution services on a statewide basis, by island or county, or by area. DCCA will consider proposals by organizations and by individuals. Review and evaluation of proposals will take into consideration the following items:

- Ability to communicate with DCCA and interface with DCCA's electronic system to receive case assignments, transmit and receive documents, reports and other materials.
- Experience with and understanding of options for owner-occupants facing mortgage foreclosure to negotiate agreements or mitigate damages where foreclosure is unavoidable.
- Access to ADA compliant facilities suitable for resolution of mortgage foreclosure disputes, including facilities in which direct access by telephone, videoconference, or other contemporaneous telecommunications medium is available.
- Understanding of the calculations, assumptions, and forms established by the Federal Deposit Insurance Corporation Loan Modification Program Guide.
- Experience complying with deadlines and submitting monthly activity reports.

- Experience reviewing and understanding complex documents and fact patterns.
- Systems for ensuring that personal financial information and other sensitive personal information is kept in confidence.
- Sufficient knowledge in the areas of law, real estate, or finance to assist parties with resolution of mortgage foreclosures disputes, and experience in foreclosure.
- If prospective neutrals have not already been trained in mediation, the methods the bidder will use to ensure that the neutrals receive sufficient training in mediation techniques.
Note: All training costs are the responsibility of the Contractor and are to be included in the proposed budget.
- If prospective neutrals have been trained in mediation, where the training was conducted and neutrals' experience in mediation.
- The areas (statewide, county, town) the bidder is willing to provide services.
- The reliability of services to be provided (e.g., experience in providing such services in the past as well as "back up" in the event a provider is not able to be present at a scheduled session).
- The cost or compensation for the services.
- Administrative requirements, such as appropriate tax clearances, certificates of premises liability insurance, certifications concerning wage hours and working conditions, tax licenses, and the like.
- Other items included in the General Conditions for Health and Human Services Contracts, State of Hawaii, such as nondiscrimination policies, drug free policy, smoking policy, and the like.

Please note that because of the uncertainty associated with this new program and the potential usage of the program, DCCA may enter into a short-term, initial contract while it evaluates the best way to provide services over the long term. Therefore, DCCA welcomes all proposals and may choose to utilize them at other times in the future.

Informational meeting. On Wednesday, June 22, 2011, from 10:00 a.m. – 11:00 a.m., the DCCA will hold an informational meeting for Contractors interested in submitting proposals for the MFDR services. The meeting will be held in Hearings Room #2, on the first floor of the King Kalakaua Building (United States Post Office Custom House and Court House), located at 335 Merchant Street.

Interested parties are encouraged to submit written questions prior to the June 22 meeting. Inquiries should be sent to:

DCCA
King Kalakaua Building
United State Post Office Custom House and Court House

335 Merchant Street
Honolulu, Hawaii 96813
Attn: Everett Kaneshige, Deputy Director

Due date for submission of proposals. Proposals to provide dispute resolution services are due no later than the close of business on June 30, 2011. Please deliver an original and four copies of your proposal to:

DCCA
King Kalakaua Building
United State Post Office Custom House and Court House
335 Merchant Street
Honolulu, Hawaii 96813
Attn: Everett Kaneshige, Deputy Director

June 8, 2011