

Albany Community Development Agency

REQUEST FOR PROPOSALS For the provision of Commercial Real Estate Brokerage Services

RFP Number 2016-05
February 25, 2016

Issue Date: February 25, 2016

Due Date: March 18, 2016 at 4:00 PM

Owner: Albany Community Development agency
Attention: Faye Andrews
200 Henry Johnson Blvd.
Albany, NY 12210

All inquiries for information should be in writing and directed to Faye Andrews, address listed above.

HARD-COPY, ORIGINAL PROPOSALS MUST BE RECEIVED BY March 18, 2016 ON OR BEFORE THE DATE AND TIME DESIGNATED ON THIS SOLICITATION. ELECTRONIC SUBMISSIONS AND FACSIMILE SUBMISSIONS WILL NOT BE ACCEPTED IN LIEU OF THE HARD-COPY, ORIGINAL PROPOSAL. OFFERORS ARE RESPONSIBLE FOR THE DELIVERY OF THEIR PROPOSAL. PROPOSALS RECEIVED AFTER THE OFFICIAL DATE AND TIME WILL BE REJECTED.

SEND PROPOSALS BY MAIL, HAND DELIVERY, OR COURIER TO: Faye Andrews, Director Albany Community Development Agency 200 Henry Johnson Blvd. Albany, NY 12210 THE RFP TITLE, DATE AND TIME OF PROPOSAL SUBMISSION DEADLINE, AS REFLECTED ABOVE, MUST CLEARLY APPEAR ON THE FACE OF THE RETURNED PROPOSAL PACKAGE.

In compliance with this Request for Proposals and to all conditions imposed therein and hereby incorporated by reference, the Undersigned offers and agrees to furnish the goods/services described herein in accordance with the attached signed proposal or as mutually agreed upon by subsequent negotiation.

Name and Address of Firm:

_____ Date: _____

_____ By (Signature in Ink): _____

_____ Zip Code _____ Name Typed: _____

E-Mail Address: _____ Title: _____

Telephone (____) _____ Fax Number: _____

FEI/FIN NO: _____

I. PURPOSE

The Albany Community Development Agency (ACDA) is a municipal Public Authority organization which revitalizes our neighborhoods by increasing homeownership, providing resources for home and community improvements, and connecting partners to facilitate quality of life projects and workforce opportunities for residents with low to moderate incomes. ACDA will need to follow PAAA and HUD regulations when selling this building. For more information on ACDA please visit its website at <http://www.albanyny.gov/Government/Departments/ACDA.aspx>

The intent and purpose of the Request for Proposals (RFP) is to solicit sealed proposals to establish a contract for Commercial Real Estate Brokerage Services for 25 Delaware Ave Albany, NY 12208

Proposals will be received until 4:00 PM Eastern Standard Time on March 18, 2016.

II. PROPOSAL PREPARATION AND SUBMISSION INSTRUCTIONS:

In order to be considered for selection, the respondent must submit a complete response to this RFP. Two copies of each proposal must be submitted to ACDA. The proposals shall be signed by an authorized representative of the respondent.

Proposals should be as thorough and detailed as possible so that ACDA may evaluate the respondent's capabilities to provide the required services. Respondents are required to submit the following items as a complete proposal:

1. The RFP cover sheet signed and filled out as required. Provide the names of the person(s) who will be authorized to make representations for the Respondent, their titles, addresses, and telephone numbers. Provide information confirming that the person signing the RFP is authorized to bind the firm.

2. A written narrative statement to include (a) experience of your company and its staff in providing the services described in Contract Requirements; (b) names, qualifications and relevant experience of personnel to be assigned to the contract; (c) resumes of staff to be assigned to the contract; (d) locations of company offices that will service the contract; (e) description of the firm relative to the size of the project.

3. Specific plans for providing the proposed services including, but not limited to (a) list of proposed services; (b) proposed approach and methodology (preliminary marketing plans); (c) how the services will be performed and schedules; (d) method of initiating services; and (e) description of any other services not outlined in the solicitation.

4. Current number and location of other commercial properties listed and sold locally, (to assist ACDA in evaluating the expertise of the Respondent and its staff to provide the specific services).

5. The average time to sale comparable commercial properties within the area.

6. A list of at least five (5) references where the Respondent has provided the services described in the RFP. Include the organization, contact name, title, location, telephone number, and email address. Provide the information on past and current contracts.

7. Provide a proposed summary and schedule for the key activities required to implement a smooth transition should you be awarded the contract. Include and identify all action or information required from the Corporation.

8. Anticipated primary and secondary buyers to be targeted.

9. Suggested listing price of the site.

10. Detailed proposed fees and commissions and timing of payment.

III. CONTRACT AND REQUIREMENTS

Described below are the minimum services ACDA expects in establishing an agreement with the Broker. Services include, but are not limited to the following:

A. Kick-Off Meeting. The Broker and its staff will meet with ACDA to discuss the expectations of all parties.

B. Develop a Marketing Plan for attracting and securing a purchaser for the site. The plan should employ multiple types of advertising to target potential buyers that complement the use of the site and conforms to the zoning requirements. The plan and potential buyers are subject to the ACDA's approval. A preliminary marketing plan should be included in the applicant's application. The marketing plan should include, but should not be limited to, the following topics:

1. A strategy to position and market the site,
2. Broker responsibilities,
3. Sample print materials, to be approved by the ACDA, and
4. Methods to disseminate referrals and market information.

The Broker will identify and/or coordinate the development of additional marketing materials, as necessary, including graphics and/or other materials to be used to market the site. Any and all marketing materials developed by the Broker on behalf of ACDA will become the property of the Corporation.

Additionally, the Broker is expected to attend and/or host industry events, public hearings and neighborhood meetings as necessary, in order to promote and market the site.

C. Provide Market Analyses and Pricing Guidance for the site. Analyses should include information regarding local and national market conditions, local and national prices, and business terms. The Broker will also be expected to provide financial modeling and analyses of proposed transaction alternatives.

D. Provide Summarization and Analyses of Potential buyers. Reports summarizing purchasing options should include, but not be limited to, a list of each potential buyer directly contacted by the Broker, asking prices, and business terms. The Broker will also be expected to provide financial modeling and analyses of proposed transaction alternatives.

E. Attend Meetings as Necessary. The Broker will be expected to meet with ACDA periodically, and as needed, to provide updates of marketing activities and real estate advice related to the site.

F. Assist in the Negotiation of Terms with potential buyers and/or their agents.

G. Provide Services in connections with the Preparation, Drafting and Execution of Final Purchase Agreements.

IV. EVALUATION CRITERIA:

Proposal shall be evaluated by ACDA using the following criteria:

A. Demonstrated expertise, experience, and qualifications of the Respondent's personnel that will be assigned to provide broker services related to the Contract Requirements.

B. Specific plans and methodology for the providing the proposed services

C. Fee structure, amount and timing of payment.

V. RIGHT TO REJECT PROPOSALS AND WAIVE INFORMALITIES

Issuance of this RFP and receipt of proposals does not commit ACDA to award a contract. The ACDA reserves and may exercise the following rights and opinions with respect to the selection process:

1. To reject any or all proposals and reissue the RFP at any time before execution of a final contract.
2. To supplement, amend or otherwise modify the RFP at any time before selection of one or more respondents for negotiation and to cancel this RFP with or without issuing another RFP.
3. To accept or reject any or all of the items in any proposal and award a contract, in whole or in part, if it is deemed to be in the ACDA's or in the City's best interest to do so.
4. To reject the proposal of a respondent that, in sole judgment of the ACDA has been delinquent or unfaithful in the performance of any contract with the ACDA and/or the City of Albany, is financially or technically incapable, or is otherwise not a responsible respondent.
5. To waive any minor informality, defect or deviation from this RFP that is not, in the ACDA's sole judgment, material to the proposal.
6. To request that some or all of the respondents, clarify, modify or supplement proposals.
7. To conduct concurrent contract negotiation with multiple respondents if it is in the best interest of the ACDA or the City of Albany to do so.

VI. CONTRACT PERIOD:

The term of this contract is for one year, or as negotiated. There will be an option for one one-year renewal, or as negotiated.

VII. COST PROPOSAL:

Sole compensation for services rendered under the award will be commissions paid to the successful Broker.

Clearly set forth in detail any and all additional expenses for which you expect to be reimbursed. The proposal must, however, provide a guarantee that no additional fees will be charged to the ACDA without prior written consent by the City.

VIII. INDEMNIFICATION:

The selected proposer will be required to defend, indemnify, and save harmless the ACDA, its employees and agents, from and against all claims, damages, losses and expenses (including without limitations, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or omission of the selected proposer, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

IX. QUESTIONS AND ANSWERS:

Email any questions or requests for clarifications to fandrews@albanyny.gov

SUBMISSION

Please submit your proposals in letterform, on or before **4:00 P.M. on March 18, 2016**. Fax and email submissions will not be accepted. Letters should be sent to:

Albany Community Development agency
Attention: Faye Andrews
200 Henry Johnson Blvd.
Albany, NY 12210

Direct questions regarding the preparation of responses in writing to:

Albany Community Development agency
Attention: Faye Andrews
200 Henry Johnson Blvd.
Albany, NY 12210

X. MODIFICATION AND WITHDRAWAL OF PROPOSALS:

- 10.1 Proposals may be modified or withdrawn by an appropriate document duly executed (in the manner that a proposal must be executed) and delivered to the place where proposals are to be submitted at any time prior to the opening of proposals.

- 10.2 If within twenty-four (24) hours after the deadline for the submission of proposals set forth in Section 2.1 above any proposer files a duly signed written notice with the ACDA and promptly thereafter demonstrates to the reasonable satisfaction of the ACDA that there was a material and substantial mistake in the preparation of its proposal, that proposer may withdraw its proposal. Thereafter, that proposer will be disqualified from further proposal on the work.

XI. INSURANCE REQUIREMENTS:

11.1 The selected proposer will be required to procure and maintain at their own expense the following insurance coverage:

- a) Workers' Compensation and Employer's Liability Insurance: A policy or policies providing protection for employees of the selected proposer in the event of job-related injuries.
- b) General Liability Insurance: A policy or policies of comprehensive general liability insurance with limits of not less than \$1,000,000.
- c) Professional Malpractice Insurance: A policy or policies with limits of not less than \$1,000,000. The professional malpractice insurance must be issued by an insurer licensed to do business in the State of New York and must have an A.M. Best rating of not less than "A".

11.2 Each policy of insurance required shall be in form and content satisfactory to the Corporation Counsel, and shall provide that:

- a) The Albany Community Development Agency is named additional insured on a primary and non-contributing basis.
- b) The insurance policies shall not be changed or cancelled until the expiration of thirty (30) days after written notice to the ACDA.
- c) The insurance policies shall be automatically renewed upon expiration and continued in force unless the ACDA is given sixty (60) days written notice to the contrary.

11.3 No work shall be commenced under the contract until the selected proposer has delivered to the ACDA or his/her designee proof of issuance of all policies of insurance required by the Contract to be procured by the selected proposer. If at any time, any of said policies shall be or become unsatisfactory to the ACDA, the selected proposer shall promptly obtain a new policy and submit proof of insurance of the same to the ACDA for approval. Upon failure of the selected proposer to furnish, deliver and maintain such insurance as above provided, this Contract may, at the election of the ACDA, be forthwith declared suspended, discontinued or terminated. Failure of the selected proposer to procure and maintain any required insurance shall not relieve the selected proposer from any liability under the Contract, nor shall the insurance requirements be constructed to conflict with the obligations of the selected proposer concerning indemnification.

XII. NON-COLLUSIVE PROPOSAL CERTIFICATE & ACKNOWLEDGMENT:

12.1 Each proposer shall complete and submit with its, his, or her proposal the "Non-Collusive Proposal Certificate" and the "Acknowledgment" found on the two (2) pages that follow this page.

NON-COLLUSIVE PROPOSAL CERTIFICATE
PURSUANT TO NEW YORK STATE GENERAL MUNICIPAL LAW SECTION 103-D

By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in the proposal have been arrived at independently, without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer prior to the opening, directly or indirectly, to any other proposer or to any competitor; and
- (3) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(date)

(signature)

(name and title)

(name of firm)

ACKNOWLEDGMENT BY PROPOSER

If Individual or Individuals:

STATE OF _____)

COUNTY OF _____) SS.:

On this _____ day of _____, 2014, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he, she, or they severally acknowledged to me that he/she/they executed the same.

Notary Public, State of _____

Qualified in _____

Commission Expires _____

If Corporation:

STATE OF _____)

COUNTY OF _____) SS.:

On this _____ day of _____, 2014, before me personally appeared _____ to me known, who, being by me sworn, did say that he resides at (give address) _____; that he/she is the (give title) _____ of the (name of corporation) _____, the corporation described in and which executed the above instrument; that he/she knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he/she signed his/her name thereto by like order.

Notary Public, State of _____

Qualified in _____

Commission Expires _____

If Partnership:

STATE OF _____)

COUNTY OF _____) SS.:

On this _____ day of _____, 2014, before me personally came _____, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he/she is a partner of the firm of _____ and that he/she has the authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.

Notary Public, State of _____

Qualified in _____

Commission Expires _____