

The City of Taylorsville
2600 West Taylorsville Boulevard (5320 South)
Taylorsville, UT 84129

Request for Proposals
Economic Development / Retail Attraction Broker Incentive Services

Due March 8, 2012, at 3:00 p.m. (MST or DST, as applicable)

1. **Introduction.** The City of Taylorsville (the “City”) is requesting proposals (“Proposals” or “Responses”) from qualified proposers (“Proposers”) to receive an additional incentive for broker services (“Services”).

1.1. **Intent.** It is the intent of this Request for Proposals (this “Request”) to set forth the minimum acceptable requirements for Responses to this Request.

2. **Information Background and Description of Services.** The City is requesting proposals from Proposers for Services that will, among other things, give the broker an additional incentive to locate clients and/or tenants within the City.

3. **Proposal Requirements.** One (1) unbound original and six (6) copies of Responses are required to be submitted to Patricia Kimbrough as listed below no later than 3:00 p.m. (MST or DST, as applicable) on March 8, 2012. Guidelines for responses are described in Exhibit “A” attached hereto. Any response, modification, or amendment received after the due date and time is late. No late Responses will be accepted. Responses may be modified or withdrawn prior to the due date and time provided any such request is submitted to Patricia Kimbrough as listed below in writing prior to the due date and time. No electronic (facsimile, e-mail, or telegraphic) responses, modifications, or withdrawals will be accepted. Proposals must include the following elements and be signed by an authorized representative of the Proposer:

3.1. **Introductory and Execution Summary.** A title page, table of contents/outline, introductory letter expressing an interest in providing the Services and an execution summary. The introductory letter should be addressed to:

Patricia Kimbrough
City Administrator’s Office
Taylorsville City
2600 West Taylorsville Blvd.
Taylorsville, UT 84129

Include an e-mail address for the primary contact of the Proposer.

3.2. **Minimum Qualifications.** Describe, in sufficient detail, the Proposer’s experience and qualifications that are relevant with respect to the Services. At a minimum, brokerage firms must conduct a minimum of 100 retail transactions per year.

3.3. Experience. Describe the firm’s total monetary value transaction and provide a matrix which differentiates sales versus lease transactions and total square footage of annual transactions for the past three years, number of full-time retail specific brokers and number of retail tenants exclusively represented (provide a list of such tenants), number of national regional tenants versus local tenants, and a list of active retail tenants.

3.4. Profile. Provide profiles of principal brokers.

3.5. Veteran Incentive. Describe in sufficient detail how the firm will satisfy the requirements of Executive Order , a copy of which is attached as Exhibit “B.”

3.6. References. Please provide at least three references. The City may contact such references.

3.7. Action. Summarize any disciplinary actions and suits by or against the Proposer or related entities during the past three years.

3.8. Certification. Complete, sign, and submit the Certification that is attached as exhibit “C” to this Request.

3.9. Business License. Include a copy of the Proposer’s current, valid business license.

4. **Identification of Anticipated Potential Problems**. Proposals should identify and describe any potential problems with respect to providing the Services.

5. **City-paid Broker Incentive**. Broker, or as directed by broker, will be paid an additional incentive by the City to locate clients and/or tenants within the City pursuant to the broker incentive schedule attached as Exhibit “D.”

6. **Evaluation Criteria and Scoring Process**. All Proposals received will be reviewed by a Review Panel (defined below). Each evaluation criterion has been given a percentage based on its relative value as a whole. The criteria and each associated percentage are as follows:

Minimum Qualifications	
Experience	50%
Profile	25%
Veteran Incentive	<u>25%</u>
Total	100%

7. **Selection**. Discussions may be conducted with Proposers determined by the City to be reasonably susceptible of being selected for the award. In addition, one or more Proposers may be invited to interview. Proposals may be accepted without discussion or interview. The above criteria will be used unless modified in the interview evaluation. A Review Panel or individual(s) will be appointed by the City (referred to hereinafter as “Review Panel”). The Review Panel reserves the right to modify the interview criteria during the course of this

process. If such modification occurs, each Proposer being interviewed will be notified at least twenty-four (24) hours prior to the interview of the revised criteria. Based on the results of discussions, if any, interviews, if any, and proposal scoring, the Proposers will be rated by the Review Panel, and such recommendations will be forwarded to the mayor. The Mayor will make the final selection. The Mayor may select one or more Proposers to provide the Services.

7.1. **General Information.** The City reserves the right to reject any and all Responses. The City reserves the right to amend, modify, or waive any requirement set forth in this Request. Response to this Request is at the Proposer's sole risk and expense. All Proposers must comply with applicable Federal, State, and local laws and regulations. Except for written responses provided by the contact person described below, the City has not authorized anyone to make any representations regarding the subject matter of this Request. All requests for clarification or additional information regarding this Request must be submitted in writing to the contact person described below no later than March 2, 2012, at 3:00 p.m. The contact person will endeavor to respond to such request for clarification or additional information and if the contact person deems, in his sole and absolute discretion, that such response is of general applicability, his response, if any, will be posted on the City's website at www.taylorsvilleut.gov (which constitutes a written response). Entities responding to this Request are encouraged to review such website frequently. The City anticipates selecting one or more of the responding Proposers, but there is no guaranty that any responding Proposer will be selected. Responses will be placed in the public domain and become public records subject to examination and review by any interested parties in accordance with the Government Record Access Management Act (Utah Code Ann. § 63G-2-101, et seq.). All materials submitted in response to this Request will become the property of the City and will be managed in accordance with the Government Record Access Management Act.

8. **Special Matters.** All Services performed pursuant to this Proposal shall comply with all applicable laws, ordinance, rules, regulations, and applicable standards of performance, including, but not limited to, status verification system requirement for contractors of Utah Code Ann. § 63G-11-103.

9. **Terms of Contract.** The successful Consultant will be required to enter into a written agreement with the City to provide the Services. If the selected Proposer and the City attorney's office are unable to negotiate an acceptable agreement, then such Proposal shall be deemed withdrawn and another Proposer(s) will be selected by the mayor and negotiation will continue with such other Proposer(s) until an acceptable agreement is completed.

10. **Contact Person.** For further information or for Americans with Disabilities Act (ADA) accommodation, contact John Inch Morgan, City Administrator (801) 963-5400, 2600 West Taylorsville Boulevard, Taylorsville, UT 84129.

Exhibit “A”

[Guidelines]

Number Responses sequentially on the upper right hand corner of the cover.

Color is allowed.

8-1/2” x 11” page sizes.

Paginate pages.

One (1) inch margins (exceptions: Consultant Name/Logo and Page Headers/Footers may be within the margin).

Size 12 Font.

Except for unbound copy, bind Responses on left side.

Provide tabs for each section of the Response.

Front and back cover pages.

Exhibit “B”

[Executive Order]



Taylorville Executive Order

Criteria to Evaluate Lowest Responsive Responsible Bidder

Utah Code Ann. § 11-39-101, *et seq.*, provides in part that if a city intends to undertake a building improvement or public works project paid for by the City and the estimated cost of building improvements or public works projects exceed the bid limit (as defined therein) and the City determines to proceed with the building improvements or public works project, then the City shall enter into a contract for the completion of the building improvements or public works project with the lowest responsive responsible bidder. Lowest responsive responsible bidder means, among other things, a prime contractor who satisfies the local entities criteria relating to financial strength, past performance, integrity, reliability, and other factors that the local entity uses to assess the ability of the bidder to perform fully and in good faith the contract's requirements. The Mayor hereby enters this Executive Order that the term "lowest responsive responsible bidder" shall include evaluation of the following criteria:

1. That the contractor and subcontractors, if any, demonstrate to the city's satisfaction that the contractor and subcontractor have and will maintain an offer of quality health insurance coverage for the contractor's and subcontractor's employees and the employee's dependents.
2. That the contractor and subcontractor, if any, demonstrate to the city's satisfaction that the contractor has and will maintain a drug and alcohol testing policy during the period of the contract that applies to all covered individuals employed or hired by the contractor or subcontractor and subject the covered individuals to random testing under the drug and alcohol testing policy.
3. That the contractor and subcontractor, if any, demonstrate to the city's satisfaction that the contractor and subcontractor have and will maintain a program to actively recruit and/or employ veterans.
4. That the contractor and subcontractors, if any, demonstrate to the city's satisfaction that the contractor and subcontractor has and will maintain a job training program, such as by way of example and not limitation, a Federal, State and/or City recognized job training program.
5. That the contractor and subcontractors, if any, demonstrate to the city's satisfaction that the contractor and subcontract has and will maintain a safety program.

As used herein:

1. "Contractor" means a person or entity who is or may be awarded a construction contract for building improvements and public works projects.

2. "Covered individual" means an individual, who, on behalf of a contractor or subcontractor, provides services directly related to design or construction contract and is in a safety sensitive position, including a design position that has responsibilities that directly affect the safety of a building improvement or public works project.

3. "Drug and alcohol testing policy" means a policy under which a contractor or subcontractor tests a covered individual to establish, maintain, or enforce a prohibition of (i) the manufacture, distribution, dispensing, possession, or use of drugs or alcohol, except the medically prescribed possession and use of a drug, or (ii) the impairment of judgment or physical abilities due to the use of drugs or alcohol.

4. "Health benefit plan" means a policy that provides health care insurance, provides major medical expense insurance, or is offered as a substitute for hospital or medical expense insurance such as a hospital confinement indemnity or limited benefit plan. Health benefit plan does not include a policy that provides benefits solely for accidents, dental, income replacement, long-term care, a Medicare supplement, a specific disease, vision, or a short-term limited duration where it is offered and marketed as supplemental health insurance.

5. "Qualified health insurance coverage" means at the time the contract is entered into or renewed:

(a) a health benefit plan and employer contribution level with a combined actuarial value at least actuarially equivalent to the combined actuarial value of the benchmark plan determined by the Children's Health Insurance Program under Utah Code Ann. § 26-40-106(2)(a) or a successor, and a contribution level of 50% of the premiums for the employee and the dependents of the employee who reside or work in the state in which:

i. the employer pays at least 50% of the premium for the employee and the dependents of the employee; and

ii. for purposes of calculating actuarial equivalency under this provision:

(1) rather than benchmark plan deductibles, and the benchmark plan out-of-pocket maximum based on income levels:

(A) the deductible is \$1,000 per individual and \$3,000 per family; and

(B) the out-of-pocket maximum is \$3,000 per individual and \$9,000 per family;

(b) dental coverage is not required; or

(c) a federally qualified, high-deductible health plan that at a minimum:

i. has a deductible that is either:

(1) the lowest deductible permitted for a federally qualified, high-deductible plan;

(2) or a deductible that is higher than the lowest deductible permitted for a federally qualified, high-deductible health plan, but includes an employer contribution to a health savings account in a dollar amount at least equal to the dollar amount difference between the lowest deductible permitted for a federally qualified, high-deductible plan and the deductible for employer-offered federal qualified, high-deductible plan;

(A) has an out-of-pocket maximum that does not exceed three times the amount of the annual deductible;

(B) and the employer pays 60% of the premium for the employee and the dependents of the employee who work or reside in the state of Utah.

6. "Random testing means that a covered individual is subject to periodic testing for drugs and alcohol in accordance with the drug and alcohol testing policy and on the basis of random selection process.

7. "Subcontractor" means any person or entity who may be awarded a contract with a contractor or another subcontractor to provide services or labor for the construction of building improvements and public works projects. Subcontractor includes a trade, contractor, or specialty contractor but does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor.

8. "Veteran" means an individual who has served on active duty in the armed forces for more than 180 consecutive days, or was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions, or any individual incurring an actual service-related injury or disability in the line of duty, whether or not that person completed 180 consecutive days of active duty.



ATTEST:

Cheryl P. Cottle

Cheryl P. Cottle, City Recorder

CITY OF TAYLORSVILLE

Russ Wall

Mayor Russ Wall

11/3/2011

Exhibit "C"

[Certification]

The undersigned Proposer certifies that it has not:

1. Provided an illegal gift or payoff to a City officer or employee or former City officer or employee or his or her relative or business entity;
2. Retained any person to solicit or secure this contract upon an agreement or understanding for commission, percentage, brokerage, or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; or
3. Knowingly influenced and hereby promised that it will not knowingly influence and City officer or an employee or former City officer or employee to break any applicable ethical standard or rules.

The undersigned Proposer certifies that:

1. The Proposal is made in good faith.
2. The Proposal is made in conformity with the specifications and qualifications contained in the Request.

Name of Proposer: _____

Name of Authorized Representative: _____

Signature of Authorized Representative: _____

Address: _____

City/State/Zip: _____

Telephone Number: _____

Fax Number: _____

Web Site Address: _____

Email Address: _____

Date Signed: _____

Exhibit “D”

[Broker Incentives]

City-paid Broker Incentive	Projected Store Sales	Minimum Lease Term	Payment
\$ 2,500	\$1 to \$2 Million	5 years	2 months after store opening
\$ 5,000	\$2 to \$5 Million	5 years	2 months after store opening
\$ 7,500	\$5 to \$10 Million	5 years	2 months after store opening
\$10,000	\$10 Million +	5 years	2 months after store opening