

Request for Proposals

Commercial Real Estate Agents for the Sale of County and District Owned Property

RFP #20-03 – County Administration

The County of Siskiyou, California is requesting proposals from qualified real estate agents to list, advertise and promote the sale of Siskiyou County and Siskiyou County Flood Control and Water Conservation District owned property, as well as provide professional services as needed regarding the possible sale of other county owned properties. Any questions regarding this request for proposal should be directed to:

Elizabeth Nielsen
Project Coordinator
County Administration
1312 Fairlane Road
Phone: (530) 842-8012
Email: enielsen@co.siskiyou.ca.us

RFP Issued: November 5, 2020

Proposals Due: 5:00 PM on December 4, 2020



Preface

The County of Siskiyou and the Siskiyou County Flood Control and Water Conservation District (hereafter referred to as the “County”) is looking for qualified firms or individuals to provide services as a Real Estate Agent to facilitate the sale of property owned by the County, as outlined in this Request for Proposals (RFP). Sale of County owned property must comply with California Government Code – Sections 54220-54232: Surplus Land (details provided in Scope of Work). Proposals must be submitted in accordance with all requirements of this RFP. Any deviations from, clarifications to, or exceptions from the requirements of the RFP must be clearly identified and, if appropriate listed separately as alternatives for considerations.

Project Description

The County possesses property for which they have already declared, or may declare, as surplus to its needs, and the county therefore desires to dispose of the property. There are five properties included in this RPF for which we will require services. An outline of these properties is included in Attachment A to this RPF. In addition, the County may seek the Agents professional opinion on the sale or marketing of other properties that would provide an economic opportunity to the county within the timeframe of the contract, understanding that such property would need to be surplus, or declared surplus, to the county’s needs.

Scope of Work

The successful firm shall agree to contract with the County to provide the following services (and in compliance with California Government Code Sections 54220-54232 for the sale of county owned properties):

- Develop strategies for sale of designated County-owned properties (including conducting a study of comparable properties).
- Develop marketing materials (electronic and/or hard copy) to advertise available properties for sale.
- Distribute the materials to potential buyers via the appropriate form(s) of media and report results to the County.
- Participate in site tours of available property for potential buyers;
- Analyze offers from potential buyers and advise the County with respect to negotiations;
- Represent the County in negotiations with a prospective buyer from the time of offer until closing;
- Coordinate real estate transaction closings;
- Handle all other customary activities and services associated with real estate transactions.

There may be times when the firm, or individual agent will need to coordinate with Department Heads and/or present information and answer inquiries from the Siskiyou County Board of Supervisors during a Board Meeting. This would be done in coordination with County staff and would not be an independent activity.

In addition to this RFP for real estate services, the County is releasing an RFP for appraisal services. Respondents are allowed and encouraged to respond to both RFP's if they have the ability to do so.

All sales of County owned surplus properties must follow *California Government Code – Sections 54220- 54232: Surplus Land*, outlined below:

1. Determine whether you want to lease (or sell) land that is “surplus land” or “exempt surplus land”.

- a. “Surplus Land” is land owned by the County that is no longer necessary for the County’s use (that doesn’t fall within the definition below). This land will require notice of availability to public agencies and 60-day wait period.
- b. “Exempt Surplus Land” is land being sold to an owner of contiguous land that is “(A) less than 5,000 square feet in area, (B) less than the minimum legal residential building lot size for the jurisdiction in which the parcel is located, or 5,000 square feet in area, whichever is less, or (C) has no record access and is less than 10,000 square feet in area; and is not contiguous to land owned by a state or local agency that is used for park, recreational, open-space, or low- and moderate-income housing purposes and is located neither within an enterprise zone pursuant to Section 7073 nor a designated program area as defined in Section 7082. This land will not require notice of availability to public agencies.

2. Schedule First Public Meeting: Bring Forward Surplus Property Declaration (or Exempt Surplus Property Declaration):

- a. *Surplus Property Declaration:*
 - i. Board declares the property is surplus to the needs of the County and not needed for public use by the County, and directs staff to send a notice of lease/sale to various public agencies pursuant to Government Code Section 54222; and directs that if no interest is received, staff to bring forward resolution for intention to sell pursuant to Government Code 25526.
 - ii. Staff sends Notice of Availability of Surplus Real Property to eligible agencies as set forth in Government Section 54222. Agencies have 60 days from receipt to reply.
 1. *If agency responds* with interest, County must enter into good faith negotiations for sales price or lease terms. If agreement cannot be reached in 90 days, County may otherwise dispose of property pursuant to law.

- a. *Entity that will use land for housing has priority over other interested agencies.*

If no agency responds, County moves forward with disposal of property pursuant to law.

- b. *Exempt Surplus Property Declaration:*

- i. Board declares property “exempt surplus property”. No notice to local agencies needed, and if selling, we are likely able to combine this declaration with Board direction under Government Code section 25526.5 (property with estimated valued at 25k and below is sold as directed by Board without public auction).

3. **Second Public Meeting: Bring forward a resolution declaring the Board’s intention to lease (or sell) the property at public auction.** Requires 2/3 vote of approval; or 4 out of 5 Board members; must occur at regular meeting of the Board. (Gov. Code, § 25526.)

- a. **Resolution of Intention:**

- i. **Resolution of Intention to Lease (or Sell) must contain:**

1. A property description “in a manner as to identify it”
2. A minimum rental (or sales price);
3. The terms upon which it is being leased (or sold); (*Note: So the lease terms need to be completed before the meeting at which we bring forward the resolution.)
4. The time and date of a public meeting (at least three weeks from the meeting on the resolution), when the Board will receive and consider sealed proposals to lease (or purchase).
 - a. *This meeting must take place at the BOS chambers.
5. *If the Board desires to pay a commission to a licensed real estate broker for obtaining any proposal, the Board must include rate of commission in the resolution. (Gov. Code, § 25527.)

- ii. **Super Low Value Property/Super low value rentals:** If the annual rent for the property (or price) is not over \$2,000, or \$150 per month for a period of 1 year or less, then the Resolution of Intention may be streamlined and must only include: (Gov. Code, § 25526.)

1. Brief description of the property;
2. The minimum rental (or sales price);
3. Reference to the proposed conveyance document or lease on file in the office of the Clerk’s Office, which sets forth the terms for selling or leasing the property may be seen. (*Note: So the lease needs to be completed before the meeting at which we bring forward the resolution.)

- b. **Real Property Sales of 25K or Less:** (Gov. Code, § 25526.5.)
 - 1. If the Board determines real property is no longer necessary for County or other public purposes, and the property value is estimated at \$25,000 or less, the County does not have to go through the bidding procedure and may sell, exchange, quitclaim or convey the real property upon terms and conditions approved by the Board.
 - 2. Thus, the resolution would establish 1) property is no longer necessary for County or other public purposes; 2) direction to sell, exchange, etc. on terms set forth therein.
 - a. If the Board by ordinance delegates this function to a County officer, the County officer has to post notice of intention to execute sales in a public place at least 5 working days prior to effecting transfer.

4. Noticing After Resolution of Intent to Lease (or Sell) Is Adopted:

- a. **Noticing:** (Gov. Code, § 25528; Gov. Code, § 6063.)
 - i. The Resolution of Intention should direct the Clerk to post the signed Resolution in 3 public places for not less than 15 days before the bid opening meeting; and
 - ii. The Resolution of Intention should direct the Clerk to publish notice of same in a newspaper of general circulation once a week for three successive weeks. (Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the twenty-first day, including therein the first day.)
 - iii. Board may also advertise the proposed sale or lease in newspapers magazine and other periodicals.
- b. **Noticing if Monthly Rental Value is \$50 or Less** (Gov. Code, § 25529; Gov. Code, § 6062.)
 - i. If Board unanimously determines in Resolution of Intent that the property at issue has a monthly rental value of \$50 or less a month; then
 - ii. Resolution directs that a signed copy of the resolution be published in a newspaper of general circulation for 10 days. (Note: Publication would be made on each day on which the newspaper is published during the period.)

5. Third Public Meeting: Auction/Opening of Bids:

- a. The Board will open, examine and declare all of the sealed proposals that have been received.

- b. After doing so, but before any written bid is accepted, the Board will call for any oral bids. (Gov. Code, § 25531.)
 - c. The Board will choose the highest written bid, which is both: (Gov. Code, § 25530)
 - i. In conformance with all terms and conditions specified in the resolution of intention to sell or to lease; and
 - ii. Is made by a responsible bidder. (In determining highest sealed proposal, the Board shall not subtract from the bid the proposed commission to real estate broker.)
 - 1. **Unless Oral Bidder Outbids-** Board must accept the bid of a responsible oral bidder that offers to purchase or lease (in conformance with all terms and conditions specified in the resolution) at a price or rental exceeding the highest written bid by 5 percent. (Gov. Code, § 25531.)
 - 2. **Or Board Rejects All Bids-** The Board may reject any or all bids, written or oral, and withdraw the property from sale or lease, if in the public's best interest. (Gov. Code, § 25534.)
6. *Possible Continued Public Meeting on a Fourth Date: Final Acceptance:*
- a. Final acceptance of a proposal may occur either at the bid opening meeting or at an "adjourned meeting" held within 10 days. (Gov. Code, §25534.)
 - b. The resolution of acceptance will authorize and direct the Chair to execute the lease (or deed) and deliver it to the lessee (or purchaser) upon compliance with terms to be performed concurrently with execution/exchange. (Gov. Code, § 25535.)

Submission Requirements

Formatting the proposal is at the discretion of the proposer. Successful proposals will be well organized, adhering to primary tasks as outlined in the scope of work and will be sufficiently detailed and concise. All proposals should include a cover letter with a signature from an authorized representative of the proposing entity acknowledging understanding of terms and conditions of the RFP and certifying accuracy, and commitments expressed, within the proposal.

The proposal including scope, and budget, must adhere to primary tasks outlined under this RFP. Proposed work shall include all deliverables, including the deliverables as outlined under this RFP and any additional deliverables as deemed necessary by the submitter. Proposed fee schedules shall be broken down by property and include these two (mutually exclusive) methods of compensation: (1) rates for both hourly work and materials and (2) commission percentage for final sales of the property. For hourly work and materials, the proposer shall provide an estimated total dollar range, per property of

total hourly work and materials. The County reserves the right to which method (percentage or hourly fee) or another if the proposer is chosen.

Proposers should clearly detail their qualifications to perform the proposed work, including licenses, certifications, a description of experience in the industry. Please also provide an outline of your marketing strategy.

Conflict of Interest: Consultant shall disclose to The County any interest, direct or indirect, which could conflict in any manner or degree with the performance of service required. A potential conflict of interest may include, but is not limited to, work related to projects in the project area, or contracts with parties who may have a financial interest in the outcome of the project. At The County's discretion, a potential conflict of interest, to the extent it is waivable, may be waived or factored into the final award decisions and/or a modified Scope of Work.

Selection Process

The proposals received in response to this RFP will be screened by a selection committee. The evaluation committee will consider only the proposals which have been considered responsive to the proposal. Any proposal which fails to meet the requirements of the proposal will be considered non-responsive and may be rejected. The following criteria will be used in evaluation of the agents and their project teams.

- Possessing the necessary state and local requirements (licenses) to sell real estate;
- Experience, qualifications and references;
- Sales and marketing strategy;
- Knowledge of local and regional real estate market;
- Fee Schedule; and,
- Absence of conflicts of interest.

The County and/or Staff may meet or interview with any or all of the proposers during the evaluation process. A contract will be negotiated with one or more qualified entity or entities submitting the proposal(s) selected during the evaluation process. Proposals not selected in the evaluation process may be awarded a contract should negotiations with the selected proposer(s) prove unsuccessful. The County reserves the right to reject any and all proposals.

General Information

Proposals must be submitted by way of mail or hand delivery and additionally through electronic means, as is further described below.

- Hand Delivery: Hard copy proposals submitted by hand delivery must be received at the Siskiyou County Administration Office, 1312 Fairlane Road, Yreka, California 96097 **on or before December 4, 2020 at 5:00 p.m. PST** (ATTN: Elizabeth Nielsen, Project Coordinator).
- Mailing: Hard copy proposals by way of mail must be mailed to 1312 Fairlane Road, Yreka California 96097 and **postmarked by December 4, 2020 at 5:00 p.m. PST.**
- Electronic Copy Submittal (Required): In addition, proposers must submit an electronic copy of the proposal either through email, disc, or thumb drive. Electronic copies shall be sent to Elizabeth Nielsen, Project Coordinator, at enielsen@co.siskiyou.ca.us and must be received or **postmarked by December 4, 2020 at 5:00 p.m. PST.**

Responding parties will provide three (3) bound hard copies by hand delivery or mail and one electronic copy, either on a compact disc or thumb drive or by emailing enielsen@co.siskiyou.ca.us Respondents to this solicitation are asked to direct all inquiries related to the project(s) to Mrs. Nielsen at the email above or at 530-842-8012.

The county will provide the following to assist the selected entity(s):

- Designate a person to act as the county's point of contact with respect to the work performed under the contract.
- Information, as legally allowed and reasonably attainable, in possession of the County, that relates to the requirements of the project(s) or which is relevant for the project(s).
- Facilitate coordination with other entities, local agencies, organizations and individuals to obtain necessary available data and/or permission to obtain new data. Data acquisition will inherently be the responsibility of the selected firm.
- Advice on the project scope of work.
- Review and validation of project deliverables.

Proposers should thoroughly review the County's Attachments to this RFP to gain a clear understanding of the work entailed.

A proposal, which is in any way incomplete, irregular or conditional, at the County's discretion, will be rejected.

By submitting a proposal, proponents agree that any significant inaccuracy in information given by the consultant to the County will constitute good and sufficient cause for rejection of the proposal.

The consultant is expected to establish and maintain a close relationship with the County and its staff.

All costs associated with preparation of the response to this RFP shall be borne by the Consultant.

All proposals submitted in response to this request become the property of the County and public record, and as such may be subject to public review.

The County reserves the right to request additional information or clarification. The County reserves the right to negotiate a final agreement and price with the successful bidder(s) providing the best overall value to the County and its local partners.

Schedule of Work

Issue RFP – November 5, 2020

Proposals Due – December 4, 2020

Review of Proposals – December 7 – 11, 2020

Notification to proposers of selected agent – December 17, 2020

Executed Agreement – January 5, 2021

Additional Information

This RFP does not commit the County to award a contract, to pay any costs incurred in the preparation of a proposal for this request, or to procure a contract for services. The County reserves the right to accept or reject any or all proposals received as a result of this request, to make a partial award, and/or to waive any irregularity in the proposals, to negotiate with any qualified entity or to modify or cancel in part or in its entirety the RFP if it is in the best interests of the County to do so.

The prospective consultant is advised that should this RFP result in recommendation for award of a contract(s), the contract(s) will not be in force until it is approved by the Siskiyou County Board of Supervisors.

All products used or developed in the execution of any contract resulting from this RFP will become public domain.

Contract award as a result of this RFP will be made without discrimination on any basis prohibited under state or federal law.

List of Attachments

- **Attachment A-1** Foothill Property
- **Attachment A-2** Moonlit Oaks Property
- **Attachment A-3** 1516 Mt Shasta Blvd
- **Attachment A-4** Dunsmuir Property
- **Attachment A-5** Vacant Property Located South of County Administration Building