



Solicitation Information

7 Dec 04

LOI# B04565

TITLE: Real Estate Consulting – Buyer’s Broker

Submission Deadline: 23 Dec 04@ 2:30 PM

PRE-BID/ PROPOSAL CONFERENCE: Yes Date: 14 Dec 04 Time: 3:00 PM Mandatory: No Location: Department of Administration / Division of Purchases (2nd floor, Bid Room), One Capitol Hill, Providence, RI
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Questions concerning this solicitation may also be e-mailed to the Division of Purchases at questions@purchasing.state.ri.us no later than **13 Dec 04 at 12:00 Noon (ET)** .Questions should be submitted in a *Microsoft Word attachment*. Please reference the RFP / LOI # on all correspondence. Questions received, if any, will be posted on the Internet as an addendum to this solicitation. It is the responsibility of all interested parties to download this information.

SURETY REQUIRED: No BOND REQUIRED: No
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Jerome D. Moynihan, C.P.M., CPPO
Administrator of Purchasing Systems

Vendors must register on-line at the State Purchasing Website at
www.purchasing.ri.gov

NOTE TO VENDORS:

Offers received without the entire completed three-page RIVP Generated Bidder Certification Form attached may result in disqualification.

THIS PAGE IS NOT A BIDDER CERTIFICATION FORM

I. BACKGROUND

The Department of Administration / Division of Purchases, acting on behalf of the Department of Children, Youth and Families (DCYF), requests proposals from parties interested in acting as a real property buyer's broker in obtaining seven properties for sale or lease that are suitable to be developed as Community Transition Homes for male juvenile residents. This solicitation, and subsequent award, is issued in accordance with the State's General Conditions of Purchase, available at www.purchasing.ri.gov.

Since May of 2002 DCYF has been engaged in the redesign of facilities and programs at the Rhode Island Training School for Youth (RITS). The major impediment to success for training school youth is the lack of a well structured transition process to guide and support youth returning to the community. Successful community re-entry is difficult when facilities and programs are located far from the youth's home community.

Seven small (average 10 bed) treatment facilities are planned throughout the state for low security residents who are returning to their community. Staff from these facilities will work with families, schools, community service agencies and others to ensure the smooth transition of each individual.

INSTRUCTIONS AND NOTIFICATIONS TO OFFERORS:

Potential offerors are advised to review all sections of this Request carefully, and to follow instructions completely, as failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.

Alternative approaches and/or methodologies to accomplish the desired or intended results of this procurement are solicited. However, proposals which depart from or materially alter the terms, requirements, or scope of work defined by this Request will be rejected as being non-responsive.

All costs associated with developing or submitting a proposal in response to this Request, or to provide oral or written clarification of its content shall be borne by the offerors. The State assumes no responsibility for these costs.

Proposals are considered to be irrevocable for a period of not less than 120 days following the opening date, and may not be withdrawn, except with the express written permission of the State Purchasing Agent.

All pricing submitted will be considered to be firm and fixed unless otherwise indicated herein.

Proposals misdirected to other State locations or which are otherwise not present in the Office of Purchases at the time of opening for any cause will be determined to be late and will not be considered. **For the purposes of this requirement, the official time and date shall be that of the time clock in the reception area of the Office of Purchases.**

It is intended that an award pursuant to this Request will be made to a prime contractor, who will assume responsibility for all aspects of the work. Joint venture and cooperative proposals will not be considered, but subcontracts are permitted, provided that their use is clearly indicated in the offeror's proposal, and the subcontractor(s) proposed to be used are identified in the proposal.

Offerors are advised that all materials submitted to the State for consideration in response to this Request for Proposals will be considered to be Public Records as defined in Title 38 Chapter 2 of the Rhode Island General Laws, without exception, and will be released for inspection immediately upon request once an award has been made.

In accordance with Title 7, Chapter 1.1 of the General Laws of Rhode Island, no foreign corporation, a corporation without a Rhode Island business address, shall have the right to transact business in the state *until it shall have procured a Certificate of Authority to do so from the Rhode Island Secretary of State (401 222-3040)*. This is a requirement only of the selected vendor (s).

Interested parties are instructed to peruse the Division of Purchases web site on a regular basis, as additional information relating to this solicitation may be released in the form of an addendum to this RFP / LOI

The offeror should be aware of the State's MBE requirements, which addresses the State's goal of ten per cent (10%) participation by MBE's in all State procurements. For further information, contact the MBE Administrator, at (401) 222-6253 or visit the website <http://www.rimbe.org>

II. PROPOSAL SUBMISSION REQUIREMENTS

a. Proposal Format

A. Format

The package must include the following sections:

? Transmittal Letter

? Narrative of Individual or Agency experience and qualifications.

? Cost Proposal (all fees and related costs for the fees are to be paid only at closing and or lease execution)

B. Transmittal Letter

The Transmittal Letter shall be in the form of a standard business letter and must be signed by an individual authorized to legally bind the offerer. The Transmittal Letter must state whether the offerer is an individual, partnership, corporation or other legal entity authorized to do business in the State of Rhode Island.

If the proposer deviates from the detailed specifications and requirements contained herein, the Transmittal Letter should identify and explain those deviations. The State reserves the right to reject

any proposal containing such deviations or to require modifications before acceptance.

C. Narrative Description of Work To Be Performed

The Narrative Description should detail the experience of the offerer in similar projects, the key staff to be assigned to the project and percentage of effort to be devoted by each staff identified. The experience of each staff person, including licenses held (copies of professional licenses are to be included in the proposal) should be described. Three references should be provided that underscore the offerer’s experience with similar projects (acting as a real estate professional and/or buyers broker of properties or property packages similar in size and scope). The general approach that the broker plans on taking should be described. Each step should be clearly delineated with timetables provided. Overall, the project is expected to take under one year.

D. Cost Proposal

It is expected that any and all costs of the successful bidder will be born by the offerer and that any fees, charges or other costs will only be reimbursed at each specific property closing or execution of lease agreement. The cost proposal should indicate, as a percentage of property cost or lease value, all fees and related other costs to be charged by the buyer’s broker.

Questions & Submission

Informational Conference: see page one of this solicitation
Proposals Due and Bid Opening see page one of this solicitation

Responses **(an original plus four (4) copies)** should be mailed or hand-delivered in a sealed envelope marked **“LOI B04565: Buyer’s Broker”** to:

By Courier:	By Mail:
RI Dept. of Administration Division of Purchases, 2 nd floor One Capitol Hill Providence, RI 02908-5855	R.I. Department of Administration Division of Purchases P.O. Box 6528 Providence, RI 02940-6528

NOTE: Proposals received after the above-referenced due date and time will not be considered. Proposals misdirected to other State locations or which are otherwise not presented in the Division of Purchases by the scheduled due date and time will be determined to be late and will not be considered. Proposals faxed or emailed to the Division of Purchases will not be considered. The official time clock is located in the reception area of the Division of Purchases

b. **Other Rules**

A. Public Records

Proposers are advised that all documents, correspondence and other submissions to the Division of Purchases may be accessible as public records, pursuant to Title 38, Chapter 2 of the General Laws, absent specific notice that portions of such submittals may contain confidential or proprietary information, such that public access to those items should be withheld.

B. Amendment

The State reserves the right to amend requirements, as set forth, prior to the date for proposal submission. Amendments will be posted on the Division of Purchasing web site. Submissions by vendors shall not be changed for any purposes after the public opening.

C. Cost of Preparing Proposal

Costs for developing the submissions are solely the responsibility of the proposers. The State of Rhode Island will provide no reimbursement for such costs. Costs associated with any presentations will be the responsibility of the proposers and will in no way be billable to the State.

D. Acceptance of Proposals

All material properly submitted will be accepted by the State of Rhode Island, however, the State reserves the right to reject any and all proposals received, or to cancel this request according to the best interests of the State.

E. Disposition of Proposals

All proposals become the property of the State of Rhode Island. The successful proposal(s) will be incorporated into the resulting Purchase and Sale Agreement and will become a public record.

F. Proposal Rules for Withdrawal

The State will not accept any amendments, revisions or alterations to proposals after the submission due date. Prior to the submission due date, a proposal may be withdrawn by a proposer by submitting a written request for its withdrawal to Beverly Najarian, Director of the Department of Administration, and be signed by the Property Owner or an authorized agent. No amendments will be accepted after the submission date.

Any submitted proposal shall remain a valid proposal for one hundred twenty (120) days, or until released in writing by the Division of Purchases.

c. Review Committee

A Selection Committee will evaluate each submission, make recommendations, and evaluate cost proposals as described below. The Selection Committee may also retain in a non-voting, advisory capacity, other non-state contractors or persons. These non-state persons will have no affiliation with any of the proposers.

A Review Committee will monitor the entire evaluation process to ensure impartiality and fairness and prepare a report of their evaluation for the Director of the Department of Administration. The Director will award any contracts in accordance with applicable rules and regulations governing State property acquisition.

It should be carefully noted by all proposers that no contact with the Review Committee will be allowed during the proposal evaluation process for the purpose of discussing the proposal. Violation of this prohibition by the proposer will result in automatic disqualification of the proposal.

d. Proposal Evaluation

Proposals will be evaluated and contract(s) awarded in compliance with applicable Rhode Island statutes. The State reserves the right to accept or reject any or all proposals, or any part of any proposal and to waive any defect or technicality and to advertise for new proposals where the acceptance, rejection or waiver would be in the best interest of the State. The State also reserves the right to award in whole or in part where such action serves the State's best interest.

A. Proposals will be evaluated based upon, but not limited to, the following criteria:

1. Experience and Capacity with similar projects including: The offerer's experience acting as a buyer's broker. The offerer's experience with similar projects. The offerer's experience and expertise with real property transactions at a level and scope similar to the proposed project. The offerer's knowledge of building, building codes, land use and related issues. The statement of references offered in support of the proposer's (50 points)
2. The proposed plan including: the offerer's general approach, time table for project completion and, percentage of staff effort devoted to the project. (30 points)
3. Cost. The cost and cost reimbursement format submitted by the offerer. (20 points).

B. Disclosure:

If the offerer has a direct or indirect interest in any property to be considered for purchase or lease by the State for use within this project, this fact should be made known in writing at the earliest possible time. If an offerer has an interest in properties which may be suitable for use as

described herein that fact should be noted in the proposal (including the location and description of all potential properties). **At no time may the offerer purchase or otherwise develop an interest in any property that may be later considered for development as a Community Transition Home.**

C. Phase 1—Evaluation of Mandatory Requirements. Failure to comply with the instructions or to submit a complete proposal will deem a proposal non-responsive, except that the State reserves the right to waive non-material deviations.

D. Phase 2—Evaluation of Technical Proposal Elements
Only those proposals determined to have complied with the requirements of Phase 1 will be evaluated. During the course of the Phase 2 evaluation, submission material will be evaluated to determine the adherence to the specifications set forth. The State, at this point, may make reference checks and may request site visits or presentations by proposers. The State reserves the right to award based solely on the written submission of the proposer.

E. Phase 3—Evaluation of Costs
Each eligible proposal will also be evaluated as to the cost to the State. A determination will be made if the submission is complete and in compliance with the scope of services. Any cost proposal in which there are significant inadequacies may be rejected.

F. Phase 4—Selection by the State
The Review Committee will make a report to the Director of the Department of Children, Youth and Families and to the Director of the Department of Administration. The Director of the Department of Administration will award contracts.

e. Contract

The successful proposer will be required to execute a contract in compliance with the Division of Purchases “General Conditions”. The contents of this Request for Proposal document, as well as the entire proposal submitted by the proposer will become part of the contract. Any special terms or conditions which would prevent a proposer from entering into a contract with the State must be defined as such, and must be submitted with the proposal.

f. Non-Appropriation of Funds

Any contract arising out of this Request for Proposal will be subject to the State’s ability to terminate in the event of the non-appropriation of funds for any fiscal year (July 1 through June 30) for the subject matter of the said agreement. The successful proposer will also be required to indemnify, save and hold harmless the State of Rhode Island, its agents and employees for any and all liability arising out of the infringement of any patent, copyright or other proprietary right arising out of the use of the subject matter of this Request for Proposal.

g. Non-Exclusiveness of Remedies

Any right or remedy on behalf of the State provided for in any part of these

specifications, including, but not limited to any guarantees of warranty or any remedy for contractor's non-performance shall be in addition to and not a limitation of any right or remedy otherwise available by law, equity or statute.

h. Rhode Island Laws

The laws of the State of Rhode Island shall govern all questions as to the execution, nature, obligation, instruction, validity and performance of this agreement.

II. SITE SPECIFICATIONS

a. Overall Site Requirements for Community Transition Homes

- i. Located in the following communities: Central Falls or Pawtucket (one location), Middletown or Newport (one location), Providence (three locations), Warwick or West Warwick (one location) or, Woonsocket (one location).
- ii. Located in areas appropriate to the intended use, zoned as commercial, industrial, manufacturing, institutional or multifamily
- iii. Accessible to public transportation.
- iv. Accessible to required utility services.
- v. Capable of supporting a building or program for approximately ten residents and measuring approximately 4,000 square feet (gross area) plus ten parking spaces and associated recreational area. A developable site of one acre is generally considered optimal, with one-half acre considered to be minimal. The preference is for a single level facility with no other occupancy.
- vi. In strict compliance with all the appropriate local, state and Federal codes, including but not limited to the Americans with Disabilities Act of 1991, the Rhode Island Fire Code, the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973, and the Rhode Island General Laws, as amended and reenacted (37-8-15) for access for the physically handicapped, and those relating to hazardous substances, hazardous wastes and asbestos abatement.
- vii. In compliance with energy efficient standards and program requirements of the Statewide Energy Conservation Office and Section (37-8-17) of the Rhode Island General Laws.
- viii. Properties including existing buildings should be convertible to residential use meeting requirements of the Rhode Island State Building Code for Use Group I-3 Condition 2 occupancy.
- ix. Preference will be given to properties demonstrating significant compliance with United States Green Building Council criteria for accreditation under the applicable LEED certification program.

b. Buyer's Broker Required Site Analysis

1. Constraints or barriers to development of the site, and the cost to overcome them.
2. The requirement for site improvements to make the site suitable for the proposed use.
3. The proposed price of the property, and accompanying commercial terms.

c. Other Buyer's Broker Requirements

1. The successful bidder will be required to provide a report to the State every two weeks listing potential property contacts, level of staff efforts (hours per week by each assigned staff), referrals to the State for consideration and the phase of each property in the development process (e.g. inspection by architect, appraisal, referral to properties committee, purchase and sale, etc.)
2. The State is required to notify public officials regarding potential properties. The notification of officials will remain the State's responsibility.