



**REQUEST FOR PROPOSALS (RFP)
No. RFP P24012**

REAL ESATE BROKERAGE SERVICES

Issue Date: April 25, 2024

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INTRODUCTION

The Housing Authority Birmingham District (hereinafter, “the Housing Agency” or just “Agency”) is a public entity that was incorporated in 1935 to provide federally subsidized housing and housing assistance to low-income families, within the City Birmingham, AL. The Housing Agency is headed by an Executive Director (ED) and is governed by a five-person Board of Commissioners and is subject to the requirements of Title 24 of the Code of Federal Regulations (hereinafter, “CFR”) and the Housing Agency’s procurement policy. Though brought into existence by a Resolution of the City of Birmingham, it is a separate entity from the City.

Currently, the Agency owns and/or manages: 14 traditional public housing communities totaling approximately 4,090 units. The Agency additionally administers the Rental Assistance Program which consists of approximately 6,130 units.

In keeping with its mandate to provide efficient and effective services, the Agency is not soliciting proposals from qualified, licensed, and insured entities to provide the above noted services to the Agency. All proposals submitted in response to this solicitation must conform to all the requirements and specifications outlined within this document and any designated attachments in its entirety.

RFP INFORMATION AT A GLANCE

[Table No. 2]

AGENCY CONTACT PERSON (NOTE: Unless otherwise specified, any reference herein to “Contracting Officer” or “(CO)” shall be a reference to Mr. Grayson.)	Darryl Grayson, Interim Procurement Manager Telephone: (205) 521-0611 E-mail: dgrayson@habd.net TDD/TTY: 800-548-2546
HOW TO OBTAIN THE RFP DOCUMENTS ON THE EPROCUREMENT MARKETPLACE	1. Access ha.internationaleprocurement.com (no “www”). 2. Click on the “Login” button in the upper left side. 3. Follow the listed directions. 4. If you have any problems in accessing or registering on the eProcurement Marketplace, please call Customer Support at (866) 526-9266.
PRE-PROPOSAL CONFERENCE	Monday, May 6, 2024, 11:00 AM CT
QUESTION SUBMITTAL DEADLINE	Monday May 13, 2024, 3:00 PM CT
HOW TO FULLY RESPOND TO THIS RFP BY SUBMITTING A PROPOSAL SUBMITTAL	As instructed within Section 3.0 of the RFP document, submit 4 hard copies and 1 Copy on a flash drive proposal to the Agency Administrative Office.
PROPOSAL SUBMITTAL RETURN & DEADLINE	*Thursday May 23, 2024 3:00 PM CT 1826 3 rd Avenue South, Birmingham, Al 35233 (*The sealed “hard copy” proposal documentation must be received in-hand and time-stamped by the Agency by no later than 3:00 PM CT on this date).

- 1.0 THE AGENCY'S RESERVATION OF RIGHTS.** The Agency reserves the right to:
- 1.1 Right to Reject, Waive, or Terminate the RFP.** Reject any or all proposals, to waive any informality in the RFP process, or to terminate the RFP process at any time, if deemed by the Agency to be in its best interests.
 - 1.2 Right to Not Award.** Not to award a contract pursuant to this RFP.
 - 1.3 Right to Terminate.** Terminate a contract awarded pursuant to this RFP, at any time for its convenience upon 10 days written notice to the successful proposer(s).
 - 1.4 Right to Determine Time and Location.** Determine the days, hours, and locations that the successful proposer(s) shall provide the services called for in this RFP.
 - 1.5 Right to Retain Proposals.** Retain all proposals submitted and not permit withdrawal for a period of 60 days subsequent to the deadline for receiving proposals without the written consent of the Agency Contracting Officer (CO).
 - 1.6 Right to Negotiate.** Negotiate the fees proposed by the proposer entity.
 - 1.7 Right to Reject any Proposal.** Reject and not consider any proposal that does not meet the requirements of this RFP, including but not necessarily limited to incomplete proposals and/or proposals offering alternate or non-requested services.
 - 1.8 No Obligation to Compensate.** Have no obligation to compensate any proposer for any costs incurred in responding to this RFP.
 - 1.9 Right to Prohibit.** At any time during the RFP or contract process to prohibit any further participation by a proposer or reject any proposal submitted that does not conform to any of the requirements detailed herein. By accessing the eProcurement Marketplace (hereinafter, also the "Marketplace") and by downloading this document, each prospective proposer is thereby agreeing to abide by all terms and conditions listed within this document and within the eProcurement Marketplace, and further agrees that he/she will inform the CO in writing within 5 days of the discovery of any item listed herein or of any item that is issued thereafter by the Agency that he/she feels needs to be addressed. Failure to abide by this timeframe shall relieve the Agency, but not the prospective proposer, of any responsibility pertaining to such issue.
 - 1.10 Right to Reject - Obtaining Competitive Solicitation Documents.** The eProcurement Marketplace is the only official and appropriate venue to obtain the competitive solicitation documents (and any other information pertaining to the competitive solicitation such as addenda). Accordingly, by submitting a response to this competitive solicitation the respondent thereby affirms that he/she obtained all information on the eProcurement Marketplace. Any other group such as a proposal depository that informs potential respondents of the availability of such competitive solicitations are hereby instructed to not distribute these documents to any such potential respondents, but to instruct the potential respondents to visit the eProcurement Marketplace to obtain the documents. The Agency will reject without consideration any response submitted from a firm that has not obtained the documents from the eProcurement Marketplace

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2.0 SCOPE OF WORK/TECHNICAL SPECIFICATIONS. The Agency is seeking proposals from qualified and licensed firms/individuals (a.k.a., “the proposer”) to provide the Housing Agency with the following detailed services listed herein:

2.1 General Overview of Services. The Housing Authority of the Birmingham District (HABD) is Alabama’s largest housing authority and the seventeenth largest in the nation, serving more than 22,000 Birmingham residents. HABD holds, and plans to acquire and dispose of real estate primarily located within the City of Birmingham and Jefferson County, Alabama. HABD seeks to conduct these transactions in support of our mission to provide affordable housing, which will involve the development and/or acquisition of multi-family housing, single family housing, and mixed-use properties. Primarily, HABD seeks to reposition its inventory of public housing which in some cases will require the acquisition of property. Additionally, HABD seeks to develop single family homes either for rent or sale for a variety of income groups.

2.2 Goal. The goal of this solicitation is to engage a consultant to provide real estate services to facilitate the purchase or disposition of real property, to assess vacant land and other real estate to inform development strategies, and support HABD’s overall development plans. HABD seeks a firm/individual with demonstrable experience in:

- Strategic real estate advisory and planning services
- Working with governmental and institutional entities, particularly public housing authorities
- Working in the Birmingham metropolitan areas
- Developing plans to optimize and transform real estate
- Advising on transactions, including partner selection and negotiations

REAL ESTATE BROKERAGE SERVICES SCOPE OF WORK:

SCOPE OF WORK/TECHNICAL SPECIFICATIONS. The Housing Authority of the Birmingham District (HABD) is seeking proposals from qualified and licensed Real Estate Brokerage Firm able to assist HABD in buying, selling, and/or leasing property and also able to provide miscellaneous Real Estate Consulting Services. All services are to be provided by the Real Estate Broker upon request of HABD and will be agreed to through a Task Order or Addendum Agreement.

Description of Services:

A. Sale or Lease of Property by the Housing Authority of the Birmingham District

- Should HABD desire to use the services a Real Estate Brokerage Firm(s) to sell or lease property owned by HABD the Real Estate Broker(s) shall generally:
- Provide analysis and recommendations on property owned by HABD
- Develop and carry out an agreed-upon public marketing strategy to solicit interested buyers/lessees;
- Market the property in a manner consistent with local zoning ordinances;
- Coordinate site visits with developers and potential buyers/lessees as needed, keeping the Housing Authority of the Birmingham District apprised of all planned site visits;
- Receive and evaluate bids/offers received from all buyers/lessees;
- Present all received bids to the HABD with a recommendation;

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- Prepare and/or review documents, including but not limited to real estate documents, property documents, and required notices; and
- Coordinate and finalize real estate transactions and agreements working closely with the Housing Authority of the Birmingham District's attorney to assist the Authority in finalizing the sale and lease.

B. Purchase or Lease of Property by the Housing Authority of the Birmingham District

- Should the HABD desire to use the services of the Real Estate Broker to purchase or lease property not owned by the HABD, the Real Estate Broker shall generally:
- Work with the HABD to identify the needs and characteristics of property to be acquired or leased;
- Identify potential candidate sites and properties maintaining discretion and client confidentiality;
- Present findings on suitable properties, including any encumbrances and/or constraints on properties
- Coordinate site visits by representatives of the HABD as necessary;
- Coordinate any necessary or desired inspections of property; and
- Coordinate and finalize real estate transactions and agreements working closely with HABD's attorney to assist the Housing Authority of the Birmingham District in finalizing the sale or lease.

C. Real Estate Consulting Services

Real Estate Consulting Services that the HABD District may request include, but are not limited to:

- Acquisition/valuation analysis;
- Highest and best use analysis;
- Financial analyses;
- Broker opinion of value; and
- Analysis of market rent/sales trends, vacancy, and absorption.

3.0 PROPOSAL FORMAT.

3.1 Tabbed Proposal Submittal. The Agency intends to retain the successful proposer pursuant to a "Best Value" basis, not a "Low Bid" basis ("Best Value," in that the Agency will, as detailed within the following Section 4.0 herein, consider factors other than just cost in making the award decision). Therefore, so that the Agency can properly evaluate the offers received, all proposals submitted in response to this RFP must be formatted in accordance with the sequence noted within the table below. Each category must be separated by numbered index dividers (which number extends so that each tab can be located without opening the proposal) and labeled with the corresponding tab reference also noted below. None of the proposed services may conflict with any requirement the Agency has published herein or has issued by addendum.

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[Table No. 3]

(1) RFP Section	(2) Tab No.	(3) Description
3.1.1	1	Form of Proposal and Pricing. This Form is attached hereto as Attachment A to this RFP document. This Form must be fully completed, executed where provided thereon and submitted under this tab as a part of the proposal submittal.
3.1.2	2	Form HUD-5369-C (8/93), <i>Certifications and Representations of Offerors, Non-Construction Contract.</i> This Form is attached hereto as Attachment B to this RFP document. This 2-page Form must be fully completed, executed where provided thereon and submitted under this tab as a part of the proposal submittal.
3.1.3	3	Profile of Firm Form. The Profile of Firm Form is attached hereto as Attachment C to this RFP document. This 2-page Form must be fully completed, executed and submitted under this tab as a part of the proposal submittal.
3.1.4	4	Proposed Services. As more fully detailed within Section 2.0, <i>Scope of Proposal/Technical Specifications</i> , of this document, the proposer shall, at a minimum, clearly detail within the information submitted under this tab documentation showing:
3.1.4.1		As detailed within Section 4.1, Evaluation Factor No. 2, herein, the proposer's DEMONSTRATED UNDERSTANDING of the AGENCY'S REQUIREMENT.
3.1.4.2		As detailed within Section 4.1, Evaluation Factor No. 3, herein, the QUALITY of the TECHNICAL APPROACH and the SERVICES PROPOSED.
3.1.4.3		As detailed within Section 4.1, Evaluation Factor No. 4, the proposer's TECHNICAL CAPABILITIES (in terms of personnel) and the MANAGEMENT PLAN (including the ability to provide the services detailed herein).

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3.1.4.4		As detailed within Section 4.1, Evaluation Factor No. 5, the proposer's DEMONSTRATED RELEVANT EXPERIENCE in performing similar work and the proposer's DEMONSTRATED SUCCESSFUL PAST PERFORMANCE (including meeting costs, schedules, and performance requirements) of contract work substantially similar to that required by this solicitation as verified by reference checks or other means. (NOTE: The Agency will place particular emphasis on the proposer's above-described EXPERIENCE and PAST PERFORMANCE with public and institutional entities and HUD-related work).
3.1.5	5	Managerial Capacity/Financial Viability/Staffing Plan. The proposer entity must submit under this tab a concise description of its managerial and financial capacity to deliver the proposed services, including brief professional resumes for the persons identified within areas (5) and (6) of Attachment C, <i>Profile of Firm Form</i> . Such information shall include the proposer's qualifications to provide the services; a description of the background and current organization of the firm (including a current organizational chart).
3.1.6	6	Client Information. The proposer shall submit a listing of former or current clients, including Public Housing Agency, for whom the proposer has performed similar or like services to those being proposed herein. The listing shall, at a minimum, include:
3.1.6.1		The client's name;
3.1.6.2		The client's contact name;
3.1.6.3		The client's telephone number and e-mail address;
3.1.6.4		A brief narrative description and scope of the service(s) and the dates the services were/are provided.
3.1.7	7	Equal Employment Opportunity/Supplier Diversity. The proposer must submit under this tab a copy of its Equal Opportunity Employment Policy and a complete description of the positive steps it will take to ensure compliance, to the greatest extent feasible, with the regulations detailed within the following Section 3.6 herein pertaining to supplier diversity (i.e., small, minority-, and women-owned businesses).

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3.1.8	8	Subcontractor/Joint Venture Information (Optional Item). The proposer shall identify hereunder whether or not he/she intends to use any subcontractors for this job, if awarded, and/or if the proposal is a joint venture with another firm. Please remember that all information required from the proposer under the proceeding tabs must also be included for any major subcontractors (10% or more) or from any joint venture.
3.1.9	9	Other Information (Optional Item). The proposer may include hereunder any other general information that the proposer believes is appropriate to assist the Agency in its evaluation.
3.1.10		Optional Tabs. If no information is to be placed under any of the above noted tabs (especially the “Optional” tabs), please place there under a statement such as “NO INFORMATION IS BEING PLACED UNDER THIS TAB” or “THIS TAB LEFT INTENTIONALLY BLANK.” <u>DO NOT</u> eliminate any of the tabs.
3.1.11		Proposal Submittal Binding Method. It is preferable and recommended that the proposer bind the proposal submittals in such a manner that the Agency can, if needed, remove the binding (i.e. “spiral-type” etc.) or remove the pages from the cover (i.e. 3-ring binder; etc.) to make copies, then conveniently return the proposal submittal to its original condition.

3.2 Submission Requirement

3.2.1 Proposal Submission. All pricing must be entered under Attachment A “Form of Proposal and Pricing.” All proposals must be submitted and time-stamped received in the designated Agency’s office by no later than the submittal deadline stated herein (or within any ensuing addendum). A total of 1 original signature copy (marked “ORIGINAL”) and 3 exact copies of the proposal and 1 soft copy on a flash drive must be submitted. The “hard copy” proposal submittal shall be placed unfolded in a sealed package and addressed and delivered to:

**Housing Authority of the Birmingham District
Attention: Darryl Grayson, Interim Procurement Mgr.
1826 3rd Avenue South, Birmingham, AL 35233**

3.2.2 Labeling of the Sealed Proposal Submission Package. The package exterior must clearly denote the above noted RFP number and must have the proposer’s name and return address.

3.2.3 Submission Conditions. DO NOT FOLD OR MAKE ANY ADDITIONAL MARKS, NOTATIONS, OR REQUIREMENTS ON THE DOCUMENTS TO BE SUBMITTED? Proposers are not allowed to change any requirements or forms contained herein, either by making or entering onto these documents or the documents submitted any revisions or additions; and if any such additional marks, notations or requirements are entered on any of the documents that are submitted to the Agency by the proposer, such may invalidate that proposal. If, after accepting such a proposal, the Agency decides that any such entry has not changed the intent of the proposal

that the Agency intended to receive, the Agency may accept the proposal and the proposal shall be considered by the Agency as if those additional marks, notations, or requirements were not entered on such. By accessing the eProcurement Marketplace, registering, and downloading these documents, each proposer that does so is agreeing to confirm all notices that the Agency delivers to him/her as instructed, and by submitting a proposal, the proposer is thereby agreeing to abide by all terms and conditions published herein and by addendum pertaining to this RFP.

3.2.4 Submission Responsibilities. It shall be the responsibility of each proposer to be aware of and to abide by all dates, times, conditions, requirements, and specifications set forth within all applicable documents issued by the Agency including the RFP document, the documents listed with the following Section 3.8 and any addenda and required attachments submitted by the proposer. By virtue of completing, signing, and submitting the completed documents, the proposer is stating his/her agreement to comply with all conditions and requirements set forth within those documents. Written notice from the proposer not authorized in writing by the Program Analyst to exclude any of the Agency requirements contained within the documents may cause the proposer to not be considered the award.

3.3 Proposer's Responsibilities – Contact with the Agency. It is the responsibility of the proposer to address all communication and correspondence pertaining to this RFP process to the Program Analyst only. Proposers must not make inquiry or communicate with any other Agency staff member or official (including members of the Board of Commissioners) pertaining to this RFP. Failure to abide by this requirement may be cause for the Agency to not consider a proposal submittal received from any proposer who may not have abided by this directive.

3.3.1 Addenda. All questions and requests for information must be addressed in writing to the Program Analyst. The Program Analyst will respond to all such inquiries in writing by addendum to all prospective proposers (i.e. firms or individuals that have obtained the RFP Documents). During the RFP solicitation process, the Program Analyst will NOT conduct any *ex parte* (a substantive conversation—"substantive" meaning, when decisions pertaining to the RFP are made—between the Agency and a prospective proposer when other prospective proposers are not present) conversations that may give one prospective proposer an advantage over other prospective proposers. This does not mean that prospective proposers may not call the Program Analyst—it simply means that, other than making replies to direct the prospective proposer where his/her answer has already been issued within the solicitation documents, the Program Analyst may not respond to the prospective proposer's inquiries but will direct him/her to submit such inquiry in writing so that the Program Analyst may more fairly respond to all prospective proposers in writing by addendum.

3.4 Proposer's Responsibilities – Equal Employment Opportunity and Supplier Diversity. Both the successful proposer and the Agency have, pursuant to HUD regulation, certain responsibilities pertaining to the hiring and retention of personnel and subcontractors.

3.4.1 Within 2 CFR §200.321 it states:

3.4.1.1 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

3.4.1.2 (a) The non-federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

3.4.1.3 (2) Affirmative steps must include:

3.4.1.3.1 (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

3.4.1.3.2 (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

3.4.1.3.3 (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

3.4.1.3.4 (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

3.4.1.3.5 (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

3.4.1.3.6 (6) Requiring the prime bank, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

3.4.2 Within HUD Procurement Handbook 7460.8 REV 2 it states:

3.4.2.1 **Section 15.5.A, Required Efforts.** Consistent with Presidential Orders 11625, 12138, and 12432, the [Agency] shall make every effort to ensure that small businesses, MBEs, WBEs, and labor surplus area businesses participate in [Agency] contracting.

3.4.2.2 **Section 15.5.B, Goals.** [The Agency] is encouraged to establish goals by which they can measure the effectiveness of their efforts

in implementing programs in support of . . . contracting with disadvantaged firms. It is important to ensure that the means used to establish these goals do not have the effect of limiting competition and should not be used as mandatory set-aside or quota, except as may otherwise be expressly authorized in regulation or statute. Some localities have adopted minority contracting set-aside policies or geographic limitations, which may be in conflict with Federal requirements for full and open competition.

3.4.3 Within our **Agency Procurement Policy** it states that our Agency will:

3.4.3.1 Assistance to Small and Other Business, Required Efforts:

3.4.3.1.1 Including such firms, when qualified, on solicitation mailing lists;

3.4.3.1.2 Encouraging their participation through direct solicitation of proposals or proposals whenever they are potential sources;

3.4.3.1.3 Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms;

3.4.3.1.4 Establishing delivery schedules, where the requirement permits, which encourage participation by such firms;

3.4.3.1.5 Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce;

3.4.3.1.6 Requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed above.

3.4.4 Requirements. Accordingly, please see Section 3.1.7 within Table No. 3 herein which details the information pertaining to this issue that the proposer must submit in response to this proposal showing compliance, to the greatest extent feasible, with these regulations.

3.5 Pre-proposal Conference. A pre-proposal conference is scheduled for May 6, 2024.

3.6 Recap of Attachments. It is the responsibility of each proposer to verify that he/she has downloaded the following attachments pertaining to this RFP, which are hereby by reference included as a part of this RFP:

[Table No. 4]

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(1) RFP Section	(2) Document No.	(2) Attachment	(4) Description
3.6.1	1.0		This RFP Document
3.6.2	2.0	A	Form of Proposal and Pricing
3.6.3	3.0	B	form HUD-5369-C (8/93), <i>Certifications and Representations of Offerors, Non-Construction Contract</i>
3.6.4	4.0	C	Profile of Firm Form
3.6.5	5.0	D	Section 3 Explanation
3.6.6	6.0	E	form HUD-5369-B (8/93), <i>Instructions to Offerors, Non-Construction</i>
3.6.7	7.0	F	<i>Supplemental Instructions To Proposers & Contractors (SIPC)</i>
3.6.8	8.0	G	Sample Contract Form (please note that this contract and the listed appendices are being given as a sample only—the Agency reserves the right to revise any clause herein and/or to include within the ensuing contract any additional clauses that the Agency feels it is in its best interests to do so)
3.6.8.1	8.1	G-1	Sample Contract Appendix No. 1: form HUD-5370-C (01/2014), <i>General Conditions for Non-Construction Contracts Section 1 (With or without Maintenance Work)</i>
3.6.8.2	8.2	G-2	Sample Contract Appendix No. 2: form HUD 50071 (01/14), <i>Certification of Payments to Influence Federal Transactions (NOTE: This form will only be completed and included as a part of the ensuing contract if the Agency anticipates that total awards pursuant to the ensuing contract may or will exceed \$100,000.)</i>
3.6.8.3	8.3	G-3	Sample Contract Appendix No. 3: Standard Form LLL (Rev. 01/14), <i>Disclosure of Lobbying Activities (NOTE: This form will only be completed and included as a part of the ensuing contract if the Contractor designates an affirmative answer to Item No. (2) within the immediate identified form 50071.)</i>
3.6.8.4	8.4	G-4	Sample Contract Appendix No. 4: <i>Alabama E-Verify Affidavit</i>
3.6.9	9.0	H	<i>Agency Profile of Properties</i>

4.0 PROPOSAL EVALUATION.

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- 4.1 **Objective/Subjective Evaluation Factors.** The following factors will be utilized by the Agency to evaluate each proposal submittal received; award of points for each listed factor will be based upon the documentation that the proposer submits within his/her proposal submittal and on-line (specifically, the pricing submitted on-line):

[Table No. 5]

(1) Factor No.	(2) Max Point Value	(3) Factor Type	(4) Factor Description
1	15 points	Objective	The PROPOSED COSTS submitted by the proposer.
2	10 points	Subjective (Technical)	The proposer's DEMONSTRATED UNDERSTANDING of the AGENCY'S REQUIREMENT .
3	15 points	Subjective (Technical)	The QUALITY of the TECHNICAL APPROACH and the SERVICES PROPOSED .
4	15 points	Subjective (Technical)	The proposer's TECHNICAL CAPABILITIES (in terms of personnel) and the MANAGEMENT PLAN (including the ability to provide the services detailed herein).
5	30 points	Subjective (Technical)	The proposer's DEMONSTRATED RELEVANT EXPERIENCE in performing similar work and the proposer's DEMONSTRATED SUCCESSFUL PAST PERFORMANCE (including meeting costs, schedules, and performance requirements) of contract work substantially similar to that required by this solicitation as verified by reference checks or other means. (NOTE: The Agency will place particular emphasis on the proposer's above-described EXPERIENCE and PAST PERFORMANCE with public and institutional entities and HUD-related work).
6	15 points	Subjective (Technical)	The OVERALL QUALITY, ORGANIZATION, and PROFESSIONAL APPEARANCE of the PROPOSAL SUBMITTED , based upon the opinion of the evaluators.
	100 points		Total Points (other than preference points)
*NOTE: Points will be awarded for each Subjective Factor by each of the appointed evaluation committee members based on his/her opinion after a thorough review of the information submitted by each proposer within his/her proposal.			

- 4.2 **Evaluation Method.** The eventual award will occur based on the following detailed brief procedures.

4.2.1 **Initial Evaluation for Responsiveness.** Each proposal received will first be evaluated for responsiveness (i.e. meets the minimum of the requirements).

4.2.2 **Evaluation Packet.** An evaluation packet will be prepared for each evaluator, including the following documents:

4.2.2.1 Instructions to Evaluators;

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- 4.2.2.2 Proposal Tabulation Form;
- 4.2.2.3 Written Narrative Form for each proposer;
- 4.2.2.4 Recap of each proposer’s responsiveness;
- 4.2.2.5 Copy of all pertinent RFP documents.

4.2.3 Evaluation Committee. The Agency anticipates that it will select a minimum of a three-person committee to evaluate each of the responsive “hard copy” proposals submitted in response to this RFP. PLEASE NOTE: No proposer shall be informed at any time during or after the RFP process as to the identity of any evaluation committee member. If, by chance, a proposer does become aware of the identity of such person(s), he/she SHALL NOT make any attempt to contact or discuss with such person anything related to this RFP. As detailed within Section 3.3 of this document, the designated Program Analyst is the only person at the Agency that the proposers shall contact pertaining to this RFP. Failure to abide by this requirement may (and most likely will) cause such proposer(s) to be eliminated from consideration for award.

4.2.4 Evaluation. The Program Analyst will evaluate and award points pertaining to Evaluation Factor No. 1 (the “Objective” Factor). The appointed evaluation committee, independent of the Program Analyst or any other person at the Agency, shall evaluate the responsive proposals submitted and award points pertaining to Evaluation Factors No. 2, 3, 4, 5 and 6 (the “Subjective” Factors). Upon final completion of the proposal evaluation process, the evaluation committee will forward the completed evaluations to the Program Analyst.

4.2.4.1 Points Awarded Range. Pertaining to the Subjective Factors, please note the following range of points awarded (points pertaining to this RFP are shaded—please also see the Evaluation Factors detailed within the preceding Section 4.1):

[Table No. 6]

Points Awarded Range					
Classification*	Rating	%	10	20	100**
Acceptable	Excellent	95%/+	10	19-20	95-100
Acceptable	Very Good	90%/+	9	18	90-94
Potentially Acceptable	Good	80%/+	8	16-17	80-89
Potentially Acceptable	Average	70%/+	7	14-15	70-79
Unacceptable	Poor	<70%	0-6	0-13	0-69
*Pursuant to Section 7.2.N.3 of HUD Procurement Handbook 7460.8 REV 2.					
**Total available points to be awarded, including cost points, minus preference points.					

- 4.2.5 Potential "Competitive Range" or "Best and Finals" Negotiations.** The Agency reserves the right to, as detailed within Section 7.2.N through Section 7.2.R of HUD Procurement Handbook 7460.8 REV 2, conduct a "Best and Finals" Negotiation, which may include oral interviews, with all firms deemed to be in the competitive range. Any firm deemed not to be in the competitive range shall be notified of such in writing by the Agency in as timely a manner as possible, but in any case within no longer than 10 days after the beginning of such negotiations with the firms deemed to be in the competitive range.
- 4.2.6 Determination of Top-ranked Proposer.** Typically, the subjective points awarded by the evaluation committee will be combined with the objective points awarded by the Program Analyst to determine the final rankings, which is typically forwarded by the Program Analyst to the President/CEO for approval. If the evaluation was performed to the satisfaction of the President/CEO, the final rankings may be forwarded to the Housing Authority Board of Commissioners (BOC) at a scheduled meeting for approval. Contract negotiations may, at the Agency's option, be conducted prior to or after the BOC approval.
- 4.2.6.1 Minimum Evaluation Results.** To be considered to receive an award a proposer must receive a total calculated average of at least 70 points.
- 4.2.6.2 Ties.** In the case of a tie in points awarded, the award shall be decided as detailed within Section 6.12.C of HUD Procurement Handbook 7460.8 REV 2, by "drawing lots or other random means of selection."
- 4.2.7 Notice of Results of Evaluation.** If an award is completed, all proposers will receive by e-mail a Notice of Results of Evaluation. Such notice shall inform all proposers of:
- 4.2.7.1** Which proposer received the award;
- 4.2.7.2** Where each proposer placed in the process as a result of the evaluation of the proposals received;
- 4.2.7.3** The cost or financial offers received from each proposer;
- 4.2.7.4** Each proposer's right to a debriefing and to protest.
- 4.2.8 Restrictions.** All persons having familial (including in-laws) and/or employment relationships (past or current) with principals and/or employees of a proposer entity will be excluded from participation on the Agency evaluation committee. Similarly, all persons having ownership interest in and/or contract with a proposer entity will be excluded from participation on the Agency evaluation committee.

5.0 CONTRACT AWARD.

5.1 Contract Award Procedure. If a contract is awarded pursuant to this RFP, the following detailed procedures will be followed:

5.1.1 By completing, executing and submitting a proposal, the “proposer is thereby agreeing to abide by all terms and conditions pertaining to this RFP as issued by the Agency, either in hard copy or on the eProcurement Marketplace,” including the contract clauses already attached as Attachments G and G-1 through G-4, each attached hereto. Accordingly, the Agency has no responsibility to conduct after the submittal deadline any negotiations pertaining to the contract clauses already published.

5.2 Contract Conditions. The following provisions are considered mandatory conditions of any contract award made by the Agency pursuant to this RFP:

5.2.1 Contract Form. The Agency will not execute a contract on the successful proposer’s form—contracts will only be executed on the Agency form (please see Sample Contract, Attachments G and G-1 through G-4 each attached hereto), and by submitting a proposal the successful proposer agrees to do so (please note that the Agency reserves the right to amend this form as the Agency deems necessary). However, the Agency will during the RFP process (prior to the posted question deadline) consider any contract clauses that the proposer wishes to include therein and submits in writing a request for the Agency to do so; but the failure of the Agency to include such clauses does not give the successful proposer the right to refuse to execute the Agency’s contract form. It is the responsibility of each prospective proposer to notify the Agency, in writing, prior to submitting a proposal, of any contract clause that he/she is not willing to include in the final executed contract and abide by. The Agency will consider and respond to such written correspondence, and if the prospective proposer is not willing to abide by the Agency’s response (decision), then that prospective proposer shall be deemed ineligible to submit a proposal.

5.2.1.1 Mandatory HUD Forms. Please note that the Agency has no legal right or ability to (and will not) at any time negotiate any clauses contained within ANY of the HUD forms included as a part of this RFP.

5.2.1.2 E-Verify Affidavit. The successful proposer must certify compliance with Alabama E-Verify requirements, in that the successful proposer is registered, uses, and will continue to use the E-Verify, Federal Work Authorization Program throughout the contract period. This Form is attached hereto as Attachment G-4 to this RFP document. This 1-page Form will be fully completed and executed where provided thereon by the successful proposer and will be a part of the ensuing contract (NOTE: It is NOT necessary to complete and submit this form as a part of the proposal submittal—only the awarded proposer(s) will be required to do so as a part of the contract execution).

- 5.2.2 **Assignment of Personnel.** The Agency shall retain the right to demand and receive a change in personnel assigned to the work if the Agency believes that such change is in the best interest of the Agency and the completion of the contracted work.
- 5.2.3 **Unauthorized Sub-contracting Prohibited.** The successful proposer shall not assign any right, nor delegate any duty for the work proposed pursuant to this RFP (including, but not limited to, selling or transferring the contract) without the prior written consent of the Program Analyst. Any purported assignment of interest or delegation of duty, without the prior written consent of the Program Analyst shall be void and may result in the cancellation of the contract with the Agency, or may result in the full or partial forfeiture of funds paid to the successful proposer as a result of the proposed contract; either as determined by the Program Analyst.
- 5.3 **Contract Period.** The Agency anticipates that it will initially award a contract for the period of 2 years with the option, at the Agency's discretion, of 3 additional one-year option periods, for a total maximum contract period of 5 years.
- 5.4 **Licensing and Insurance Requirements.** Prior to award (but not as a part of the proposal submission) the *successful proposer* will be required to provide:
- 5.4.1 **Workers Compensation Insurance.** An original certificate evidencing the proposer's current industrial (worker's compensation) insurance carrier and coverage amount (NOTE: Workers Compensation Insurance will be required of any Contractor that has employees other than just the owner working on-site to provide the services);
- 5.4.2 **General Liability Insurance.** An original certificate evidencing General Liability coverage, naming the Agency as an additional insured, together with the appropriate endorsement to said policy reflecting the addition of the Agency as an additional insured under said policy (minimum of \$1,000,000 each occurrence, general aggregate minimum limit of \$1,000,000, together with damage to premises and fire damage of \$50,000 and medical expenses any one person of \$5,000), with a commercially reasonable deductible (i.e., "commercially reasonable," meaning not greater than 1% of the "general aggregate minimum" of the policy, with a maximum deductible amount of \$50,000);
- 5.4.3 **Professional Liability Insurance.** An original certificate showing the proposer's professional liability and/or "errors and omissions" coverage (minimum of \$1,000,000 each occurrence, general aggregate minimum limit of \$1,000,000), with a commercially reasonable deductible (i.e., "commercially reasonable," meaning not greater than 1% of the "general aggregate minimum" of the policy, with a maximum deductible amount of \$50,000);

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- 5.4.4 Automobile Insurance.** An original certificate showing the proposer's automobile insurance coverage in a combined single limit of \$1,000,000. For every vehicle utilized during the term of this program, when not owned by the entity, each vehicle must have evidence of automobile insurance coverage with limits of no less than \$100,000/\$300,000 and medical pay of \$5,000.
- 5.4.5 City/County/State Business License.** If applicable, a copy of the proposer's business license allowing that entity to provide such services within the City of Birmingham, Jefferson County, and/or the State of Alabama.
- 5.4.6 Certificates/Profile of Firm Form.** Pertaining to the aforementioned (within Sections 5.4.1 through 5.4.5) insurance certificates and licenses, each proposer is required to enter related information where provided for on the Profile of Firm Form (do not attach or submit copies of the insurance certificates or licenses within the proposal submittal—we will garner the necessary documents from the successful proposer prior to contract execution).
- 5.5 Right to Negotiate Final Fees.** As further detailed within the preceding Section 4.2.5 herein, the Housing Agency shall retain the right to negotiate the amount of fees that are paid to the successful proposer, meaning the fees proposed by the top-rated proposer may, at the Agency's options, be the basis for the beginning of negotiations. Such negotiations shall take part as detailed within the preceding Section 4.2.5 herein. Such negotiations shall begin after the Agency has chosen a top-rated proposer. If such negotiations are not, in the opinion of the Program Analyst successfully concluded within 5 business days, the Agency shall retain the right to end such negotiations and begin negotiations with the next-rated proposer. The Agency shall also retain the right to negotiate with and make an award to more than one proposer.
- 5.6 Contract Service Standards.** All work performed pursuant to this RFP must conform and comply with all applicable local, state, and federal codes, statutes, laws, and regulations.
- 5.7 Prompt Return of Contract Documents.** Any and all documents required to complete the contract, including contract signature by the successful proposers, shall be provided to the Agency within 10 workdays of notification by the Agency.

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