



COUNTY OF KAUFMAN | PURCHASING DEPARTMENT
100 N. Washington St. | Kaufman, Texas 75142
469-376-4548 | purchasing@kaufmancounty.net

Solicitation – RFP 21-02: COMMERCIAL REAL ESTATE SERVICES

Return deadline is no later than: 2:00 p.m., Wednesday, December 2, 2020

SOLICITATION RFP 21-02: COMMERCIAL REAL ESTATE SERVICES

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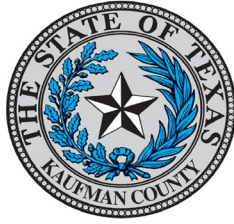
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LEGAL NOTICE

Kaufman County, Texas
Advertisement for Submittals

Sealed responses will be received in the office of the Purchasing Agent located at 100 N. Washington, Kaufman, Texas 75142 until **Wednesday, December 2, 2020 at 2:00 p.m.** for the following:

Solicitation RFP 21-02: COMMERCIAL REAL ESTATE SERVICES

Specifications may be obtained online (<https://www.kaufmancounty.net/county-offices/purchasing-agent/>), in the office of the Purchasing Agent, 100 N. Washington St., Kaufman, Texas, or requested by email (purchasing@kaufmancounty.net).

All submittals must be clearly addressed to the Purchasing Department and include the solicitation name and number on the outside of the package. The responses will be publicly opened, immediately following the closing date and time, in the Courthouse-Annex 2nd Floor Conference Room located at 100 N. Washington, Kaufman, Texas 75142.

Kaufman County cannot guarantee, due to internal mail delivery procedures, any submittals sent priority mail will be picked up from the post office by County mail employees and delivered to the Purchasing Department by the closing date and time. It is recommended that submittal deliveries be made either in person or via an alternate delivery method ensuring delivery to the physical address. ***Respondents shall bear full responsibility for ensuring that the submittal is delivered to the specified location by due date and time.*** Late submittals will be considered as non-responsive and returned un-opened.

SOLICITATION NAME: Commercial Real Estate Services

SOLICITATION NUMBER: RFP 21-02

DUE DATE/TIME: 2:00 p.m., Wednesday, December 2, 2020

PRE-PROPOSAL CONFERENCE **2:00 p.m., Tuesday, November 10, 2020**

MAIL OR DELIVER TO: Kaufman County Purchasing Department
Attn: Raylan Smith
Kaufman County Courthouse – Annex
100 N. Washington St.
Kaufman, Texas 75142

County reserves the right to reject all submittals and to waive any informality in submittals received, deemed to be in the best interest of the County. No officer or employee of Kaufman County shall have a financial interest, direct or indirect, in any contract with Kaufman County.



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NOTICE TO ALL BIDDERS:

- All questions regarding this RFP are to be submitted in writing to Raylan Smith, Purchasing Agent, via email at purchasing@kaufmancounty.net.
- All questions, comments, and requests for clarification must reference the RFP number on all correspondence to Kaufman County. Any oral communication shall be considered unofficial and non-binding.
- Only written responses to written communication shall be considered official and binding upon the County. The County reserves the right, at its sole discretion, to determine appropriate and adequate responses to the written comments, questions, and requests for clarification.
- All addenda and/or any other correspondence (general information, question, and responses) to this RFP will be made available exclusively through the Kaufman County website and through the County's online bidding service: VendorRegistry, for retrieval. Vendors are solely responsible for checking these sites for updates to this RFP.

<https://www.kaufmancounty.net/purchasing/about/bids-and-proposals/>

<https://vrapp.vendorregistry.com/Bids/View/BidsList?BuyerId=fbdcaf8b-5a8c-49b1-9c7f-e2774c03dc3d>

During the proposal process, firms shall not contact County staff. Additionally, firms and their employees of related companies as well as paid or unpaid personnel acting on their behalf shall not contact or participate in any type of contact outside the County offices with County employees, including elected officials. Such contact may result in the vendor being disqualified. All contact must be coordinated through the County Purchasing Department for this procurement.

Pre-Proposal Conference

The County has scheduled a pre-proposal conference to be held on **Tuesday, November 10, 2020 at 2:00 p.m.** The location is the Commissioners Courtroom, located at the Courthouse Annex, 100 N. Washington Street, Kaufman, Texas 75142.

The County will hold one pre-proposal conference as detailed in this document. Attendance at the pre-proposal conference is encouraged but is not mandatory. The purpose of this conference is to facilitate responses to all Proposers' questions concerning the content of this RFP document. As a result, initial questions are to be submitted, in writing to Raylan Smith by Friday, November 6, 2020. Staff will attempt to answer these questions during the pre-proposal conference.

Additional Questions & Answers during and/or after the Pre-Proposal Conference – Firms will be allowed to submit additional questions presented at the pre-proposal and/or after the conference. All final questions must be received no later than Wednesday, November 25, 2020 at 10:00 a.m. All questions and responses will be posted on the County's website in the manner as previously stated herein. Kaufman County reserves the right to reject / not respond to any questions received after the deadline date.



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SOLICITATION RFP 21-02: COMMERCIAL REAL ESTATE SERVICES

Section 1: Introduction – Kaufman County is requesting proposal submissions from interested and qualified State of Texas licensed Commercial Real Estate Brokers (Offeror(s)) and their designated agent(s) for the disposition and acquisition of property on an as needed basis as identified by the County.

Offerors are required to submit written proposals that present the Offeror’s qualifications and understanding of the services to be performed. The Offeror’s proposals should be prepared simply and economically and should provide all information it considers pertinent to its qualifications for the scope of services contained herein. Emphasis should be placed on completeness of services offered and clarity of content of the proposal.

Please note that responses to this RFP are sought only from experienced brokers who can demonstrate their ability to perform and who have personnel with a proven track record of success in providing commercial real estate brokerage services.

Section 2: Deliverables – The proposing firm shall submit one (1) original and one (1) USB copy of proposal. The original bound copy of the proposal is to be clearly marked as “original” on the outside cover and contain original signatures of a person authorized to make a binding offer.

Section 3: Scope of Services – Kaufman County is soliciting proposals from qualified firms or individuals with demonstrated competency and qualifications for complete broker services for the disposition and acquisition of property on an as needed basis as identified by the County. The selected Offeror shall provide advice regarding the real estate market, represent Kaufman County in selling, leasing, or purchase of property, and advise staff of various options or approaches to achieving the results desired.

The contract period for the successful Offeror will be from date of award through **September 30, 2021**. The contract may be renewed for four (4) additional one-year terms upon satisfactory performance by the Offeror prior to October 1 of each renewal year. Any contract awarded between Kaufman County and the Offeror will consist of a Professional Services Agreement, this RFP, the submitted proposal documentation, negotiations, and original certificates of insurance.

The successful firm shall agree to contract with Kaufman County to provide the following:

1. Project Organization

- Prepare informational materials and attend scheduled meetings with Project Team.
- Report monthly to the Project Team regarding current / new efforts, contacts / leads, and other developments. More frequent reporting may be required for active offers and negotiations.

- Maintain timely telephone and/or email contact with the Project Coordinator.

Deliverables:

- Project organization and work plan document for review by the Project Team and Commissioners Court.
- Updates to project schedule and timelines.

2. Market Analysis

- Prepare real estate market surveys and economic analyses.
- Prepare estimates of property value.
- Assess property sale opportunities.
- Develop marketing timelines.
- Advise Kaufman County on market conditions, prices, legal requirements, and related matters.
- Develop financial return projections.

Deliverables:

- Market survey
- Estimates of sale value
- Real estate document that discusses market survey, estimated sales options with timelines and financial return projections.

3. Marketing

- Develop strategies for sale of selected properties owned by Kaufman County
- Provide and distribute advertising and other marketing materials (including, but not limited to, internet exposure, signs, alternate trade publication strategies, etc.)
- Accurately list and promote property that will be listed in the MLS.
- Coordinate real estate appraisals, if necessary.
- Communicate with prospective buyers.
- Evaluate prospective buyers. Accompany potential buyers to inspect listed Kaufman County property, advising them on the suitability and value of the property for their needs.
- Convey offers to Kaufman County and assist in their evaluation.
- Develop recommendation(s) for sale.
- Present recommendation to Kaufman County Commissioners Court for approval.

Deliverables:

- Advertising and other marketing materials
- Recommendation for buyer

4. Structure Real Estate Transaction

- Assist Kaufman County in structuring the real estate transaction.
- Prepare documents such as Offer to Purchase, Purchase Contracts, Seller's Disclosure, Closing Forms, etc.
- Act as an intermediary in negotiations between buyers and sellers over property.
- Work with Kaufman County's attorneys on contract terms and conditions.
- Present proposed deal to Kaufman County Commissioners Court.

Deliverables:

- Final terms and conditions for approval by Commissioners Court.

5. Close the Real Estate Transaction

- Prepare transaction documents.
- Monitor and coordinate closing of transaction.

Deliverables

- Closed transaction
- Wire transfer of funds

Section 4: Submission Requirements –

- A. Letter of Interest** – Offerors submittals shall be accompanied by a Letter of Interest on the Offeror’s letterhead. This letter should include the Offeror’s statement of understanding of the scope of work outlined in this RFP, the commitment to perform the work expeditiously within the allotted time frame, a brief statement indicating why the Offeror believes itself to be qualified to perform the scope of work, and a statement that the proposal including the fee schedule is firm and irrevocable for ninety (90) days.
- B. Structure, Focus, and Capacity of Offeror** – Describe the organizational structure, real estate specializations, experience, and capacity of the Offeror. Discuss the resources that will be mobilized to accomplish the tasks in the RFP.
- C. Ancillary Services** – Describe any ancillary real estate services that may be available through the responding agency or its affiliates which may assist with the transactions anticipated with this RFP. These may include title evaluation, space planning, and cost analysis.
- D. Qualifications and Experience of Principals and/or Agents Assigned to Project** – Provide profiles of the relevant principals and assigned agent. This information should specify their roles, their previous commercial real estate experience, and their availability. Identify the individual who will serve as the lead agent and who will direct and coordinate the assigned tasks to completion.
- E. Prior Clients and Transactions** – Provide a list of previous agency transactions relevant to the scope of services in the RFP. These should involve the acquisition and/or sale of sites / land and existing housing developments. Provide a name and contact information for each transaction.
- F. Workplan and Approach** – Describe the agency’s and agent’s approach to completing the tasks anticipated in the scope of services. Describe the steps the Offeror will take to ensure the best possible real estate outcomes in a timely manner for Kaufman County.
- G. Eligibility to Bid and Contract** – Any Offeror who has been disbarred from bidding on projects by any federal, state, or local government agency must fully disclose to Kaufman County the details of such disbarment.
- H. Fee Proposal** – Submit a fee proposal that details the Offeror’s proposed compensation structure including fee and payment schedule. To the extent possible, fees will be paid in the manner conventional in the real estate industry – a percentage of the sales price or net lease. Clearly indicate the source of the fee for each type of transaction anticipated in the scope of services, e.g., seller, buyer, lessor or lessee. Also, specify any additional fees which may be anticipated in these transactions as a result of the services of the agency or its affiliates (it is not necessary to include the project title and other closing costs). Also, propose an hourly fee for consulting services where the task is otherwise unlikely to result in a standard real estate fee, e.g., advice and market data provided to Kaufman County during a project’s predevelopment process.
- I. Supplemental Material** – If Offeror chooses to provide additional materials beyond those requested, those materials should be included in a separate section of the proposal.

Section 5: Evaluation / Selection Criteria and Process – Offeror’s proposals will be evaluated based on the criteria listed in this section. Because multiple areas of expertise may be required for successfully performing projects, the offeror may, either through in-house staff, sub-consultants, or affiliates demonstrate additional expertise and have available experienced personnel in all the areas described. Offerors are encouraged to identify and clearly label in their proposal how each criterion is being fully addressed. Evaluation of responses to this RFP will be based on the information provided in the proposal, interviews, and reference responses. Kaufman County reserves the right to request additional information or documentation from the Offeror regarding its submittal documents, personnel, financial viability, or other items to complete the selection process. In submitting, Offeror agrees that any fees or costs proposed shall be valid for a minimum of 90-days from the date of the proposal.

Kaufman County reserves the right to reject any or all proposals and to negotiate with top-rated Offerors.

The following criteria with a point system of relative important with an aggregate total of one-hundred points will be utilized to evaluate each proposal:

- A. Agency / Firm** – Minimum qualifications – the selected Offeror must have a current Texas real estate broker license for a minimum of five (5) years.
 1. Offeror History, Capacity, and Services: What are the Offeror’s professional strengths, experience, and services that apply to Kaufman County’s potential real estate needs?
 2. Offeror Approach to Marketing and Client Services: What is the Offeror’s unique program to service their client’s marketing and leasing or acquisitions needs? What resources will the agency bring to support Kaufman County’s real estate goals?
 3. Relevance and Success of Prior Transactions: Based on the list provided with the proposal.

- B. Individual Agent** – Minimum qualifications: the assigned agent must have a current real estate salesperson license for a minimum of five (5) years.
 1. Agent’s Qualifications and Experience: What are the agent’s experience and professional strengths that apply to Kaufman County’s potential real estate needs?
 2. Agent’s Approach to Marketing and Client Service: What is the agent’s unique approach to serving their client’s marketing and leasing or acquisitions needs? What strategies and skills will the agent apply to support Kaufman County’s real estate goals?
 3. Relevance and Success of Prior Transactions: Based on the list provided with the proposal.

- C. Fee Proposal**

- D. References** – Proposal shall provide contact information for four (4) references which should include one of each of the following: buyers, lenders, government agencies, lessees.

The RFP will be evaluated and rated on, but may not be limited to the following:

Evaluation Criteria	Points
A. Agency / Firm 1. Offeror History, Capacity, and Services 2. Offeror Approach to Marketing and Client Services 3. Relevance and Success of Prior Transactions	30
B. Agent 1. Agent’s Qualifications and Experience	25

2. Agent's Approach to Marketing and Client Service	
3. Relevance and Success to Prior Transactions	
C. Fee Proposal	
1. Standard Transaction Fees	
2. Fees for Additional Services	25
3. Minimum Fee Per Transaction	
4. Hourly Consultant Fee	
References	20
Total	100

Section 6. Standard Terms and Conditions

1. Only the Commissioners Court of Kaufman County, Texas, acting as a body may enter into any type of agreement or contract on behalf of Kaufman County. Department heads, other elected or appointed officials, are not authorized to enter into any type of agreement or contract on behalf of Kaufman County, or to agree to any type of supplemental agreements or contracts for goods or services. Contracts are subject to review by the County's attorney prior to signature by the authorized County official.
2. The Respondent shall be considered an independent contractor and not an agent, servant, employee, or representative of the County in the performance of the work. No term or provision, hereof, or act of the Respondent shall be construed as changing that status.
3. The Respondent shall defend, indemnify, and shall hold harmless the County and all its officers, agents, employees, from and against all suits, actions, or claims of the character, name, and description brought for or on account of any injuries or damages (including but not restricted to death) received or sustained by any person(s) or property on account of, arising out of, or in connection with the performance of the work, including without limiting the generality of the foregoing, any negligent act or omission of the Respondent on the execution or performance of the Contract.
4. Kaufman County reserves the right to terminate an agreement / contract at any time, without cause, upon thirty (30) days written notice to Respondent. Upon termination, Kaufman County shall pay Respondent for those costs directly attributable to work done or supplies obtained in preparation for completion or compliance with the Contract, except no payment shall be made for costs recoverable by Respondent in the normal course of doing business or which can be mitigated through the sale of supplies or materials obtained for use under this Contract. It is further agreed by Respondent that Kaufman County shall not be liable for loss or reduction of any anticipated profit.
5. Advertising – Respondent shall not advertise or publish, without Kaufman County's prior consent, the fact that Buyer has entered into this contract, except to the extent necessary to comply with proper requests for information from an authorized representative of the federal, state, or local government.
6. No negotiations, decisions, or actions shall be executed by the Respondent as a result of any discussions with any public service official, employee, and/or consultant. Only those transactions provided in written form may be considered binding.
7. All documents submitted as part of the Respondent's offering will be deemed confidential during the evaluation process.

8. **Conflict of Interest Questionnaire (CIQ) Form** – Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that any vendor or person considering doing business with a local government entity disclose in the Questionnaire Form (CIQ), the vendor or person’s affiliation or business relationship that might cause a conflict of interest with a local government entity. By law, this questionnaire must be filed with the records administrator of Kaufman County no later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor. By submitting a response to this request, the vendor represents that it is following the requirements of Chapter 176 of the Texas Local Government Code. Original, completed forms should be included, if applicable, in your response.
9. **Certificate of Interested Parties Form 1295** – In 2015, the Texas Legislature adopted House Bill 1295, which added section 2252.908 of the Government Code. The law states that a government entity or state agency may not enter into certain contracts with a business entity unless the business entity submits a disclosure of interested parties form to the governmental entity or state agency at the time the business entity submits the signed contract to the government entity or state agency. The form discloses any interested parties who have a controlling interest (10% or more ownership) in the business entity and those who actively participate in facilitating the contract or negotiate the terms of the contract (broker, intermediary, advisor, and/or attorney), if any. The disclosure requirement applies to a contract entered into on or after January 1, 2016.

The “Certificate of Interested Parties” form must be completed on the Texas Ethics Commission website, printed, signed, and submitted to the County by the authorized agent of the Business Entity with acknowledgment that disclosure is made under oath and under penalty of perjury prior to final contract execution. To obtain additional information on HB 1295, to learn more about Texas Ethics Commission process to create a new account or to complete an electronic version of Form 1295 for submission with a signed contract, please go to the following website: <https://www.ethics.state.tx.us/tec/1295-Info.htm>. Instructional videos for business entities on how to file online can be found at https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm.

The identification number (section 3 of form 1295) is this solicitation number.

10. **Nondiscrimination Authorities** – The Respondent, for itself, its assignees, and successors in interest agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to: Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), and 49 CFR Part 21. The respondent will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements or materials and leases of equipment. The Respondent will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices.
11. **TEXAS PUBLIC INFORMATION ACT** – All responses submitted to Kaufman County become the property of Kaufman County and are subject to the Public Information Act (Texas Government Code Chapter 552). The interested firms/individuals should familiarize themselves with the provisions of the Act. In no event shall Kaufman County, or any of its agents, representatives, consultants, directors, officers, or employees, be liable to a firm/individual for the disclosure of all or any portion of a response submitted pursuant to the solicitation. If a firm/individual has special concerns about information that it desires to make available to Kaufman County, but which it believes constitutes a trade secret, proprietary information, or other information excepted from disclosure, such firm/individual should specifically and conspicuously designate (i.e., mark confidential) each page of that information, which the Respondent believes, should not be disclosed outside Kaufman County. Disclosure of requested information will be subject to the Texas Public Information Act.
12. **Purchasing Agent as Contract Administrator** – The Purchasing Agent will serve as sole liaison between the Kaufman County Commissioners Court, the affected Kaufman County Departments, and the successful vendor.

Unless directly outlined in this specification the vendor shall consider only the Purchasing Agent authorized to communicate, by any means, information or suggestions throughout the solicitation process. The Purchasing Agent has been designated the responsibility to ensure compliance with contract requirements, such as but not limited to, acceptance, inspection, and delivery. The County will not pay for work, equipment or supplies, which it deems unsatisfactory. Vendors will be given a reasonable opportunity to correct deficiencies before termination. This, however, shall in no way be construed as negating the basis for termination for non-performance.

Standard Terms & Conditions - RESPONDENT'S ACCEPTANCE – By submitting a response to this solicitation, the respondent certifies that it has fully read and understands the terms, conditions, and statements and has knowledge of the scope and quality of the services to be furnished and intends to adhere to the provisions described herein. Respondent understands and agrees that this solicitation is issued predicated on anticipated requirements for Kaufman County and that Kaufman County has made no representation, written or oral, that any such requirements be furnished under a contract arising from this solicitation. Respondent acknowledges and understand that the Commissioners Court of Kaufman County reserves the right to refuse to award a contract for any or all services covered in this solicitation. Furthermore, Respondent recognizes and understands that any cost borne by the Respondent which arises from Respondent's performance hereunder shall be at the sole risk and responsibility of the Respondent.

Signature

Printed Name

Date

This original, along with original signature MUST be returned with solicitation response

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 23, 84th Leg., Regular Session.

This questionnaire is being filed in accordance with Chapter 176, Local Government Code, by a vendor who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the vendor meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the vendor becomes aware of facts that require the statement to be filed. See Section 176.006(a-1), Local Government Code.

A vendor commits an offense if the vendor knowingly violates Section 176.006, Local Government Code. An offense under this section is a misdemeanor.

OFFICE USE ONLY

Date Received

1 Name of vendor who has a business relationship with local governmental entity.

2 Check this box if you are filing an update to a previously filed questionnaire. (The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date on which you became aware that the originally filed questionnaire was incomplete or inaccurate.)

3 Name of local government officer about whom the information is being disclosed.

Name of Officer

4 Describe each employment or other business relationship with the local government officer, or a family member of the officer, as described by Section 176.003(a)(2)(A). Also describe any family relationship with the local government officer. Complete subparts A and B for each employment or business relationship described. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer or a family member of the officer receiving or likely to receive taxable income, other than investment income, from the vendor?

Yes No

B. Is the vendor receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer or a family member of the officer AND the taxable income is not received from the local governmental entity?

Yes No

5 Describe each employment or business relationship that the vendor named in Section 1 maintains with a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership interest of one percent or more.

6 Check this box if the vendor has given the local government officer or a family member of the officer one or more gifts as described in Section 176.003(a)(2)(B), excluding gifts described in Section 176.003(a-1).

7

Signature of vendor doing business with the governmental entity

Date

This original, along with original signature MUST be returned with solicitation response



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RESPONDENT SIGNATURE PAGE

Kaufman County Purchasing Department
Attn: Raylan Smith, Purchasing Agent
100 N. Washington
Kaufman, Texas 75142

Dear Ms. Smith,

This Statement of Qualifications is being submitted by the undersigned, on behalf of the Respondent:

_____ [Firm Name – Printed].

The person signing this letter on behalf of the Respondent represents to Kaufman County that the information provided herein is true, complete, and accurate to the best of the knowledge and belief of the undersigned.

Executed this the _____ day of _____, 2020.

RESPONDENT:

_____ [Signature]

Printed Name:		Title	
Company Name		Address City, State, Zip	
Email		Phone (office)	
Phone (cell)			

This original, along with original signature MUST be returned with solicitation response