



Central Basin
Municipal Water District

RFP NO. 185

REQUEST FOR PROPOSALS FOR FORMAL SOLICITATION

FOR

LICENSED REAL ESTATE BROKER SERVICES

RFP ISSUE: APRIL 25, 2019

RFP DUE: MAY 28, 2019, at 3:00 P.M. (local time)

Issued by

CENTRAL BASIN MUNICIPAL WATER DISTRICT

6252 TELEGRAPH ROAD

COMMERCE, CA 90040

TELEPHONE: (323) 201-5500

FAX: (323) 201-5554

www.centralbasin.org

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SECTION 1 - BACKGROUND INFORMATION

Central Basin Municipal Water District (Central Basin or District) is a public agency that purchases imported water from the Metropolitan Water District of Southern California (MWD). Central Basin wholesales the imported water to cities, mutual water companies, investor-owned utilities, and private companies in Southeast Los Angeles County. The District also supplies water for groundwater replenishment and recycled water for municipal, commercial, and industrial use. The District is committed to increasing public awareness about key water issues and serving as a resource for our residents and businesses through a variety of stakeholder engagement and conservation programs. The Central Basin service area includes 27 cities and a population of more than 1.6 million. It is governed by an eight member board, five which are publicly elected and three which are appointed by purveyors. Additional information about the District may be found on www.centralbasin.org.

SECTION 2 - STATEMENT OF PURPOSE

The District is seeking proposals from licensed commercial real estate brokerage firms with experience in providing commercial real estate brokerage and advisory services to users on large-scale commercial purchase and sale transactions. The purpose of this Request for Proposals (RFP) is to demonstrate the background, qualification, competence, and capability of the firm seeking to undertake these services with the District.

It is the intent of this RFP to have the successful broker/firm enter into an agreement with the District to supply real estate services as outlined herein. Specifically, the District seeks a real estate firm to assist with the sale of its property located at 6252 Telegraph Road, Commerce, CA, and to assist with the purchase a new property for its headquarters. The real estate firm will be paid strictly on a commission basis and will be expected to work closely with District staff and management and:

1. Assist the District in obtaining the highest possible price for its property under the best possible terms; and
2. Assist the District in securing a new property for the lowest possible price but under the best possible terms. The agreement will likely terminate once the particular transactions contemplated by this RFP are completed.

SECTION 3 - SCOPE OF WORK/PROJECT TASK

The qualified company is required to perform and complete the work and provide the services as set forth in Exhibit "C" of this RFP.

SECTION 4 - MINIMUM COMPANY QUALIFICATIONS

1. The company must have been in business for a minimum of five (5) years.
2. All real estate professionals who will be assigned to the District's account must be real estate brokers ("brokers") licensed pursuant to Business and Professions Code §10130 et.

seq. and in good standing in the State of California as of April 25, 2019 and throughout the term of the agreement.

3. The company must provide real estate brokerage services to Los Angeles area commercial clients from an office within Los Angeles County and have an excellent reputation in the real estate community.
4. The company must be knowledgeable in the local real estate market and have experience dealing with large commercial properties.
5. The account executive(s)/lead brokers who will be assigned to the District's account must each have a minimum of ten (10) years' experience in providing commercial real estate brokerage services to clients. Within the last three (3) years, these brokers must have represented parties in at least three (3) completed purchase or sale transactions in the Los Angeles area, valued at a minimum of \$2 million each.

SECTION 5 - PROPOSAL REQUIREMENTS

All Proposals must include and will be evaluated based on the following criteria:

1. A brief overview of the company's organization, including history, organizational structure, market position, etc.
2. Provide written responses to all the "Minimum Company Qualifications".
3. Additional Company Qualifications: The Proposal shall include the size of the company, the size of the company's staff in Los Angeles, the company's location, and the number and positions of staff who will work with the District regularly. Please identify if the company is minority, women-owned or disadvantage business enterprise (DBE). The Proposal must include a description of the company's client mix, the range of transactional support services offered by the company, any relevant research products offered by the company, and any other unique qualifications or capabilities the company possesses relative to other companies that could assist the District in its transactional goals.
4. Personnel Qualifications: The Proposal shall identify the names and qualifications of the account executive(s)/lead real estate professionals proposed to be assigned to the District's account to perform the services outlined in Exhibit "C" attached hereto and who would be working directly with the District staff. Please include all relevant experience with non-profit and/or government clients, if any, and the familiarity with the L.A. submarkets, specifically identified by the District (East Los Angeles, Montebello, Commerce area).

5. Licenses/Certifications: Proposals must include copies of business licenses, professional certifications or other credentials for its account executive(s)/brokers/real estate professionals to provide services outlined in Exhibit “C” attached hereto and who will be assigned to the District’s account, together with evidence that the company, if a corporation, is in good standing and qualified to conduct business in California.
6. Scope of Services: A detailed scope of services that reflects the company’s understanding of the District’s requirements. Proposals shall include the techniques, approaches and methods the company will use in providing services to the District, including
 - a) description of the proposed marketing plan specific to selling the District’s property (examples of previous brochures, flyers, ads, internet services, direct mailings, newspaper, etc.); and
 - b) a description of proposed plan specific to purchasing a new property for the District, e.g., the approach to identifying new property for the District, due diligence efforts, negotiation strategies, etc.
7. Fee and Marketing Schedule: The Proposal must include a proposed schedule of (a) commission rates for sale of the District’s property located at 6252 Telegraph Road, Commerce, CA, the time period (length) for listing and selling of property, (b) commission rates for purchase of a new property for the District, the time period (length) for researching available properties, negotiations, closing, and (3) any additional costs the District may anticipate relating to the real estate services to be provided.
8. List of References: A list of at least five (5) client references for deals completed by the account executive(s)/lead brokers, with an emphasis on government and non-profit clients, if possible. Include all relevant transaction details and the primary client’s contact information (i.e., title, address, email address and phone numbers). The District reserves the right to contact any of them for references.
9. List of Transactions: A list of the purchase/sale transactions valued at a minimum of \$2 million within the Los Angeles Area, closed by the company’s proposed account executive(s)/lead brokers in the last three (3) years. Include building address, buyer, seller, square footage, price, date closed.
10. List of Proceedings: A list and description of any regulatory proceedings, licensing actions, lawsuits, arbitrations, formal protests or other legal actions related to real estate services in which the company and its account executive(s)/brokers/real estate professionals have been involved in the last two (2) years.
11. W9: The Proposal shall include a copy of the company’s W9.

12. Insurance: The Proposal should include a copy of your proof of insurance as per the requirement outline in Section 6 of this RFP.
13. Provide a sample or template of a brokerage services agreement.

SECTION 6 - TERMS AND CONDITIONS

Payment for Services:

Compensation for the entire scope of services as indicated in this RFP, including research, marketing and any additional/specialty support services related to a potential sale or purchase transaction shall be through commercial real estate brokerage commissions based on sale price or purchase price, as follows:

1. Sales Commission:
Should the District complete a transaction for the sale of its property, the qualified company will receive a brokerage commission paid by the District based on a percentage of the selling price of the property, to be paid from the proceeds of the sale at the close of escrow. Company will state its requested commission percentage. The proposed commission will be the total commission paid by the District, and **will include any commission due to the buyer's broker** pursuant to a commission split agreement between the company and the buyer's broker. The District would expect the company to cooperate with outside brokers in accordance with standard market practice.
2. Purchase Commission:
Should the District complete a transaction for the purchase of any real property, the District expects that the qualified company will be entitled to a brokerage commission paid **by the seller of the building**, pursuant to a commission split agreement between the company and seller's broker, in accordance with standard market practice. The Company will warrant that this is the case, and/or state other commission scenarios for consideration, if any, that it feels may be relevant.

Acknowledgement of District's Insurance and Indemnification Provisions

The company shall procure and maintain the insurance required, for the duration of the contract, insurance against claims for injuries to persons or damages to property arising from or in connection with the performance of the work performed.

1. Insurance Requirements: The following are the District's standard insurance requirements.
 - (i) Commercial General Liability: coverage should include \$1,000,000 per occurrence, \$2,000,000 aggregate, as applicable. Prior to the start of work, the selected company shall provide to the District evidence of insurance from an insurer(s) certifying the coverage. The DISTRICT and its Board Members, officers, employees, agents and volunteers are added as insureds. Additional insured endorsements shall be provided on Commercial General Liability form ISO 20 10 11 85 (or form ISO 20 10 10 01 accompanied by form ISO 20 37 10 01).

(ii) Business Automobile Liability: Business Automobile Liability insurance insuring all owned, non-owned and hired automobiles - coverage code 1 "any auto" (Insurance Service Office policy form CA 0001 or insurer's equivalent) in the amount of \$1,000,000 combined single limit per accident for bodily injury and property damage.

(iii) Workers' Compensation and Employer's Liability Insurance: shall be furnished in accordance with statutory requirements of the State of California and shall include Employer's Liability coverage of \$1,000,000 per accident for bodily injury or disease.

(iv) Professional Liability Insurance: For the full term of this Agreement, the Firm shall procure and maintain Errors and Omissions Liability Insurance appropriate to Consultant's profession. Such coverage shall have minimum limits of no less than One Million Dollars (\$1,000,000.00) per claim.

(v) Commercial General Liability & Workers' Compensation Liability Insurance policies shall contain a waiver of transfer rights of recovery ("waiver of subrogation") against the District, its Board Members, officers, employees, agents and volunteers for any claims arising out of the work of the Company.

(vi) Additional Insured Requirements: The CGL Coverage and the Automobile Liability Insurance shall contain an endorsement naming the District, District's governing board of directors and District's elected and appointed officials, officers, employees, agents and volunteers as additional insureds.

2. Indemnification: Company shall, prior to completion and upon completion of the work, deliver possession thereof to the District ready for use and free and discharged from all claims for labor and material from subcontractors, suppliers or others. Company shall defend, indemnify and hold harmless the District to the fullest extent permitted by law.

SECTION 7 - REQUEST FOR CLARIFICATION

Company requesting clarification pertaining to this RFP shall submit all requests through written correspondence by email **only** on or before 3:00 P.M. on Thursday, May 16, 2019, to:

1. Albert Plimpton, Director of Technology
Email: albertp@centralbasin.org
Telephone No: (323) 201-5575
2. Sharon Kumar, Senior Procurement Analyst
Email: sharonk@centralbasin.org
Telephone No: (323) 201-5502
3. Kevin Hunt
Email: kevinh@centralbasin.org
Telephone No: (323) 201-5548

Request for Clarification (RFC) will not be taken over the phone, via fax or via regular mail.

Responses: if deemed necessary by the District, will be in writing for the benefit of all prospective companies and will be posted on the District's website at www.centralbasin.org. It is the Company's responsibility to visit our website to check and view any response to RFCs or view changes/addenda made to this RFP by the District.

SECTION 8 - SUBMITTING PROPOSAL

Per the District's Administration Code under Part 3, Chapter 9, Article 1, Section 1.12 (b) Communication Blackout, no person or company who has a potential new contract with the District, either for professional and other services or for the furnishing of any material, supplies, equipment or real estate to the District shall communicate directly or indirectly with a Director while that matter is pending before the District. Persons or companies that violate this policy will be disqualified from the procurement process.

The following information is required by the deadline for the company to be considered:

1. Title Page and Table of Contents;
2. Letter of Introduction signed by an officer of the company and the proposed account executive(s)/lead brokers, and a summary highlighting the key points of the proposal;
3. Detailed Proposal (addressing the scope of work);
4. Fee and Marketing Schedule;
5. Signed Acknowledgement Form - refer to Exhibit "A" attached hereto;
6. Signed Conflict of Interest Form - refer to Exhibit "B" attached hereto; and
7. Additional documentation, if applicable.

To be considered:

1. Five (5) hard copies of the proposal must be received on or before 3:00 P.M. on Tuesday, May 28, 2019; and
2. One (1) electronic copy of the Proposal on a CD or USB flash drive must be received on or before 3:00 P.M. on Tuesday, May 28, 2019.

Submit your Proposal to:

Kevin Hunt
General Manager
Central Basin Municipal Water District
6252 Telegraph Road
Commerce, CA 90040

Proposals submitted via Fax or Email will not be accepted.

SECTION 9 - SCHEDULE

The following dates reflect the anticipated schedule for the Proposal and selection of the company:

<u>Events</u>	<u>Date</u>
RFP distribution to companies	04/25/2019
Questions from companies about scope or approach due	05/16/2019
Responses to companies about scope or approach due	05/20/2019
Proposal due date	05/28/2019
Target date for review of Proposals	Week of June 10, 2019
Final Company selection and Interviews	Week of June 17, 2019
Anticipated decision and selection of company(s)	07/22/ 2019
Anticipated commencement date of work	08/01/2019

SECTION 10 - SELECTION PROCESS AND EVALUATION CRITERIA

Proposals will be examined for compliance with all the requirements in the sections of this RFP. The District, at its discretion, may waive any omission which it deems to be non-essential or inconsequential.

Per the Administrative Code Part 5, Chapter 1, Article 1, Section 1.4 B(c) - District at its discretion will evaluate each proposal submitted for the following criteria:

1. Suitability of the company’s proposed services to meet the District’s needs.
 - a. Understanding the District’s requirements, including identification of critical elements and key issues, regional reach for marketing the District’s property and securing the District a new property, including availability of auxiliary sources such as Loopnet, PropertyLine, Showcase, MLS and related;
 - b. Proven commercial real estate track record, including experience of successfully selling and purchasing land of a similar type in Los Angeles County;
 - c. Assignment approach that includes comprehensive scope of work;
 - d. Work plan that clearly defines assignment deliverables;
 - e. Work plan that provides quantitative and/or qualitative measurement criteria for results;
 - f. Details of marketing plan, purchasing plan and examples of prior transactional successes; and
 - g. Project work plan that offers estimated timelines for milestone completion as an aid to creating systematic progress reporting on vendor performance.

2. Experience and knowledge of the company considering the type of services required and the complexity of the assignment;

3. Experience and qualifications of identified team members;
4. Clarity and completeness of proposal;
5. Pricing or fee schedule included in the proposed services;
6. Evidence of how long the company has been in business by submitting a copy of their business and/or any other relevant license(s);
7. Evidence of insurance certificates;
8. Meeting all criteria of District's conflict of interest form;
9. Other key factors as appropriate for the type of services.

Proposing companies should note that the pricing, while important, will not be the **only** deciding factor in the final selection but rather the ability of the company to provide and perform the required duties as outlined in Exhibit "C".

Weighted Evaluation Criteria:

Completeness of the Proposal	10%
Company qualifications and experience	20%
Evaluation of scope of work, deliverables, quantitative, timelines for milestone	20%
Capability to meet District requirements	40%
Fee and marketing schedule	10%
TOTAL	100%

Oral presentations and written questions for further clarifications may be required of some or all companies. Final scoring will be based on a predefined method considering the proposal and interview.

District staff will present the recommendation for contract award to the Committee. The District's Board of Directors will make a final decision based on the Committee's recommendations. The District will provide all companies with a written notice of the recommendation the staff will present. The notice will provide a reasonable date and time for the next Board meeting at which the Board of Directors plan to authorize the contract.

Any Proposal that does not include written/documented responses to all items of the "Proposal Requirements" will not be considered. Postmarks, facsimiles and e-mails will not be accepted.

SECTION 11 - CONFIDENTIALITY

The District is subject to Public Records Act under the California Government Code Section 6250 et. seq. As such, all required submitted information is subject to disclosure to the general public.

Proposals submitted and terms and conditions specified in each company's bid response will remain the property of the District.

SECTION 12 - PROPOSAL ACCURACY

A proposal which is in any way incomplete, irregular, or conditional will not be accepted. By submitting a proposal, companies agree that any significant inaccuracy in information given by the company to the District will constitute good and sufficient cause for rejection of the proposal.

SECTION 13 - DISCLAIMER

Central Basin reserves the right:

1. To reject any or all Proposals;
2. Withdraw this solicitation at any time without prior notice, and furthermore makes no representations that any contract will be awarded to any respondent to this RFP;
3. Award its total requirements to one respondent or to apportion those requirements among two or more respondents as Central Basin may deem to be in its best interests;
4. Negotiate a final contract with any respondent(s) as necessary to serve the best interest of Central Basin;
5. Select the Proposal most advantageous to the District;
6. Verify all information submitted in Proposal;
7. Reject companies that a found to have made misleading statements or material misrepresentations;
8. Amend this RFP.

SECTION 14 - CONFLICT OF INTEREST

The District is subject to Political Reform Act, under California Government Code section 1090, et. seq. To protect the District Directors and staff, all potential contracting parties with the District shall be required to complete a Conflict of Interest Questionnaire prior to the award. Refer to Exhibit "B" attached hereto.

SECTION 15 - ADMONITIONS

As of the date of this Request for Proposals and continuing until the notice of intent to award is released or the recommended contract is placed on the agenda of the Board for a public meeting, all proposers are specifically directed not to hold any discussions, meetings, conferences or technical discussions regarding the RFP with District officials or employees. During the submittal period, questions regarding this RFP may be directed only to the person indicated in the cover letter or emailed to the individual.

Contact with any other District official or employee during the submittal period regarding this RFP may be cause for immediate disqualification of the Proposer as determined in the sole discretion of the District Board.

It is improper for any District officer, employee, or agent to solicit consideration, in any form, from a Proposer with the implication, suggestion, or statement that the Proposer's provision of the consideration may secure more favorable treatment for the Proposer in the award of the contract or that the Proposer's failure to provide such consideration may negatively affect the District's consideration of the Proposer's submittal. A Proposer shall not offer or give, either directly or through an intermediary, consideration, in any form, to a District officer, employee, or agent for the purpose of securing favorable treatment with respect to the award of the contract.

A Proposer shall immediately report any attempt by a District officer, employee, or agent to solicit such improper consideration. The report shall be made to the District's General Manager and/or the District's General Counsel. Failure to report such a solicitation may result in the Proposer's submittal being eliminated from consideration.

Among other items, such improper consideration may take the form of a campaign contribution, cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

EXHIBIT "A" ACKNOWLEDGMENT FORM

RFP No. 185 for Licensed Real Estate Broker Services

PART A

The proposing company warrants the following:

- 1) That it will not delegate or subcontract its responsibilities under contract without the expressed, prior written permission from Central Basin Municipal Water District.
- 2) That all information provided in connection with this proposal is true and correct.
- 3) That it will acknowledge and agree with all terms and conditions stated in this request for proposal.

Company Name (Respondent to RFP):

Address: _____ City: _____ State: _____ Zip: _____

Contact Name: _____ Title: _____

Telephone No: _____ Email: _____

Fax No: _____

Signature

PART B

The above listed company is responding to a Request for Proposals for a qualified and experienced company to provide commercial real estate brokerage services.

THIS COMPLETED FORM MUST BE RETURNED TO CENTRAL BASIN MUNICIPAL WATER DISTRICT BY THE RESPONDENT WITH THEIR PROPOSAL.

RETURN ON OR BEFORE 3:00 P.M. TUESDAY, MAY 28, 2019.

**Central Basin Municipal Water District
6252 Telegraph Road
Commerce, CA 90040
Attn: Kevin Hunt
General Manager**

EXHIBIT "B" CONFLICT OF INTEREST FORM

Central Basin Municipal Water District's (Central Basin) Code of Conduct prohibits its Directors and staff from making decision in which he/she has certain financial or personal relationships with a contracting party. The questions that follow are intended to alert Central Basin to potential code of conduct conflicts. If conflicts of only a remote interest exist, a contract may nonetheless be awarded as disclosure allows Central Basin to choose processes for negotiation, award, and administration of contracts to avoid such conflicts. However, Central Basin reserves the right to review and make a final determination regarding whether any actual or potential conflicts would violate Central Basin's policies or California law and thus preclude a contracting party's participation in this award. All contracting parties and proposed sub-consultants must respond to each of the following questions. For responses answered "yes" Central Basin may require additional information to evaluate potential conflicts prior to award. Failure to fully disclose conflicts will result in rejection of the proposal or immediate termination of any contract awarded therefrom.

1. To the best of your knowledge, do any current Central Basin Board members or employees have any of the following financial relationships with your company or with proposed sub-consultants?

Owner	[Yes] [No]
Member	[Yes] [No]
Partner	[Yes] [No]
Officer	[Yes] [No]
Employee	[Yes] [No]
Contractor; Consultant	[Yes] [No]
Broker	[Yes] [No]
Major Stockholder:	[Yes] [No]

(Major stockholder means ownership of 3% or more of company stock.)

If "Yes" to any of the above, did this Board member or employee participate in formulating your submittal?

[Yes] [No]

2. Are you, or to the best of your knowledge, are any officers or key employees of your company or proposed sub-consultants an immediate family member of any current Central Basin Board member or employee?

[Yes] [No]

3. To the best of your knowledge, is a Central Basin employee or Board member seeking or being considered for employment by your company or by proposed sub-consultants?

[Yes] [No]

4. To the best of your knowledge, have you or any officers or key employees of your company or any proposed sub-consultants provided contributions directly or indirectly to a Board member while this potential new contract is pending before the District?

[Yes] [No]

5. To the best of your knowledge, have you or any officers or key employees of your company or any proposed sub-consultants ever served on District's Board?

[Yes] [No]

6. Have any of your current employees been employed by the District in the past 5 years?

[Yes] [No]

7. Have you or any of your current employee been in direct or indirect communications with any of the District's Board of Directors during the procurement process of this RFP?

[Yes] [No]

If Yes, then please indicate the date and the Director's name

8. Have you made any contribution(s) in the last three (3) months to any member of the District's Board of Directors?

[Yes] [No]

If Yes, then please indicate to whom and how much contribution was made?

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Name (type or print)

Signature

Title

Date

Company Name

THIS COMPLETED FORM MUST BE RETURNED TO CENTRAL BASIN MUNICIPAL WATER DISTRICT BY THE RESPONDENT WITH THEIR PROPOSAL.

RETURN ON OR BEFORE 3:00 P.M. ON TUESDAY, MAY 28, 2019.

Central Basin Municipal Water District
6252 Telegraph Road
Commerce, CA 90040
Attn: Kevin Hunt
General Manager

EXHIBIT "C" SCOPE OF WORK/PROJECT TASK

The District seeks a real estate firm to assist with the sale of its property located at 6252 Telegraph Road, Commerce, CA, 90040, and to assist with the purchase a new property for its headquarters. The real estate firm will be paid strictly on a commission basis.

Services should include but are not limited to;

1. **Sale of the District's property:**

- a. Perform market analysis and/or conduct market research;
- b. Develop strategies for marketing of property;
- c. Create/ Design all materials for sale of building;
- d. Assist in valuation of the property;
- e. List property for sale, respond to submitted offers, assist the District in due diligence and closing process associated with such property sale transaction;
- f. Show property and location, and schedule and coordinate with District personnel as needed;
- g. Act as an intermediary between the District and proposed purchaser;
- h. Consult and coordinate with and otherwise support the District's staff and Board in analyzing, negotiating, and closing the sale of the District's property;
- i. Complete and facilitate all necessary work while complying with the District's policies and procedures, public agency standards and state/local/federal requirements;
- j. Complete all necessary documentation for sale;
- k. Provide updates to the Board and real estate ad hoc committee as needed;
- l. Present at public/Board meetings, as necessary;
- m. Procure resources and necessary approvals as needed to ensure proper sale of building;
- n. Provide expertise and guidance to ensure successful sale of building;
- o. Handle all other customary activities and services associated with real estate transactions;
- p. Other services as requested.

2. Purchase and Relocation of District headquarters:

- a. Prepare comprehensive market study of available options, along with an interpretation and assessment of relevant market trends;
- b. Conduct due diligence investigation on each potential site's specific suitability for the District's requirements;
- c. Assist the District in determining appropriate shortlist of candidate properties;
- d. Prepare and negotiate property purchase agreements for new location;
- e. Analyze initial term sheets received – both financial and non-financial proposed terms, as well as build-out cost and timeframe implications;
- f. Prepare presentations comparing property alternatives for the District staff/Board;
- g. Assist the District in selecting a primary and fallback locations;
- h. Solicit draft transaction documents from selected sellers;
- i. Complete all necessary work following the District's policies and procedures as well as public agency standards;
- j. Consult and coordinate with and otherwise support the District's staff and Board in analyzing, negotiating, and closing the purchase of the new property;
- k. Complete and facilitate all necessary work while complying with the District's policy and procedures, public agency standards and state/local/federal requirements;
- l. Complete all necessary documentation for purchase;
- m. Provide updates to the Board of Directors and Committee as needed;
- n. Present at public/Board meetings, as necessary;
- o. Provide guidance and expertise for new purchase;
- p. Procure resources and necessary approvals as needed for purchase;
- q. Coordinate execution of all transaction documents;
- r. Other services as requested.