

**Request for Proposals
Real Estate Brokerage Services**

Date Issued: Monday November 23, 2020

Due: 2:00 PM local time, Tuesday December 08, 2020

NOTICE IS HEREBY GIVEN that submissions will be received by the Troy Community Land Bank Corporation (the “Land Bank”) to provide Real Estate Brokerage Services. This Request for Proposal (“RFP”) is a competitive process designed to serve the Land Bank’s best interests and to provide firms a fair opportunity for consideration of their services. The request is open to all qualified firms able to deliver all requirements specified in this RFP. Proposals should address the proposal requirements for the services. All proposals will be treated as confidential and reviewed only by the Land Bank. Proposals must be received by email delivery to director@troycommunitylandbank.org, or via mail delivered to Troy Community Land Bank Corporation, 200 Broadway, Suite 701, Troy, NY 12180 no later than 2:00 PM local time Tuesday December 8, 2020. Faxed RFPs are not acceptable.

I. GENERAL BACKGROUND

The Troy Community Land Bank Corporation was approved by New York State Urban Development Corporation d/b/a Empire State Development, pursuant to Article 16 of the New York State Not-for Profit Corporation Law. The Troy Community Land Bank is a not-for-profit formed by the City of Troy to facilitate the return of vacant and abandoned properties to productive use. The Land Bank’s work will include the acquisition and resale of properties to qualified buyers/investors, Land Bank-managed renovation of properties to sell in move-in or rehab ready condition, and long-term holding and assembly of certain properties to facilitate future development projects.

The Troy Community Land Bank will be a unique client as the majority of our properties are “fixer-uppers”, buildings renovated or stabilized by the Troy Community Land Bank, or vacant lots. Marketing these properties will require a creative approach and a thorough understanding of our policies, procedures, and buyer incentives. Please see our website for more information regarding our application process, and other policies and procedures: <https://www.troycommunitylandbank.org>.

II. Qualifications:

- Licensed real estate brokers, who may have a team of agents working under them, who are motivated to sell properties to responsible buyers who will properly renovate and manage them to encourage neighborhood revitalization
- The lead broker on the proposal must possess a minimum of 5 years of experience as a NYS licensed real estate broker
- Preferred, but not required, to have an office in Rensselaer County, preferably in the City of Troy

- Familiarity and experience with the City of Troy real estate market and specifically trends in more distressed neighborhoods. The Land Bank's target area is the North Central Neighborhood.
- Knowledge of the various financial incentives and financing sources available to buyers of these type of properties and be prepared to help them make connections that will result in a successful project

III. Scope of Services:

- Prior to Listing
 - The listing agent will perform a comparative market analysis and based on nearby comparable sales prices, available financial incentives for property redevelopment, and the scope of necessary repairs, recommend a reasonable listing price to the Land Bank.
 - The listing agent will prepare an information packet for potential purchasers promoting grants and financing available for renovation and promoting the property and other positive aspects of the community.
 - The listing agent shall post at least five clear, attractive, and representative photos of the property to the MLS listing.
 - Where buildings are programmed to be stabilized or renovated by the Troy Community Land Bank, the listing agent will provide a broker's opinion of value, generally to be used for proforma calculations.
- During the Listing
 - The Land Bank will provide a list of properties to be posted to the Multiple Listing Service (MLS).
 - From that list, the listing agent will post all properties to the Multiple Listing Service (MLS) and attach the Land Bank's standard purchase contract and application forms and ensure that all properties listed for sale are accessible via a lockbox, lock and key provided by the Land Bank (except in extreme circumstances where due to the nature of securing the property this is not feasible).
 - The agent will install a sign affixed to the structure or on the lawn.
 - The listing agent is expected to educate buyers and buyers' agents about the application process and educate them about the Land Bank's rationale for certain application requirements.
 - Ensure that buyers have fully completed the Land Bank's purchase application and pass all complete applications on to the Land Bank immediately once submitted, including applicable application fees, credit/criminal check fees and other related fees.
 - Listing agent will hold buyers' good faith deposits in their escrow account.
 - Assist the Land Bank in negotiating a fair sales price with buyers.

- Provide the Land Bank with a monthly report summarizing all open listings, initial listing price, any price changes that have been made, and indicating the level of activity each property has attracted.
 - Advise the Land Bank regarding price reductions for properties that have been listed for an extended period of time and are not attracting adequate interest.
 - Inform the Land Bank immediately if you see maintenance deficiencies or physical conditions at the property that need to be addressed for public safety or in order to better market the property.
- Preparing to Close
- Provide commission statements from the seller's agent and buyer's agent to the Land Bank's legal counsel and utility meter readings in order to expedite the timely preparation of a Statement of Sale.
 - If the buyer is using legal counsel, encourage them to have reviewed the purchase offer with their attorney prior to signing the offer (there is no attorney approval clause in the Land Bank's sales contract; buyers must review with their attorney prior to submitting the offer) and submitting to the Land Bank. Ensure that buyer's counsel understands that the Land Bank's process differs from typical residential transactions and refer them to the information sheet attached to the purchase contract.
 - Periodically check in on pending sales to ensure that the buyer has ordered title insurance if they plan to do so, that abstracts are being prepared, and that any inspections required by the buyers' lender are completed in a timely manner in order to expedite closing.

IV. Proposal Requirements:

A proposal submitted in response to this RFP is to be formatted as follows to assure consistency:

Section A. Understanding of the Scope of Services to be provided for the Land Bank

Section B. Proposed Fee Schedule: See Section V of this RFP for more information. Note that commission fees may not exceed 6.0 percent of the purchase amount.

Section C. Qualifications, Experience, Resume & Qualifications of Key Personnel:
Resume and copy of license for broker responsible for the account

Section D. Approach to Market Analysis:

How will you go about performing market analysis and advising the Land Bank of a listing price given the 'fixer-upper' nature of most of the properties we list and scarcity of arms-length comps in some distressed neighborhoods? What rules of thumb will you recommend be applied to lowering prices based on consumer interest and time on the market?

Section E. Marketing Plan:

The Land Bank's sales process differs from typical arms-length real estate transactions due to the Land Bank's efforts to screen applications and identify responsible buyers with sustainable, appropriate renovation plans (since we sell mostly "as-is" inventory), and to utilize an "enforcement mortgage" once a property is sold to ensure that the buyer follows through on their development plan. How will you work to educate buyers about this process and encourage applicants to submit high-quality purchase offers? In general, how will you market and attract attention to these listings?

Owner-Occupancy

One of the primary goals of the Land Bank is to attract owner-occupants to neighborhoods with lower-than-average owner occupancy rates in order to promote better property maintenance, increase property values, and help stabilize neighborhoods. We also think that more affordable homes in these areas can be a great opportunity for first-time home buyers to make a smart investment in an up-and-coming neighborhood and build equity. Please describe how you will attract owner-occupants to transitional neighborhoods, how you will promote the financial incentives that may be available to them, how you will educate buyers and buyers' agents about the Land Bank's sales process, how will you assist the Land Bank to identify financing resources for properties programmed for renovation by the Land Bank, and how you will promote loan products that may attract responsible buyers to 'fixer upper' properties.

Rentals

Describe in detail how you will market these properties to responsible local landlords or developers and/or how you will facilitate connections between responsible buyers and reputable local property managers. How will you make potential buyers aware of financial incentives that may be available to them?

Section E. Client/Reference List: Please include the name and contact information for three professional references who can attest to your performance as a seller's agent.

Section F. Conflict of Interest(s): This section should disclose any potential conflicts of interest that the firm may have in performing these services for the Land Bank

Section G. Miscellaneous/Other information (This section is for any further pertinent data and information not included elsewhere in the RFP).

V. Compensation:

Please specify your proposed commission for each of the following property types (properties where grant funds have been provided from Enterprise Community Partners, Inc., may not exceed six percent commissions):

- Residential
- Commercial
- Commercial Vacant Land

Include any dollar amount minimums required. Also explain how commissions will be split with buyer's agents.

The Land Bank reserves the right to award multiple brokerage contracts based on the quality of the proposals, relevant experience, and creativity of the approach to the Land Bank account.

VI. Insurance Requirements

The successful bidder shall be required to provide for itself and maintain at its own cost and expense until the completion of the work the following forms of insurance:

- A. Commercial General Liability coverage with limits of liability not less than One Million Dollars (\$1,000,000.00) per occurrence and not less than Two Million Dollars (\$2,000,000.00) annual aggregate.
- B. Comprehensive Automobile Liability coverage on owned, hired, leased, or non-owned autos with limits not less than \$500,000 combined for each accident because of bodily injury sickness or disease, sustained by any person, caused by accident, and arising out of the ownership, maintenance or use of any automobile for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance or use of any automobile.
- C. Workers' Compensation and Employers' Liability in form and amounts required by law.
- D. Errors and Omissions Insurance: A policy or policies of errors and omissions insurance. Said insurance must be issued by an insurer licensed to do business in the State of New York and must have an A.M. Best rating of not less than "A".

The Land Bank shall be named as an additional insured on the policies required by subparagraphs (A and B) above (200 Broadway, Troy, NY 12180). The successful bidder shall furnish certificates of insurance to the Land Bank and corresponding policy endorsement setting forth the required coverage hereunder prior to commencing any work, and such polies shall contain an endorsement requiring the carrier to give at least ten days' prior notice of cancellation to the Land Bank. All insurance required shall be primary and non-contributing to any insurance maintained by the Land Bank. The successful bidder shall ensure that any subcontractors hired carry insurance with the same limits and provisions provided herein. The successful bidder agrees to cause each subcontractor to furnish the Land Bank with copies of certificates of insurance and the corresponding policy endorsements setting forth the required coverage hereunder prior to any such subcontractor commencing any work.

VII. INDEMNIFICATION

The successful contractor shall defend, indemnify and save harmless the Land Bank, its employees and agents, from and against all claims, damages, losses and expenses (including, without limitation, reasonable attorneys' fees) arising out of, or in consequence of, any negligent or intentional act or omission of the successful contractor, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses and expenses.

VIII. NON-COLLUSIVE CERTIFICATION

By submission of this RFP, each contractor and each person signing on behalf of any contractor 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 his knowledge and belief:

- (1) The prices in this proposal 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 contractor or with any competitor; and
- (2) Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the contractor and will not knowingly be disclosed by the contractor prior to opening, directly or indirectly, to any other contractor or to any competitor; and
- (3) No attempt has been made or will be made by the contractor to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.

IX. MWVBE PROMOTION

It is the policy of the Land Bank that Minority-Owned Business Enterprises (MBE), Women-Owned Business Enterprises (WBE), and Veteran-Owned Business Enterprises are afforded the maximum opportunity to participate in the performance of contracts. It is also the Land Bank's goal to award Procurement Contracts to those procurement contractors who have evidenced compliance with the laws of the State of New York prohibiting discrimination in employment.

X. AFFIRMATIVE ACTION

As required by Executive Law § 312, and in compliance with the Land Bank's procurement policy, any contractor awarded a procurement contract in excess of \$25,000 for services rendered to the Land Bank must acknowledge this affirmative action policy and agree to implement the same by making every reasonable effort to award any subcontracts (none of hereby authorized) to MBEs, WBEs, and VBEs and to utilize minority and labor in the performance of any agreement that is awarded to the contractor. Specifically, any contractor awarded a contract in excess of \$25,000 dollars will be expected to abide by the following provisions:

1. The contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities

without discrimination. For purposes of this section, affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation.

2. At the request of the contracting agency, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein.
3. The contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the MWVBE Threshold Contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status

XI. NON-DISCRIMINATION POLICY

In accordance with Article 15 of N.Y. Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor agrees that neither it nor any of its subcontractors shall, by reason of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics or marital status refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

XII. MISCELLANEOUS REQUIREMENTS

1. The Land Bank will not be responsible for any expenses incurred by any firm in preparing or submitting a proposal. All proposals shall provide a straightforward, concise delineation of the firm's capabilities to satisfy the requirements of this RFP. Emphasis should be on completeness and clarity of content.
2. The contents of the proposal submitted by the successful firm and this RFP may become part of the contract for these services. The successful firm will be expected to execute said contract with the Land Bank.
3. Proposals shall be signed in ink by the individual or authorized principal of the responding party.
4. Proposals submitted shall be valid for a minimum of sixty (60) days from the date of opening.
5. The Land Bank reserves the right to reject any and all proposals received or to negotiate separately in any manner necessary to serve the best interests of the Land Bank.
6. The selected firm is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of any agreement or its rights, title, or interest therein or its power to execute such agreement to any other person, company or corporation without the prior written consent of the Land Bank.

XIII. PROPOSAL SUBMISSION

Proposals must be received at the Troy Community Land Bank office:

Troy Community Land Bank Corporation
Attn: Anthony Tozzi
Executive Director
200 Broadway, Suite 701
Troy, NY 12180

The proposal shall be contained in a sealed envelope, clearly marked "Troy Community Land Bank - PROPOSAL FOR REAL ESTATE BROKERAGE SERVICES". Faxed and email Proposals are not acceptable.

Note: Submissions must be submitted and received by 2:00 PM local time Tuesday December 08, 2020.

The Land Bank will not be responsible for any expenses incurred by any firm or person in preparing or submitting a proposal.