



GEORGIA STATE FINANCING & INVESTMENT COMMISSION

REQUEST FOR QUALIFICATIONS
And
REQUEST FOR PROPOSALS

No. SPC-013

CONTRACT FOR

TENANT BROKERAGE
AND
REAL ESTATE CONSULTING SERVICES

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SECTION 1

GENERAL PROJECT INFORMATION

The State of Georgia, through its State Properties Commission (SPC), invites interested companies to submit Statements of Qualifications responses in accordance with these solicitation documents. The purpose of this solicitation is to establish a contract for Tenant Brokerage and Real Estate Consulting Services, as described more particularly below. The contract term is anticipated to begin February 1, 2013 to end June 30, 2013, unless renewed or terminated as discussed herein.

The Georgia State Financing and Investment Commission (“Owner”), on behalf of the State Properties Commission (“Using Agency”), is facilitating the selection process by soliciting statements of qualifications from individuals/firms interested in providing professional services for a project known as Project No. SPC-013, Tenant Brokerage and Real Estate Consulting Services, Statewide, Georgia (“Project”). This Request for Qualifications (RFQ) seeks to identify potential providers of the above-mentioned services. Some firms that respond to this RFQ, and who are determined by the Owner to be sufficiently qualified, may be deemed eligible, and may be invited, to interview and offer proposals for these services. All respondents to this RFQ are subject to instructions communicated in this document, and are cautioned to completely review the entire RFQ and follow instructions carefully. GSFIC reserves the right to reject any or all statements of qualifications or proposals, and to waive technicalities and informalities at the discretion of GSFIC.

A. OVERVIEW OF SPC’S NEEDS

The State of Georgia currently maintains a real property portfolio of approximately 143 million square feet of State-owned space and approximately 26 million square feet of leased space (Includes the Board of Regents). SPC is seeking one or more companies to assist SPC in developing more efficient and economical use of current and proposed private sector lease agreements. Specifically, the companies will be expected to (i) act as the State’s tenant brokers in designated transactions to competitively locate and negotiate private sector lease agreements; (ii) provide space management services using the State’s approved Space Standards; (iii) provide tenant representation services for the State during the term of a lease; (iv) provide consulting services as defined herein; and (v) outline any additional services or concepts for adding value to the State’s real property processes. This also may include an evaluation of possible energy efficiency solutions and savings.

B. GENERAL TERMS

SPC intends to enter into a one year contract with one or more Brokers. The successful Respondent may be offered a Contract for tenant brokerage and consulting services, which will be for potential term of five (5) months, but renewal option(s) for a term of one (1) year (July 1st to June 30th) may be offered at the sole discretion of SPC and upon the agreement of both parties in writing. The Contract shall maintain the Broker’s eligibility for requested services. However, SPC makes no commitment that a Broker will receive requests for services and there shall be no minimum amount of work

guaranteed to the Broker. SPC reserves the right to terminate the contract with or without cause at any time during the contract term.

During the term of the solicitation and specifically after the identification of short listed respondents, SPC shall have the right to add/delete services/products. Additions or deletions of other items or services during the contract term shall be upon mutual written agreement of both parties.

C. PERFORMANCE QUALIFICATIONS

SPC reserves the right to investigate or inspect at any time whether the services or qualifications offered by a Respondent meet the solicitation requirements. Respondent must be prepared to present evidence of experience, ability, and financial standing, as well as a statement as to capacity of the respondent to furnish the services offered. If SPC determines that the conditions of the solicitation documents are not complied with, or that the services proposed to be furnished do not meet the specified requirements, or that the qualifications or financial standing are not satisfactory, SPC may reject the response. Respondent may be disqualified from selection if Respondent, or anyone in Respondent's employment, has previously failed to perform satisfactorily in connection with public bidding or contracts. This paragraph shall not mean or imply that it is obligatory upon SPC to make an investigation either before or after award of the Contract, but should SPC elect to do so, Respondent is not relieved from fulfilling all solicitation requirements.

D. PROPOSER'S DISCLOSURE STATEMENT

All applicants should be aware that SPC is a public agency. Pursuant to the laws, rules and Executive Orders of the State of Georgia, SPC shall make every effort to avoid even the appearance of a conflict of interest or any impropriety in both the selection process for this project and the negotiation and performance of any resulting contract. As part of any submittal you intend to make for this solicitation, you will be required to include a Disclosure Statement that responds to the following:

1. Describe any business transactions occurring within the prior two years between Respondent and SPC or any other State entity.
2. Describe any gift, hospitality, or benefit of any sort that Respondent has provided to SPC within the prior one year period.
3. A conflict of interest or potential conflict of interest is defined as any action, decision, or recommendation by a person acting in a capacity as a public official, the effect of which is or could be to the private monetary or financial benefit or detriment of the person, the person's relative, or any business with which the person or a relative of the person is associated. The potential conflict of interest is viewed from the perspective of a reasonable person who has knowledge of the relevant facts. Based upon this definition, describe any conflict of interest or potential conflict of interest that Respondent has with SPC or any other State entity.

This Disclosure Statement should be dated and signed by an authorized signatory for the Respondent, and submitted with, but not attached to, the Respondent's Submittal.

E. SCHEDULE OF EVENTS

The following anticipated timeline applies to this solicitation (all dates are subject to revision):

November 20, 2012	Request for Qualifications Issued
November 28, 2012	Questions Due by 2:00 p.m. EST
December 5, 2012	Answers to Questions Posted on SPC Website
December 14, 2012	Proposals Due by 2:00 p.m. EST
January 8, 2013	Notification of highest ranked respondents
January 14, 2013	Mandatory Pre-Interview Conference
January 16, 2013	Submission of Questions from Finalists Due by 2:00 p.m. EST
January 24, 2013	Interviews of finalist firms
TBD	Selection, award and finalize contract terms
TBD	Contract Effective Date

SECTION 2

SERVICES AND REQUIREMENTS

A. SCOPE

This RFQ / RFP is intended to identify one or more companies to assist and represent SPC and state entities in leasing transactions. Each selected company (hereinafter the “Broker” or “Brokers”) will (i) act as the tenant broker, for selected transactions within the State, to competitively solicit, locate, negotiate and develop private sector lease agreements on behalf of SPC and state agencies; (ii) provide space management services, using SPC’s Board approved space standards; (iii) provide tenant representation services for SPC and state agencies during the term of a lease; (iv) provide consulting services, as described herein; and (v) outline any additional services or concepts for adding value to the State’s real property processes. This also may include an evaluation of possible energy efficiency solutions and savings.

Brokers must develop and update as appropriate a market rate analysis by class of building as established by Building Owners and Managers Association (BOMA) (e.g., A,B,C space) and by type of space (e.g. office, industrial, warehouse) for each sub-market within the State. The Broker should delineate the “market” in consultation with SPC and consistent with industry practice. Brokers will be responsible for assessing transactions to obtain the best possible terms on behalf of the State.

Brokers will be responsible for completing reviews of the State’s existing private sector leases to identify opportunities by sub-market for negotiating more favorable terms, reducing cost, maximizing efficiencies, and for potential consolidation, relocation, reconfiguration, disposition or acquisition of state-owned space. If SPC determines that relocation is in the best interest of the State, Brokers may be asked to identify and recommend adequate relocation services. Brokers will be responsible for identifying cost savings opportunities but must include all costs associated with relocation.

B. CONSULTING SERVICES

SPC will require additional consulting services provided as an hourly allotment (“Consulting Hours”). Upon request, the Broker will provide a scope of work, business strategies and pricing models related to the type of service requested. Consulting services may include but are not limited to the following:

1. Identification and evaluation, as directed, for opportunities to reduce agency and/or State occupancy costs through consolidation, relocation, reconfiguration, capital investment and the acquisition or disposition of state-owned space;
2. Space planning services including programing, planning, stacking, schematic design;
3. Acquisition and disposition services including representation, marketing, opinions of value and advertisement of surplus state owned properties;

4. Strategic consulting including portfolio plans for state agencies and metro plans based on a geographic area; and
5. Asset management services including asset (state owned building) evaluation and prioritization, total cost of occupancy.

Brokers must avoid any conflicts of interest with the State. For example, SPC may not enter into a lease with any landlord to which the Respondent is also providing brokerage services.

ADDITIONAL CONSULTING SERVICES/REQUIREMENTS

- Performance Measures. Broker must track performance by transaction, property type, region and overall. At all times broker must track all cost avoidance and savings associated with transactions. Measures must be presented quarterly and in an annual report to SPC in a form that includes a narrative summary, data, charts and graphs that clearly represent the activity. Form of all reports must be in a format to allow for dissemination to State leadership. Broker must also provide in the annual report, an analysis of each sub-market and recommendations for the upcoming year.
- Information Tracking. Broker must maintain all transaction information including advertisements, marketing, negotiations, correspondence, terms, and lease documents in an electronic inventory that is readily accessible by SPC. Broker must also upload transactional information and documents into the State's web based real property inventory (BLLIP) and maintain this information.
- Lease Administration. Broker must perform functions of lease administration including critical date tracking, budget projections, lease abstracting and monitoring of contractual obligations and expenses. This information must be entered or uploaded into SPC's lease administration system.

SECTION 3

DEFINITIONS

A. DEFINITIONS

“State Properties Commission (SPC)”: The state entity responsible for optimizing occupancy of state owned and leased real property. SPC administers portfolio management to support agency program requirements that upholds the highest and best use of the State’s portfolio assets.

“Space Management Services”: Professional planning services in meeting space needs of state entities including, but not limited to, determining square footage requirements, preparing schematic floor plans and design intent drawings to guide workspace layout.

“Asset Management Services”: The evaluation of the value of owned and or leased real property assets and making recommendations that either increase the asset value to the State or its market value to the commercial sector including, but not limited, to asset evaluation, asset prioritization, surplus property identification and total cost of occupancy.

“Tenant Representation Services”: Activities including, but not limited, to identification of potential sites, scheduling, site comparative analysis, building efficiency, generation of a competition, negotiations, contract review and abstract leases.

“Broker”: A successful Respondent, which, along with SPC, will enter into the Contract.

“Contract Manager or Administrator”: The SPC employee who is primarily responsible to maintain this Contract. As of the Effective Date, the Contract Administrator is Frank Smith, SPC Deputy Executive Director. SPC may appoint a different Contract Manager or Administrator, which shall not constitute an amendment to the Contract, by sending notice to Broker. Any communication to SPC relating to the Contract shall be addressed to the Contract Manager or Administrator.

“Project Manager”: An authorized representative employed by the Broker to oversee the individual project. The Project Manager for each project will be identified by the Broker at the time SPC requests services.

“State”: The State of Georgia.

“Consulting Hours”: Hours of professional services provided by the Broker in areas of Asset, Space or Transaction Management. This is the required method of compensation to be provided to SPC and includes the provision of any requested real estate services outside of the required work and work products associated with the scope of services included in SECTION 2 A.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

A. FORM OF RESPONSE

Responses should be prepared simply and economically, providing a straightforward, concise description of the Respondent's ability to provide the solution sought by the solicitation. Excessive information distracts readers from focusing on essentials, and may operate to a Respondent's disadvantage. When responding to specific questions, please reprint each question or subsection in its entirety before the response. Properly referenced responses may be in the form of product informational materials and brochures. Responses shall be bound with a durable cover, including a cover letter.

B. INSTRUCTIONS FOR PREPARING RESPONSES

Respondents shall submit/upload one (1) electronic copy in .pdf format of the complete qualifications package to a GSFIC ftp site (see paragraph E below). Submittals must be prepared in a manner that when printed would typically fit on standard (8 1/2" x 11") paper using a minimum of an 11-point font. Each submittal should include a cover that shall identify the Respondent, the solicitation name and number, and the reply submittal date and time. A cover letter shall include what the Respondent deems appropriate. A table of contents must be included to identify each section. Any exhibits, affidavits, or other enclosure information called for may be included in an appendix and should be clearly identified in the table of contents. Emphasis should be on completeness, relevance, and clarity of content; promotional materials are not desired or encouraged.

C. RESPONSE CONTENT

Each submittal should include a cover that shall identify the Respondent, the solicitation name and number, and the reply submittal date and time. A cover letter shall include information the Respondent deems appropriate. A table of contents must be included to identify each section. Any exhibits, affidavits, or other enclosure information called for may be included in an appendix and should be clearly identified in the table of contents. Other required deliverables are indicated below. Emphasis should be on completeness, relevance, and clarity of content; promotional materials are not desired or encouraged.

To expedite the review of submittals, it is essential that Statements of Qualifications are categorized and numbered as outlined below.

REQUIRED DELIVERABLES

TAB "A" COVER LETTER AND TABLE OF CONTENTS

A1 Include a cover letter containing information the respondent deems appropriate.

A2 Include a Table of Contents identifying all sections, exhibits, appendixes, additional materials and attachments

TAB "B" DESCRIPTION AND RESOURCES OF FIRM

- B1 Provide the following basic company information: Company's legal name, address, name of primary contact, telephone number, fax number, E-mail address, and company website (if available). If the firm has multiple offices, the qualification statement shall include information about the parent company and branch office separately. Identify office location(s) from which services will be provided. Provide form of ownership, including state of residency or incorporation, and number of years in business. If not incorporated indicate if the offeror is a sole proprietorship, partnership, Limited Liability Corporation (LLC), or other structure and date started or years in business.
- B2 Indicate the competencies of key personnel whom the respondent intends to assign to the project, including education and experience, with particular reference to experience on projects similar to that described in the RFP. Emphasis will be placed upon the qualifications of respondent's Project Manager and the Project Manager's dedicated management time as well as that of other key personnel working on this project. Resumes shall include detailed, chronological work experience, including name and phone number of person or persons who may contact from each project or work assignment.
- B3 Briefly describe the company organization history and growth of your firm(s). Provide general information about the firm's personnel resources, including disciplines and numbers of employees and locations and staffing of offices. If applicable, relationships with subsidiaries, parent corporations, and affiliates or other related companies; include organization charts and details concerning facilities that serve markets/areas within Georgia.
- B4 Has the firm been involved in any litigation in the past five (5) years? Describe your experience with litigation with Owners and/or Contractors. Describe in detail any active or pending litigation and explain, including any pending or threatened litigation by or against the State, or any other governmental authority.
- B5 List the firm's annual revenue for each of the past 5 years.
- B6 Indicate if the firm has filed for bankruptcy protection within the last five (5) years, or if you are currently in the process of filing or planning to file for bankruptcy protection or financial restricting or refinancing, describe in detail.
- B7 Supply financial references and main banking references.
- B8 Has the firm defaulted on a contract, or had a contract terminated for cause, within the past five (5) years?

- B9 Indicate if entering into the Contract for the services described in the RFQ/RFP solicitation document would give rise to an apparent or actual conflict of interest (describe in detail).
- B10 Describe any penalties or sanctions issued by the Georgia Real Estate Commission against your firm, its officers or employees within the last five (5) years.
- B11 Complete the Certification Form (Exhibit “A” enclosed with RFQ), and provide a notarized original with response as section “B10” of the firm’s Statement of Qualifications.
- B12 Complete and submit the “Disclosure Statement” (Exhibit “B”) with response as Section “B11” of the firm’s Statement of Qualifications.

TAB "C" QUALIFICATIONS

- C1 Summarize the company’s history and experience performing similar services for public entities (or similar private organizations), including number of years of service. Specify which areas within Georgia where the history and experience apply.
- C2 Provide examples of similar work experience. In addition to overall company experience, focus on the experience of the individuals you propose to assign to the project. Provide a resume for each individual you propose to assign to the project.
- C3 Demonstrate in detail whether the experience is similar to what is requested in this solicitation, and whether the organization for which the services were provided is comparable to the State in terms of its nature, size, mission, and diversity. Include the number of current similar contracts and the specific services provided under each contract. For each current similar contract, provide the name of a contact person, with address and telephone number. Supply references from three other clients that you deem most representative of your ability to perform this Contract.

TAB "D" DELIVERY OF SERVICES

- D1 Summary. Summarize the company’s history and experience performing similar services for public entities Plan for Meeting SPC’s Needs. Give a narrative description of how the Respondent plans to meet SPC’s needs as set forth in Section 2 of this solicitation package. Describe the current and planned resources to be assigned to the project. If the proposal is to be limited to particular markets in Georgia (i.e. Atlanta), please describe how resources will be deployed in all regions of the state. Please include a 90-day ramp-up plan as part of your response.

- D2 Subcontractors or Local Brokers. If subcontractors or local brokers are to be used by Broker, provide any available information:
- (A) If subcontractors are known at the time of submission, provide all relevant subcontractor / local broker information available including but not limited to: name, address, date of incorporation, relevant market coverage, agreements between broker and subcontractor / local broker, and an overall description of how the subcontractor / local broker will be used and the suitability for this project.
 - (B) If subcontractor / local brokers are not known at the time of submission, provide a detailed plan on how Broker intends to locate, select, and use subcontractors / local brokers.
- D3 Compensation. Provide a detailed description of the Respondent's compensation structure for performing these services.
- (A) With respect to tenant broker services, compensation should be stated in terms of commission (e.g., flat fee, percentage based) and state which services are included in the compensation structure.
 - (B) With respect to all other consulting services, compensation should be stated in terms of hourly rates or set fees for service. It is SPC's desire to be compensated in free "Consulting Hours".
- D4 Performance Measurement. Provide your methodology for tracking and quantifying performance measures which shall be considered for inclusion in the final contract. Each transaction must be tracked for performance (e.g. cost savings, comparison to market, efficiency of space, effectiveness of space, timeliness of delivery) and rolled up into portfolio measures (e.g. costs by space type and location, comparisons of terms of transactions). Respondent shall at all times during the Contract term remain responsive and responsible. Benchmarking against other State's or governments is encouraged.
- D5 Information Systems. Describe your intended method of gathering, tracking, inventorying and uploading lease information into SPC lease administration system. Include information about your current lease administration system and the integration of SPC activities. Describe the intended methodology and workflow structure between SPC and Broker. Include a description of other software or systems, including GIS capability that would be available to SPC that may provide overall benefit to real property portfolio management. Detail any costs or fees associated with each system.
- D6 Other Services. Provide your firm's experience as a full service Broker with other services that will be requested by SPC, including Portfolio Plans, Metro Planning, Total Cost of Occupancy, Asset Evaluation and Prioritization, Space Planning and

Programming, and Real Property Acquisitions and Dispositions. Provide examples if relevant.

- D7 Timely Performance. Provide a description that demonstrates the firm's capability to perform the requested services in a timely manner. Responses should include an estimated timeline for completion of requested services. Also, include a description of all resources to be allocated to this contract including staffing.
- D8 Marketing. Describe the general process for marketing the State's needs with respect to tenant representation services and acquisition and disposition services.

TAB "E" OTHER INFORMATION

- E1 Respondents are encouraged but not required to provide a template lease or rental agreement.
- E2 Provide here any other information deemed relevant or necessary for the reply, but inapplicable to any of the required parts or sections of the reply. If a Respondent attaches a publication or other document to provide required information, a specific reference to the document and the relevant page or pages must be given in the appropriate part or tabbed section of the reply. If the document is not specifically referenced in a part or tabbed section of the reply, it will not be considered as a response to the corresponding paragraph of this solicitation.

D. SUBMITTAL OF QUESTIONS AND REQUESTS FOR CLARIFICATION

It is the responsibility of each respondent to examine the entire RFQ / RFP, seek clarification in writing, and review its submittal for accuracy before submitting the document. Questions about any aspect of the RFQ / RFP or the project shall be submitted in writing (e-mail is preferable) to:

Jeff Lacks, Director
Procurement Services,
Georgia State Financing & Investment Commission (GSFIC)
E-mail: jlacks@gsfic.ga.gov
Facsimile: (404) 463-5699

- Deadlines. The deadline for submission of questions relative to the RFQ / RFP is the time and date shown in the Schedule of Events (Section 1). All relevant questions and requests for clarification received by SPC and the corresponding responses will be posted on the Georgia Procurement Registry as an attachment to the original solicitation for services. Once the submission deadline has passed, all submissions will be final. The SPC will not request clarification from individual respondents relative to their submission, but reserves the right to ask for additional information from all parties who have submitted qualifications.

- Prohibition of Extraneous Communications. From the issue date of this solicitation until a successful respondent is selected and the selection is announced, all parties are prohibited from communication in any manner or for any reason with any members or employees of SPC or the Selection Committee. Parties will be allowed to communicate only as sanctioned by SPC. Communications will be accepted as submission of questions as instructed in the RFQ / RFP, or during the respondent's conference (if applicable), or as provided by any existing work agreement(s). For violation of this provision, the SPC shall reserve the right to reject the submission of the offending respondent.

E. SUBMITTAL OF STATEMENTS OF QUALIFICATIONS

Upload one (1) electronic copy of the complete package in .pdf format onto the GSFIC / Egnyte ftp site. Uploaded responses (file names) must reference the **RFQ No. SPC-013 Tenant Brokerage and Real Estate Consulting; the firm's name, and the word "QUALIFICATIONS."**

File Name Example: SPC-013 Tenant Brokerage and Real Estate Consulting Services, ABC Company, Qualifications)

The entire submittal should be submitted as ONE (1) file. Please do not submit individual documents or sections separately.

See the document titled "Upload Instructions" on the Georgia Procurement Registry site along with this RFQ for detailed instructions regarding the upload of your submittal.

Statements of Qualifications **must be electronically received by the Owner** prior to the deadline indicated in the Schedule of Events (*Section 1 of RFQ*). Printed copies will not be accepted. A list of firms submitting responsive Statements of Qualifications will be published on the Georgia Procurement Registry site within two (2) business days of the deadline for receipt. If difficulty is encountered during upload, contact Jeff Lacks, 404-463-5740, or the main procurement number 404-463-5731, for assistance or confirmation that the file was received.

(Experience with the ftp site indicates that uploads do not always receive the confirmation statement that the file was "successfully uploaded." Typically, for files ranging in size from 5 – 10 mb, it should not take more than one or two minutes to complete the upload.)

F. MANDATORY PRE-INTERVIEW CONFERENCE / INTERVIEWS

Respondents who are selected to take part in the pre-interview conference and, then, the interview process shall be notified in writing and informed of the place and time for the mandatory pre-interview conference and interview session(s) (pre-interview conferences

and interviews for this Contract are tentatively scheduled to take place at GSFIC Offices located in Atlanta, Georgia). During the pre-interview conference, SPC will identify any requirements the firms must adhere to going forward in the selection process. All members of the Selection Committee will be present during all of the presentations and interviews. Reviewers shall not address any questions, prior to the interview, to anyone other than the designated procurement services contact as designated in this RFQ / RFP.

SECTION 5

SELECTION PROCESS AND AWARD

A. EVALUATION CRITERIA

Using the evaluation criteria specified below, a Selection Committee shall evaluate responsive submissions and score each Respondent out of a total possible 100 points using the following criteria (points noted parenthetically).

1. Stability. Respondent's financial and business stability, including history, growth, resources, form of firm (Corporate) ownership, litigation history, and other evidence of stability as outlined in Tab "B" (and Tab "E" as applicable). (10 points)
2. Experience and Qualifications. Respondent's background, history and experience performing similar services with proven success for public entities outlined in Tab "C" (and Tab "E" as applicable), as well as Respondent's financial capability to timely develop, implement, operate and maintain its proposed solution. (30 points)
3. Business Plan. An evaluation of the Respondent's overall methodology and plan and how well it suits the needs delineated above in Section 3, Tab "D" (and Tab "E" as applicable). (40 points)
4. Compensation Structure. An evaluation of the Respondent's proposal for compensation (e.g., flat fee, percentage based) and Consulting hours provided to SPC as outlined in Tab "D" (and Tab "E" as applicable). (20 points)

B. EVALUATION PROCESS

Once the evaluation of the Statements of Qualifications has been completed, a listing of selected finalist firms will be posted on the Georgia Procurement Registry along with the original RFQ solicitation. Firms selected as finalists will receive written Notification to Finalists from the Owner for their required attendance at a pre-interview conference; any additional information required by the owner; and instructions pertaining to the second step of the selection process as follows:

1. The highest ranked Respondent(s) will be short-listed and invited to a pre-interview conference. It is envisioned that the shortlist of firms will be comprised of the top three (3) to six (6) highest ranked firms. The conference will provide SPC an opportunity to request additional information and clarify SPC goals and objectives to assist the highest ranked Respondents prepare for the interview process. There will be an opportunity for finalist firms to ask questions to gain additional project information and clarification. Firms are requested to limit the number of staff attending the pre-interview conference to a maximum of two (2) individuals per firm. Any available additional project information may be provided to these Respondents by the time of or at this meeting. *The Owner reserves the right to disqualify a*

proposer from the selection process due to a failure by a proposer to arrive for the pre-interview conference by the scheduled time. Failure to attend a mandatory pre-interview conference will automatically result in disqualification from the selection process.

2. Shortlisted firms shall be notified of the place and time of their presentation/interview session. Detailed interview instructions and requirements of the finalists will be provided in the Notice to Finalists. All members of the selection committee will be present during the all of the presentations and interviews. Firms are cautioned not to address questions, prior to the interview, to anyone other than the designated Procurement Services contact. During Interviews, finalist firms will be requested to make a thirty (30) minute presentation, followed by a twenty (20) minute question and answer period from the Selection Committee. Firms are asked to be prepared to make a presentation to the Selection Committee incorporating information that will provide a clearer understanding of the firm's approach for providing the required tenant brokerage and real estate consulting services. Firms have the liberty of approaching this presentation in the manner that works best for the individual firm.
3. If necessary, SPC shall request revisions to the approach submitted by the top-ranked Respondent(s). SPC may in its sole discretion, award and enter into contracts with more than one Respondent if it is in the best interest of the State.
4. Finalists firm(s) will be evaluated by the selection committee during the presentation/interview process using the evaluation criteria below:
 - Composition and Organization of Team Proposed (25%)
 - Specific Plan / Approach / Methodology Proposed (25%)
 - Work Product(s) proposed / Demonstrated (25%)
 - Quality Assurance / Team Communication / Problem Resolution (25%)
5. SPC reserves the right to interview all responsive and responsible Respondent(s), serially or concurrently, to determine the best-suited solution. The ranking of Respondents indicates the perceived overall benefits of the Respondent's services, but SPC retains the discretion to interview other qualified Respondents as deemed appropriate.
6. Before award, SPC reserves the right to seek clarifications, to request reply revisions, and to request any information deemed necessary for proper evaluation of responses. Respondents may be requested to provide additional references or provide the opportunity for a site visit, etc. SPC reserves the right to require attendance by particular representatives of the Respondent. Any written summary of presentations or demonstrations shall include a list of attendees, a copy of the agenda, and copies of any visuals or handouts, and shall become part of the Respondent's reply. Failure to provide requested information may result in rejection of the response.
7. SPC reserves the right to reject any and all responses or submittals if SPC determines such action is in the best interest of the State or SPC. SPC reserves the right to waive

minor irregularities in responses.

8. SPC anticipates awarding the Contract (if any award is made) to the responsive and responsible Respondent(s) who is determined to be the most advantageous for the State. Whether to award to one or to multiple Respondents shall be at the sole discretion of SPC. The following criteria will be used to evaluate responses:

SECTION 6

ADDITIONAL TERMS AND CONDITIONS

- Restriction of Communication. From the issue date of this solicitation until a successful respondent(s) are selected and the selection is announced, respondents are not allowed to communicate about this solicitation for any reason with any member of the Selection Committee or GSFIC, except for submission of questions as instructed herein, or during the proposer's conference (if applicable), or as provided by any existing work agreement(s). For any violation of this provision, SPC reserves the right to reject the submission of the offending respondent.
- Submittal Costs and Confidentiality. All expenses for preparing and submitting responses are the sole cost of the party submitting the response. The SPC is not obligated to any party to reimburse such expenses. Upon receipt, all submittals become the property of the SPC. Labeling information provided in submittals "proprietary" or "confidential", or any other designation of restricted use will not protect the information from public view. Subject to the provisions of the Open Records Act, the details of the submittal documents will remain confidential until final award.
- Award Conditions. This request and any statement of qualifications or proposal submitted in response, regardless of whether the proposal is determined to be the best proposal, is not binding upon SPC and does not obligate SPC to procure or contract for any services. Neither SPC nor any party submitting a response will be bound unless and until a written contract mutually accepted by both parties is negotiated as to its terms and conditions and is signed by SPC and a respondent. SPC reserves the right to waive non-compliance with any requirements of this solicitation and to reject any or all responses. Upon receipt and review of responses, SPC will determine the party(ies) and proposal that in the sole judgment of the SPC is in the best interest of SPC (if any is so determined), with respect to the evaluation criteria stated herein. SPC will then conduct negotiations with such party(ies) to determine if a mutually acceptable contract may be reached.
- Reciprocal Preference Law. For the purposes of evaluation only, a proposer that resides in the State of Georgia will be granted the same preference over proposers that reside in another State in the same manner, on the same basis, and to the same extent that preference is granted in awarding contracts for services by such other State to proposers that reside therein.
- Joint-Venture Proposals. In the event two or more Brokers desire to "joint-venture," it is strongly recommended that one incorporated firm propose and maintain status as the contracted Broker with the remaining broker(s) or sub-contractor(s) participating as major consultants to the lead Broker.
- Small and Minority Business Enterprise. It is the policy of the State of Georgia that small businesses, female-owned businesses and minority businesses have a fair and

equal opportunity to participate in the State purchasing process. Therefore, the SPC encourages all small businesses, female-owned businesses and minority-owned businesses to compete for contracts to provide goods, services, and construction, and encourages contractors to solicit female-owned businesses and minority-owned businesses in procuring subcontractors and suppliers. This desire on the part of the SPC is not intended to restrict or limit competitive bidding or to increase the cost of the work. The SPC supports a healthy free market system that seeks to include responsible businesses and provides ample opportunity for business growth and development. Contractors and subcontractors who utilize qualified minority subcontractors may qualify for Georgia state income tax credits for qualified payments made to minority subcontractors. See Official Code of Georgia Annotated (O.C.G.A.) O.C.G.A. Section 48-7-38. For more information, please contact:

The Governor's Entrepreneur and Small Business Office
75 Fifth Street, Suite 825
Atlanta, Georgia 30308
Phone: 404.962.4071
<http://www.georgia.org/Business/SmallBusiness/>

- Statement of Agreement. With submission of a response, the Respondent agrees that he/she has carefully examined this solicitation, and agrees that it is the Respondent's responsibility to request clarification on any issues in any section of the solicitation with which the Respondent disagrees or needs clarified. The Respondent also understands that failure to mention these items in the proposal will be interpreted to mean that the Respondent is in full agreement with the terms, conditions, specifications and requirements in the therein. With submission of a proposal, the Respondent hereby certifies: (a) that this proposal is genuine and is not made in the interest or on behalf of any undisclosed person, firm, or corporation; (b) that Respondent has not directly or indirectly included or solicited any other respondent to put in a false or insincere proposal; (c) that Respondent has not solicited or induced any person, firm, or corporation to refrain from sending a proposal.
- Lobbying and Integrity. Broker represents that it did not lobby the legislative, judicial or executive branches, or any State entity, on any aspect of this Contract during the procurement process. Any misrepresentation in this regard may constitute grounds for the disqualification of Broker and termination of the Contract. Furthermore, Broker may not expend any State funds for the purpose of lobbying the legislative, judicial or executive branches, or any State entity.
- Others.
 - Broker must be licensed in good standing in the State of Georgia
 - Broker must maintain an office in the State of Georgia.
 - Broker shall work under the direction, supervision and authority of the SPC and be subject to the rules or policies governing lease procurements.

- Broker will receive training from SPC concerning the rules and policies governing the procurement of leases.
- Other than the agreed upon brokerage commission, Broker may not receive any other form of compensation directly from a lessor for services that are rendered under the Contract.
- SPC shall conduct periodic customer-satisfaction surveys to assess Broker's performance

EXHIBIT A

CERTIFICATION FORM

I, _____, being duly sworn, state that I am _____ (title) of _____ (firm) and hereby duly certify that I have read and understand the information presented in the attached proposal and any enclosure and exhibits thereto.

I further certify that to the best of my knowledge the information given in response to the request for proposals is full, complete and truthful.

I further certify that the proposer and any principal employee of the proposer have not, in the immediately preceding five years, been convicted of any crime of moral turpitude or any felony offense, nor has had their professional license suspended, revoked or been subjected to disciplinary proceedings.

I further certify that the proposer has not, in the immediately preceding five years, been suspended or debarred from contracting with any federal, state or local government agency, and further, that the proposer is not now under consideration for suspension or debarment from any such agency.

I further certify that the proposer has not in the immediately preceding five years been defaulted in any federal, state or local government agency contract and further, that the proposer is not now under any notice of intent to default on any such contract.

I further certify that the proposer is a licensed broker in good standing in the State of Georgia.

I acknowledge, agree and authorize, and certify that the proposer acknowledges, agrees and authorizes, that the SPC and/or GSFIC may, by means that either deems appropriate, determine the accuracy and truth of the information provided by the proposer and that the SPC and/or GSFIC may contact any individual or entity named in the Statement of Qualifications for the purpose of verifying the information supplied therein.

I acknowledge and agree that all of the information contained in the Statement of Qualifications is submitted for the express purpose of inducing the SPC to award a contract.

A material false statement or omission made in conjunction with this proposal is sufficient cause for suspension or debarment from further contracts, or denial of rescission of any contract entered into based upon this proposal thereby precluding the firm from doing business with, or performing work for, the State of Georgia. In addition, such false statement or omission may subject the person and entity making the proposal to criminal prosecution under the laws of the State of Georgia of the United States, including but not limited to O.C.G.A. §16-10-20, 18 U.S.C. §§1001 or 1341.

Signature

Sworn and subscribed before me

This ____ day of _____, 200__.

NOTARY PUBLIC

My Commission Expires: _____

NOTARY SEAL

EXHIBIT B

DISCLOSURE STATEMENT

All proposers should be aware that the project you are submitting a proposal on is a public project, and the Owner (GSFIC) is a public agency. Pursuant to the laws, rules and Executive Orders of the State of Georgia, GSFIC shall make every effort to avoid even the appearance of a conflict of interest or any impropriety in both the selection process for this project and the negotiation and performance of any resulting contract. As part of any submittal you intend to make for this project, **you must include this Disclosure Statement with your submittal** that answers or addresses the following specific statements:

1. Describe any business transactions occurring within the prior two years between your firm and GSFIC, the Using Agency, or the ultimate end-user of the proposed project.

Insert Response

2. Describe any gift, hospitality, or benefit of any sort that your firm has provided to GSFIC, the Using Agency, or the end-user of the proposed project within the prior one-year period.

Insert Response

3. A *conflict of interest* or *potential conflict of interest* is defined as any action, decision, or recommendation by a person acting in a capacity as a public official, the effect of which is or could be to the private monetary or financial benefit or detriment of the person, the person's relative, or any business with which the person or a relative of the person is associated. The potential conflict of interest is viewed from the perspective of a reasonable person who has knowledge of the relevant facts. Based upon this definition, describe any conflict of interest or potential conflict of interest that your firm has with GSFIC, the Using Agency, or the end-user of this project.

Insert Response

This Disclosure Statement should be dated and signed by an authorized signator for the Proposer and submitted with the Proposer's Submittal as deliverable B11. The Disclosure Statement may be included in the Appendix and not included in the page count requirement.

Name of Firm

Authorized Signature

Date

EXHIBIT C

STANDARD LEASING OPERATING PROCEDURE



STATE PROPERTIES COMMISSION Standard Operating Procedures

Title: Transaction Management Program
State Entities Requests for Leased Space

Number: SPC – XXX (1-31-2012)

References: O.C.G.A. § 50-16-41

Goal: State Properties Commission Leasing Division is dedicated to providing State entities with professional real estate services in locating and negotiating terms for cost effective, modern, safe, production-oriented work environments to meet their current and future needs.

1. Definitions.

- (a) State Properties Commission (SPC): The agency responsible for optimizing occupancy of state owned and leased real property. SPC administers the process to support agency program requirements that upholds the highest and best use of the State's portfolio assets.
- (b) Transaction Management/Leasing Division (TM/LD): This Division is responsible for the State's leased property portfolio. Services provided range from locating and procuring new locations, renewing agreements, amending existing agreements and managing the State's leased inventory in BLLIP.
- (c) Space Management Division (SM): This Division provides State entities professional planning services in meeting their space needs including, but not limited to, determining square footage requirements, preparing schematic floor plans and design intent drawings to guide workspace layout.
- (d) Asset Management (AM): This Division has the responsibility to evaluate the value of owned and or leased real property assets and to make recommendations that either increases the value to the State or its market value to the commercial sector.
- (e) Space Action Form (SAF): This form is the initial starting point for most work projects in SM and TM/LD. It is the formal request completed by a State entity to give SPC the permission to start the process for locating new lease space, renew an existing lease, or renegotiate, amend, and/or cancel an existing lease. This detailed form collects information such as the current lease information, the new location (preferred city and county), staffing, and type of space requested and budget restraints. (Attachment 1)
- (f) Space Utilization Questionnaire (SUQ): The form is completed by the requesting

- state entity and accompanies the SAF when new space or increased space is requested. This form is used by SM to develop space (square footage) requirements and demands. (Attachment 2)
- (g) Space Utilization Program (SUP): The resulting report derived from analyzing the data supplied from the SUQ which determines square footage requirements to guide the space layout. The report is sent to the requesting Agency for approval prior to the development of the floor plan. (Example – Attachment 3)
- (h) Lease: Agreement in which, for a payment called “rent,” the one entitled to the possession of real property (lessor/landlord) transfers those rights to another (lessee/tenant) for a specified period of time and at a stated rental amount. While in a Rental Agreement, the Tenant does not have an interest or stake in the property but does have certain rights as specified in the agreement.

Type of Agreements the State Uses.

- Intergovernmental Agreement (IGA) – Typically, an agreement between two governmental entities where one entity occupies part of another entity’s leased or owned space for a nominal amount of rent. Usually one page and less formal than a rental agreement or lease. (Attachment 4)
 - Rental Agreement – An agreement used by TM/LD for the renting of a space. Tenant only has a usufruct interest, i.e. has the right to use and profit from property of which title is vested in another. (Attachment 5)
 - Full-Service Lease/Rental Agreement – An agreement in which the Tenant’s rental payment includes all operating expenses. Landlord is at financial risk if costs increase and cannot seek any additional funds from Tenant.
 - Net Lease/Rental Agreement – A lease requiring the tenant to pay (in addition to a fixed rental amount) the operating expenses of the property leased, such as taxes, insurance, maintenance, etc. In some states the terms “net net,” “net net net,” and “triple net” are used.
 - Modified Gross Lease – A lease which obligates the lessor to pay most or part of the operating expenses of the leased property, such as taxes, insurance, maintenance, utilities, etc.
- (i) Option to Renew: A right of the Tenant to renew an agreement and extend the occupancy for a period of time according to the terms stated in a rental agreement/lease.
- (j) Services: Utilities, Janitorial, and/or any other allowed operating expenses in which the Tenant pays directly to the service provider.
- (k) Operating Expenses: Amounts paid to maintain property, such as real estate taxes, utilities, hazard insurance, maintenance, and management fees.
- (l) Tenant Improvement: Improvements made to leased space by the landlord/owner to accommodate the needs of a tenant.
- (m) Capital Improvement: The addition of a permanent structural improvement or the restoration of some aspect of a property that will either enhance the property's overall value or increase its useful life. The State is not allowed to enter into agreements where the State is responsible for the cost of Capital Improvements without a written agreement of the reimbursement of the unamortized cost of such improvements at the end of the agreement.

- (n) Building, Land & Lease Inventory of Property (BLLIP): The State of Georgia’s consolidated data base of real property assets.
- (o) SATMT: SPC’s internal Space and Transaction Management Tracking System.

2. Purpose.

To provide a process for all State of Georgia entities to obtain leased office space.

3A. Standard Procedure New Lease Request.

STEP		AGENCY OR SPC RESPONSE
(a)	Agency completes and transmits Space Action Form (SAF) and Space Utilization Questionnaire (SUQ) to Space Management (SM).	SM will email requesting agency upon receipt.
(b)	SM generates State Utilization Program (SUP) to requesting agency.	SM checks BLLIP for available state-owned space or Georgia Building Authority (GBA)-owned space (if requested on Capitol Hill). If State owned space is available SM will work with both agencies to program the space.
(c)	Requesting agency approves SUP and returns to State Properties Commission (SPC).	SM will add approved SUP to SATMT, and transmit SAF, SUQ and SUP to Transaction Management (TM). TM will post to SPC’s “Advertisements for Space” for 4 weeks.
(d)	A file will be created using the SAF, SUQ and SUP by TM. The file will then be assigned to a leasing specialist.	Leasing specialist will contact agency to discuss needs and follow-up with email.
(e)	The Leasing Specialist will conduct a search of available space by contacting current landlords, researching the internet, electronic data services, and physically canvassing the market area.	Search will be conducted online in the requested area. Research should lead to site(s) to review when canvassing the market.
(f)	The Leasing Specialist will develop and keep in file a short list of three to five (3-5) locations based on agencies criteria (e.g., cost, location and type of space). Solicit preliminary proposals from the short listed properties.	The Leasing Specialist will review the short-list with the agency and follow-up with email.
(g)	The Leasing Specialist and agency contact(s) will conduct site visits of the locations on the short-list.	SPC will coordinate the site visits.
(h)	Based on agency need and budget, the Leasing Specialist will recommend a site to agency.	Agency will confirm site selection via email to Leasing Specialist. Leasing Specialist will notify Space Management (SM) of final site selection.
(i)	If requesting agency selects a site not recommended by SPC, a detailed written justification is required.	Agency is responsible to write detailed justification for SPC’s review and file.
(j)	SM space planner/space designer will develop or review a site-specific schematic plan based on the agency approved Space Program.	SM will consult with agency contact(s) to approve site-specific plan and update TM Leasing Specialist. Landlord will provide “as built” plans as detailed on our website.
(k)	The Leasing Specialist will commence lease	Leasing Specialist will notify agency of

	negotiations with the landlord on behalf of the agency and send template lease to landlord for review and signature.	negotiation process/details and update SM space planner/designer.
(l)	Leasing Specialist will meet with agency contact(s) to review status of lease negotiations; site-specific plan development and approval process (State Fire Marshall, Georgia State Finance and Insurance Commission (GSFIC) Project Management and telecommunications, etc.)	Leasing Specialist will follow-up with email to requesting agency.
(m)	SM space planner/designer will provide approved site-specific design-intent-drawings for review to landlord, TM, requesting Agency, State Fire Marshall and Georgia Technical Authority (GTA)/IBM.	Leasing Specialist will notify agency contact(s) by email and update SATMT.
(n)	TM will draft, prepare and send a written copy of executed lease to agency, input lease information and PDF copy of lease in BLLIP.	Leasing Specialist will notify agency contact(s) by email and update BLLIP.
(o)	Requesting agency will notify contact(s) for RFS voice-data coordination (GTA/GSFIC).	Requesting agency's responsibility.
(p)	SPC-GSFIC will monitor tenant improvements, conduct a walk through inspection with landlord & agency and prepare a punch list.	SPC will follow-up with punch list in writing.