

Deschutes County
REQUEST FOR PROPOSALS
FOR
REAL ESTATE BROKER OF RECORD SERVICES

(Document Number 2022-169)

Deschutes County, Oregon



Issued: Friday, February 11, 2022

Proposal Closing Date:

Wednesday, February 23, 2022

Request for Proposals (RFP)

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SECTION 1

GENERAL INFORMATION

1.1 INTRODUCTION

Deschutes County, Oregon (County) is seeking the services of a licensed REALTOR® (Broker*) to act as the Real Estate Broker (Broker) for the purpose of providing real estate services on an as needed basis. The County invites qualified individuals or firms to submit proposals based upon the scope of work contained in this RFP.

The selected Broker will work with the County's Property Manager and other staff as appropriate for the purpose of providing real estate services and support to the County.

*The term Broker used in this document may be interchanged with "Brokers" when this applies to the Responder. For example, multiple Brokers from one firm may be individual Responders or multiple Brokers from one firm working as a team. The term Broker refers to a licensed REALTOR®.

1.2 SCHEDULE OF EVENTS

The County anticipates the following schedule:

Week of February 7, 2022	RFP Advertisement
Thursday, February 17, 2022	Questions/Requests for Clarification due by 2:00 p.m.
Friday, February 18, 2022	Addendum(s) Issued, if applicable
Wednesday February 23, 2022	Proposal Due Date: 2:00 p.m.
February 25 to March 4, 2022	Review Proposals
Tuesday, March 8, 2022	Presentations, if applicable
Friday, March 11, 2022	Scoring, Selection
Monday, March 14, 2022	Notification
March/April 2022	Contract Execution

IMPORTANT: All questions must be made in writing via email to Kristie Bollinger, Property Manager at Kristie.Bollinger@deschutes.org by 2 p.m. (PST), **Thursday, February 17, 2022**. Questions requiring clarification or modifications from the County will be made available in the form of an addendum(s) to this RFP.

1.3 PROPOSAL DELIVERY

Proposals must be received by the County's Property Management Division no later than **2:00 p.m. (PST), Wednesday, February 23, 2022**. **Proposals received after the deadline will not be considered.**

- a. Proposals should be portrait format, printed on 8.5x 11 inch paper and include page numbers.

- b. Proposals should be in a simple typed format without extensive artwork, unusual printing, binding or other materials not essential to the utility and clarity of the Proposal.
- c. Proposal content should be limited to six (6) double-side pages and page count limit shall not include cover letter or individual resume sheets.
- d. Proposals must be signed with original inked signature by an authorized representative.
- e. **Four (4)** copies of the Proposal may either be hand-delivered in a sealed envelope or mailed and clearly marked with the following subject heading: "RFP-Real Estate Broker of Record Services" to the following address as appropriate:

Physical Address:

Deschutes County Property Management
Attn: Deborah Cook, Property Specialist
14 NW Kearney Avenue
Bend, OR 97703

Mailing Address:

Deschutes County Property Management
Attn: Deborah Cook, Property Specialist
P.O. Box 6005
Bend, OR 97708-6005

- f. One (1) Electronic copy of the Proposal shall be emailed to Deborah.Cook@deschutes.org for use as distribution to committee members for review as necessary.

1.4 SUBMISSION NOTICE

All proposals submitted in response to this RFP shall become the property of the County and may be utilized in any manner and for any purpose by the County. ***Be advised that proposals and all documents submitted in response to this RFP are subject to public disclosure as required by applicable state and/or federal laws.*** If you intend to submit any information with your proposal which you believe is confidential, proprietary, or otherwise protected from public disclosure (trade secret, etc.), you must separately bind and clearly identify all such material. The cover page of the separate binding must be red, and the header or footer for each page must provide as follows: "Not Subject to Public Disclosure". Where authorized by law, and at its sole discretion, the County will endeavor to resist disclosure of properly identified portions of the proposals.

1.5 PROCUREMENT PROCESS

a. Public Notice

Notice of the RFP has been advertised in the Bend Bulletin, on the County's website at <https://www.deschutes.org/rfps>.

End of Section 1

SECTION 2

AUTHORITY, OVERVIEW, AND SCOPE OF WORK

2.1 AUTHORITY

The County is issuing this RFP in accordance with Deschutes County Code and applicable provisions of Oregon Revised Statute (ORS) and Oregon Administrative Rules (OAR).

2.2 OVERVIEW

The County owns real estate located in Sisters, Redmond, Bend, La Pine and unincorporated Deschutes County. These properties consists of unimproved property and improved property located in various zoning designations. On a case-by-case basis, the County may desire to sell property or acquire property to add to its real estate portfolio, or lease property in the capacity of a landlord or a tenant.

The County reserves the right to sell, purchase, or lease property in the capacity of a landlord/lessor/owner or the like or tenant/lessee or the like outside of any contract with the selected Broker.

2.3 SCOPE OF WORK

The selected Broker will provide professional services in areas of real estate. The Broker will work under the supervision of the County's Property Manager and will work closely with the Property Management Division and other County divisions or departments as identified, including but not limited to County Counsel (legal), County Administration and the Board of County Commissioners. Upon request from the Property Manager or the Property Management Division, these services include but are not limited to:

- a. Evaluating market research/data to determine recommended sales or purchase price of property.
- b. Assisting to draft request for proposals or similar document to list certain property or properties for sale, that may have development, land use or restrictive requirements.
- c. Representing the County and listing select property or properties for sale.
- d. Representing the County on purchase of property or properties.
- e. Evaluating market research/data including sales or rent comparables.
- f. Listing space for lease (County as landlord or the like).
- g. Identifying available space for lease (County as tenant or the like).
- h. Marketing, advertising, networking and signage at Broker's expense.
 - i. Including online medium.
- i. Facilitating tours of buildings, space or property in general.
- j. Broker opinion of value for select property or properties in report format.
- k. Information analysis, evaluation and negotiations to ensure the best possible outcome.
- l. Analyzing and evaluating all inquiries/letters of intent/offers or the like received on subject properties or space.

- m. Presenting inquiries/letters of intent/offers or the like with analysis and evaluations on subject properties or space to County's Property Manager and other County staff, and/or executive leadership including the County Administrator and/or Board of Commissioners.
- n. Preparing recommendations to County.
- o. Preparing and presenting offers/counter-offers or addenda and securing document signatures and earnest monies as appropriate.
- p. Providing timely follow up and communication to County's Property Manager.
- q. Consulting on related matters such as viability of prospective purchaser, tenant, counter-offers, tenant improvements/allowances, etc.
- r. Consulting for any land divisions, surveys, inspections, cleanup, etc., as may be necessary in connection with specific transactions.
- s. Presenting all offers to County's Property Manager in a timely manner.
- t. Providing frequent updates on the status of any pending transactions.
- u. Providing information and documents necessary for escrow during due diligence periods and in preparation for closing.
- v. Assist in the development of monthly reporting or as agreed upon.
- w. Facilitating Purchase and Sales Agreements, documents related to the sale or purchase of property, lease documents, and other associated documents as identified or as appropriate.
- x. Other to be determined.

End of Section 2

SECTION 3

REQUIREMENTS AND EVALUATION

3.1 MINIMUM RESPONDER REQUIREMENTS

The County reserves the right to disqualify Proposals failing to meet minimum requirements. To be considered for evaluation, each Proposal must demonstrate how the Responder meets all requirements of this section:

- a. Hold an active Oregon Real Estate license.
- b. At least ten (10) years of experience with commercial real estate sales and acquisition transactions.
- c. At least five (5) years of experience with commercial leasing and lease documents.
- d. At least (7) years of combined experience with both public and private sector.
- e. Be actively involved in continuing education to advance knowledge in the industry.
- f. Has a business office in within Deschutes County, Oregon with demonstrated experience in Sisters, Redmond, Bend, La Pine and unincorporated Deschutes County.
- g. Be willing to sign a Personal Services Contract substantially similar to the one included as an example with this Request for Proposal; see Attachment A.
- h. Provide Certificate of Liability Insurance as required in the Personal Services Contract similar to the one included as an example with this Request for Proposal; see Attachment B.

3.2 PROPOSAL CONTENT REQUIREMENTS

Responders must provide proposal content to the following request for information by submitting the following in the order listed.

A. COVER LETTER

Provide a one (1) page cover letter that includes the name, address, phone number, email address, website address of Real Estate firm and Broker responding to the RFP. The cover letter must include a statement expressing the Responders' interest and understanding of the County's request for proposal and the manner in which the scope of work would be approached. The cover letter should name all of the persons authorized to make representations for the Responder and be signed in original ink by an authorized representative.

B. QUALIFICATIONS

Provide the following. If non-applicable, indicate subject and "non-applicable":

1. Agency – The Broker shall address compliance with ORS 696.800 et seq –disclosure of agency status. The Broker shall disclose the types of agency relationships recognized by their brokerage policy, to conform to State Broker requirements, and how the Prosper intends to satisfy such requirements.
2. Licensing – Photocopy of firms Oregon Real Estate License and responding Broker's Real Estate License. If Brokerage firm and/or Broker possesses a real estate license for another state(s), this information should be provided as well.
3. History – Brief history of the Real Estate firm and the responding Broker.
4. Mission Statement – Mission statement of the Real Estate firm.
5. References – Minimum of four (4) appropriate current references. Information provided should include a brief description of each transaction and viable contact information for the primary client contact that can speak to the transaction. Current references is defined as within the last thirty (30) months within Deschutes County.
 - a. minimum of two (2) commercial property sale transactions
 - b. minimum of two (2) commercial property acquisition transactions
 - c. minimum of two (2) commercial leasing transactions representing client as tenant or landlord
6. Violation Statement – Signed statement confirming that Real Estate firm and Broker have not had any violations reported to the State of Oregon Real Estate Division or any other states where license is currently or previously held in the past five (5) years.

C. STRATEGY

A description of the strategic approach to the Scope of Work outlined in Section 2.3 This portion of the response should be clear, concise and comprehensive. It may be in the form of a marketing plan, project plan, descriptive outline or other format as appropriate. It should include describing the use of the following, but not limited to, marketing, advertising, signage, social-media, online ads/subscriptions, networking with public and private partners, etc.

D. FEE

A commission percentage shall be separately negotiated for each real estate sales transaction and documented in a separate listing agreement signed by the Broker (contractor) and County. A commission percentage shall be separately negotiated for each lease transaction (County as landlord) documented in a separate listing agreement signed by the Broker (contractor) and County. At the time of the contract, the Broker (contractor) and County shall negotiate the rate for the Broker (contractor) to provide Broker Opinion of Values as requested by the County and document the rate in the contract.

3.3 EVALUATION PROCESS

A. Responsiveness and Responsibility Determination

Proposals will be reviewed for responsiveness to all RFP requirements, including timely submission, compliance with Minimum Requirements and Proposal Content Requirements. If the Proposal is unclear, the County may request clarification from Responder. However, clarifications may not be used to rehabilitate a non-responsive Responder. If the County finds the Proposal non-responsive, the Proposal may be rejected; however, the County may waive mistakes in accordance with applicable DCC, ORS or OAR.

At any time prior to award, the County may reject a Responder found to be not responsive.

B. Evaluation Criteria

Proposals meeting Proposal Content Requirements will be evaluated by an Evaluation Committee using criteria and priorities as defined by the County. The Evaluation Committee will determine which Proposal or Proposals taken as a whole, and in the County’s sole judgment, are in the best interest of the organization. Proposals should address the evaluation criteria listed below.

The County may request further clarification to assist the Evaluation Committee in gaining additional understanding of Proposals. A response to a clarification request must be to clarify or explain portions of the already submitted Proposal and may not contain new information not included in the original Proposal.

	EVALUATION CRITERIA	Points
1	Understanding and Strategy	30
2	Technical Expertise	30
3	Past Experience and History	20
4	Qualifications and References	20
	TOTAL	100

C. Selection Process

This Request for Proposals is being issued in accordance with applicable provisions of DCC, ORS and OAR. The selection process will be conducted in a fair and impartial manner, where qualified individuals will evaluate proposals, and presentations if applicable. The selection has three major parts: 1) Proposal evaluation and ranking; 2) Selection; and 3) Contract execution.

End of Section 3

SECTION 4

AWARD NOTIFICATION PROCESS AND CONTRACT REQUIREMENTS

4.1 AWARD NOTIFICATION PROCESS

The proposals will require approximately seven (7) calendar days for evaluation. The top ranked Proposals may, at the County's discretion, be required to make an in-person presentation in support of their Proposal to the evaluation committee and answer any questions the evaluation committee may have. If required, the interview will serve to assist the County in selecting the successful Broker and will serve as a tool to refine scoring of the RFP to produce a final ranking. Award notification will be made by email to the winning Responder and will be made available on the County's website.

4.2 CONTRACT REQUIREMENTS

The successful Broker candidate will be required to enter into a Professional Services Contract with the County similar to Attachment A. The successful Broker candidate must also submit documents addressing liability insurance, workers compensation, and overhead expense as part of the contract, as well as a W-9 with a valid and active tax identification number. County reserves the right to reject any or all Proposals that do not satisfy requirements.

End of Section 5

SECTION 5

ADDITIONAL INFORMATION

5.1 ASSIGNMENT

Neither the resultant contract nor any of the requirements, rights, or privileges demanded by it may be sold, assigned, sublet, contracted, or transferred by the Contractor without the express written consent of the County. The granting or withholding of such consent shall be at the County's sole discretion.

5.2 CANCELLATION

ORS 279.025 provides that the public contracting agency may reject any proposal not in compliance with all prescribed public bidding procedures and requirements. The County reserves the sole and unconditional right to cancel award of the contract any time before execution of the contract by both parties if cancellation is deemed by the County to be in the County's best interest. In no event shall the County have any liability for the cancellation of the award or proposed contract.

5.3 CLARIFICATION OF RESPONSES

The County or its agents reserves the right to obtain clarification of any point in a Responder's Proposal Response or to obtain additional information necessary to properly evaluate a particular Proposal. Failure of a Responder to respond to such a request for additional information or clarification could result in rejection of the Responder's response and/or Proposal.

5.4 COLLUSION

A Responder submitting a Proposal hereby certifies that no officer, agent, or employee of the County has a pecuniary interest in the submitted Proposal; that the Proposal is made in good faith without fraud, collusion, or connection of any kind with any other Responder; the Responder is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm.

5.5 COST OF PREPARATION OF RESPONSE

Costs incurred by any Responder including time and expense in the preparation of their response to this Request for Proposal is the sole risk and responsibility of the Responder and will not be reimbursed by the County.

5.6 DISPUTES

In case of any doubt or differences of opinions as to the items or service to be furnished hereunder, or the interpretation of the provisions of the Request for Proposal, the decision of the County shall be final and binding upon all parties.

5.7 LOBBYING

Commencing with the issuance of this RFP, Responders or others acting on their behalf are cautioned not to undertake any activities or actions to promote their proposals. Responders or others acting on their behalf shall not make direct or indirect (through others) contact with members of the Deschutes County Board of Commissioners, County staff, or others to promote their proposals. Violation of this requirement may, in County's sole discretion, be grounds for disqualifying the Responder from further consideration.

5.8 NON-APPROPRIATION

Notwithstanding any provision of this Request for Proposals or resultant contract to the contrary, in the event insufficient funds are appropriated for the project or County has no other lawfully available funds, then the County may terminate any resulting agreements and contracts at the end of its then-current fiscal year, with no further liability or penalty. The County shall deliver written notice to the contractor of such termination no later than thirty (30) days from the determination by the County of the event of non-appropriation.

5.9 NON-DISCRIMINATION IN EMPLOYMENT

The successful Responder's attention is directed to the provisions of Oregon Revised Statutes, Chapter 659, prohibiting discrimination in employment.

5.10 PROPOSALS ARE PUBLIC RECORDS

As previously stated in Section 1.4, all Proposals submitted in response to this RFP shall become the property of the County and may be utilized in any manner and for any purpose by the County. ***Be advised that Proposals and all documents submitted in response to this RFP are subject to public disclosure as required by applicable state and/or federal laws.*** If Responder intends to submit any information with the Proposal which Responder believes is confidential, proprietary, or otherwise protected from public disclosure (trade secret, etc.), Responder must

separately bind and clearly identify all such material. The cover page of the separate binding must be red, and the header or footer for each page must provide as follows: "Not Subject to Public Disclosure". Where authorized by law, and at its sole discretion, the County will endeavor to resist disclosure of properly identified portions of the Proposals.

5.11 PROPOSAL NOT A CONTRACT

Neither this Request for Proposals nor responses to it constitute a contract between the County and the Responder. The County reserves the right to negotiate specific contract terms with the selected broker/firm.

5.12 VERBAL STATEMENTS NOT BINDING

Statements made by the County representatives concerning this Request for Proposal are not binding upon the County unless confirmed in writing by a duly authorized employee/official.

5.13 REJECTION OF PROPOSALS

The County reserves the right to reject any or all responses to this Request for Proposals for any lawful reason or for no reason. No proposals will be considered that fail to contain the required information. There will be no changes to the content of this request for proposals except by written notification to the bidders who respond in accordance with the criteria herein.

5.14 STATE AND FEDERAL LAW COMPLIANCE

Responder must comply with all applicable requirements of federal and state civil rights law and rehabilitation statutes. As applicable, the successful Responder agrees to comply with all applicable provisions of the County and Oregon public contracting law.

End of section 5