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Receiver of Taxes
CHARLES BERMAN

**TOWN OF NORTH HEMPSTEAD
OFFICE OF THE TOWN ATTORNEY**

**TOWN HALL
220 PLANDOME ROAD
MANHASSET, NY 11030
(516) 869-7600
FAX (516) 869-7605**



ELIZABETH D. BOTWIN
Town Attorney

**REQUEST FOR PROPOSALS
REAL ESTATE BROKERAGE SERVICES
RFP NO. TNH076-2016
Issue Date: January 27, 2016**

1. Overview

The Town of North Hempstead (the "Town") is the owner of real property known as 470 Old Westbury Road, Village of East Hills, designated as Section 7, Block 201, Lot 41 on the Land and Tax Map of the County of Nassau (the "Property"), which formerly served as the offices of the Town's Department of Services for the Aging. The Town desires to retain a licensed real estate broker to provide brokerage services to the Town with regard to the Property.

2. Scope of Services

The selected firm will be responsible to assisting the Town with brokerage services and representing the Town's interest in marketing the Property, locating a purchaser at a purchase price acceptable to the Town and negotiating contracts of sale for the Property. The successful firm shall agree to contract with the Town to provide the following:

- a. Advising the Town regarding the valuation of the Property
- b. Strategic planning for the sale of the Property
- c. Marketing the Property for sale to interested parties, including listing and showing the Property and all other activities customarily provided by a real estate broker
- d. Progress updates and timely telephone and email contact with assigned staff when there is active interest in the Property, or at other such times as may be requested by the Town.
- e. Meetings and consultation with Town officials

Deliverables may include valuation, marketing and strategic planning reports as specified in each task that may be issued during the term of the agreement.

3. Proposal Procedure

Proposals in response to this RFP must be submitted on or before 3 p.m. on February 24, 2016. The proposal must include

- a. Statement of the proposer's qualifications and a listing of projects completed for municipal entities within the last three (3) years, including a listing of proposer personnel that will be assigned to the project, including a statement of such individuals' qualifications.
- b. Proposer's strategy for the sale of the property.
- c. Proposed fee for performing the services, and at what time the fee is deemed earned by the proposer.
- d. A completed and signed disclosure statement attached to this RFP.

The above information must be submitted in a sealed opaque envelope with the words "Proposal for Real Estate Brokerage Services" written prominently on the envelope to:

Michael J. Kelly
Deputy Town Attorney
Town of North Hempstead
Office of the Town Attorney
220 Plandome Road
Manhasset, New York 11030

The Town will evaluate each proposal based on the following point allocation:

- | | |
|---|--------------------|
| a. Proposed Fee | 50 Possible Points |
| b. Experience of Proposer and Personnel | 25 Possible Points |
| c. Proposer's Sale Strategy | 25 Possible Points |

The Town shall inform the proposer that their proposal has been selected by means of a Notice of Award issued by the Town; neither the selection of a respondent nor the issuance of a Notice of Award shall constitute a binding commitment on behalf of the Town to enter into any contract, as any binding arrangement must be set forth in definitive documentation negotiated between and signed by the successful firm and the Town.

4. General Information, Requirements and Conditions

- a. The Town may accept any proposal, and may reject any and all proposals. Proposals received after the deadline noted above will not be considered.
- b. The Town reserves the right, as best serves its interest, to change any of the projected dates set forth in this RFP, including, but not limited to, the due date for receipt of proposals.

- c. The successful firm shall be permitted to subcontract the services provided that notice of such proposed subcontracting is provided to the Town. No additional commission will be paid by the Town to any subcontractor.
- d. The Town reserves the absolute right to terminate the services at any time.
- e. The successful firm shall maintain full and complete books and records of accounts in accordance with accepted accounting practices and such other records as may be prescribed by the Town Comptroller, including a contemporaneous record of work indicating in brief summary, a description of the work performed. Such books and records shall be retained for a period of six (6) years and shall at all times be available for audit and inspection by the Town Comptroller, the Town's auditors or a duly designated Town representative.
- f. The firm will promptly provide a response to any requests from the Town's FOIL Officer.
- g. The successful firm shall, to the fullest extent provided by law, defend and indemnify and save harmless the Town from claims, suits, action, damages and costs of every nature, kind, name and description resulting from the negligent performance of the services. Such defense and indemnity shall not be limited by reason of enumeration of any insurance coverage provided by the firm.
- h. The successful firm shall procure and maintain during the term of any agreement resulting from this RFP, with a carrier holding an "A" rating from AM Best Company, or its equivalent, and furnish certificates of insurance evidencing its procuring, the following insurance policies:
 - 1. Commercial general liability insurance covering the liability of the firm, and indemnifying and holding harmless the Town, its agents, employees and representatives from any and all loss and/or damage arising out of the performance of the services with a combined single limit (bodily injury/property damage) of One Million Dollars (\$1,000,000). The Town shall be named as additional insured on said policy;
 - 2. Workers' compensation insurance or proof of its not being required to secure same, as evidenced by certificates or affidavits approved by the State Workers' Compensation Board pursuant to State Workers' Compensation Law § 57(2); and
 - 3. Disability benefits insurance or proof of its not being required to secure same, as evidenced by certificates or affidavits approved by the State Workers' Compensation Board pursuant to State Workers' Compensation Law § 220(8).

DISCLOSURE FORM

The signatory of this questionnaire certifies under oath the truth and correctness of all statements and of all answers to the questions below.

Provide answers to each of the following and supporting documentation, where necessary:

1. **Adverse Equal Opportunity Determinations:** Identify all adverse determinations against your Company/Corporation/Partnership, or its employees or persons acting on its behalf, with respect to actions, proceedings, claims or complaints concerning violations of federal, state or municipal equal opportunity laws or regulations.

2. **Convictions and Unscrupulous Practice:** Has your Company/Corporation/Partnership, or any of its employees present or past, or anyone acting on its behalf, ever been cited for unscrupulous practice, or been convicted of any crime or offense arising directly or indirectly from the conduct of your Company/Corporation/Partnership's business, or has any of your Company/Corporation/Partnership's officers, director or persons exercising substantial policy discretion ever been convicted of any crime or offense involving business/financial misconduct or fraud? If so, describe the convictions and surrounding circumstances in detail.

3. **Pending or Threatened Actions/Suits:** Describe any past or present action, suit, proceeding or investigation pending or threatened against your Company/Corporation/Partnership including, without limitation, any proceeding known to be contemplated by government authorities, private parties, or current or former clients.

4. **Criminal Misconduct:** Has your Company/Corporation/Partnership, or any of its employees, or anyone acting on its behalf, been indicted or otherwise charged in connection with any criminal matter arising directly or indirectly from the conduct of your Company/Corporation/Partnership's business which is still pending, or has any of the Company/Corporation/Partnership's officers, directors or persons exercising substantial policy discretion been indicted or otherwise charged in connection with any criminal matter involving business or financial misconduct or fraud which is still pending? If so, describe the indictments or charges and surrounding circumstances in detail.

5. **Conflicts of Interest:** disclose any of the following, and describe any procedures your Company/Corporation/Partnership has, or would adopt, to assure the Town that a conflict of interest would not exist in the future):

(a) Any material financial relationships that your Company/Corporation/Partnership or any Company/Corporation/Partnership employee has that may create a conflict of interest or the appearance of a conflict of interest in contracting with or representing the Town.

(b) Any family relationship that any employee of your Company/Corporation/Partnership has with a member, employee, or official of the Town or that may create a conflict of interest or the appearance of a conflict of interest in contracting with or representing the Town.

(c) Any other matter that your Company/Corporation/Partnership believes may create a conflict of interest or the appearance of a conflict of interest in contracting with or representing the Town.

7. **Financial Disclosure:** Submit with this Disclosure Statement Form, any one of the following three items:

(a) a financial statement, prepared on an accrual basis, in a form which clearly indicates: Bidder's (1) assets, liabilities and net worth; (2) date of financial statement; and (3) name of firm preparing statement.

(b) a letter of credit reference from a recognized bank or financial institution; or

(c) a certified copy of a credit report from a recognized credit bureau, such as Dun and Bradstreet or TRW.

THE TOWN RETAINS THE ABSOLUTE RIGHT TO REJECT ANY PROPOSAL THAT FAILS TO INCLUDE COMPLETE DISCLOSURE STATEMENT FORM.

Dated this _____ day of _____, 20_____.

(Signature, if Individual)

By: _____ (Seal, if corporation)
(Signature)

Print Name: _____
(Legal Business Name of Company/Partnership/Corporation)

Print Title: _____

-----**(Affidavit for Individual)**-----

_____ being duly sworn, deposes and says, under penalty of perjury, that: a) he/she is an authorized representative of the Proposer; b) he/she has read all statements and answers to this DISCLOSURE STATEMENT FORM, including the attached letter of credit/certified copy of credit report or financial statement submitted pursuant to question number (6) Financial Disclosure; c) the attached letter of credit/certified copy of credit report or financial statement, taken from his/her books, is a true and accurate statement of his/her financial condition as of the date thereof; and b) all of the foregoing qualification information is true, complete, and accurate.

-----**(Affidavit for Partnership)**-----

_____ being duly sworn, deposes and says, under penalty of perjury, that: a) he/she is a member of the partnership of _____, b) he/she has read all statements and answers this DISCLOSURE STATEMENT FORM, including the attached letter of credit/certified copy of credit report or financial statement submitted pursuant to question number (7) Financial Disclosure; c) he/she is familiar with the books of said partnership showing its financial condition; c) the attached letter of credit/certified copy of credit report or financial statement, taken from the books of said partnership, is a true and accurate statement of the financial condition of the partnership as of the date thereof; and d) all of the foregoing qualification information is true, complete and accurate.

-----**(Affidavit for Corporation)**-----

_____ being duly sworn, deposes and says, under penalty of perjury, that: a) he/she is _____ of _____ (Full Legal Name of Corporation); b) he/she has read all statements and answers this DISCLOSURE STATEMENT FORM, including the attached letter of credit/certified copy of credit report or financial statement submitted pursuant to question number (7) Financial Disclosure; c) he/she is familiar with the books of said corporation showing its financial condition; c) the attached letter of credit/certified copy of credit report or financial statement, taken from the books of said corporation, is a true and accurate statement of the financial condition of said corporation as of the date thereof; and d) that all of the foregoing qualification information is true, complete and accurate.

-----**(Acknowledgement)**-----

_____ being duly sworn, deposes and says, under penalty of perjury, that he/she is _____ of _____ (Name of Proposer) that he/she is duly authorized to make the foregoing affidavit and that he/she makes it on behalf of () himself/herself: () said partnership; () said corporation.

Sworn to before me this _____ day of _____, 20_____, in the County of _____, State of _____.

(Notary Public) My commission expires: _____

NONCOLLUSIVE PROPOSAL CERTIFICATION

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

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

I, hereby certify under the penalties of perjury that the foregoing statement is true.

By:

Proposer's Signature	Date
Print Name	Title
Legal Name of Individual or Business Name of Company/Partnership/Corporation	Proposer's Federal Tax Identification # (Do Not Use SS#)
Address	Email Address

[MANDATORY ACKNOWLEDGMENT APPEARS ON FOLLOWING PAGE]

