



## REQUEST FOR PROPOSALS (RFP)

### COMMERCIAL REAL ESTATE BROKERAGE, TENANT REPRESENTATION & CONSULTING SERVICES

#### I. Summary

Clean Power Alliance of Southern California (“CPA”) is a two-year old public Joint Powers Authority offering retail electricity service to approximately one million customers in 32 communities across Los Angeles and Ventura Counties. Fiscal Year 2019/2020 revenue is projected to be \$750 million. CPA currently has 17 employees and expects to have approximately 40 employees by the end of 2021. It is currently located at WeWork in the Gas Company Tower.

CPA desires to move to a new dedicated office in the first half of 2020. As such CPA is seeking proposals from California-licensed, commercial real estate brokerage firms (“Bidder” or “Broker”), with qualified personnel having previous experience in providing commercial real estate brokerage services for public agencies and/or corporate clients.

A scope of services is provided in **Attachment A**. CPA expects that any compensation for the scope of services provided in **Attachment A** will be the commission paid by a third-party building owner or leasing agent and will be contingent upon the close of the subject real estate transaction. Bidder will be expected to disclose in its submittal any non-commission fees or compensation Bidder expects to receive from CPA and to explain under what circumstances these fees or commission would apply.

CPA expects the work to commence on or about September 9, 2019, and be completed no later than June 30, 2020, and expects any contract to terminate when the work is complete.

#### II. RFP Timetable

The timetable for this RFP is as follows:

Description	Date
Release of RFP	August 5, 2019
Deadline for Written Questions	August 9, 2019 by 5:00 p.m.
Responses to Questions Provided	August 12, 2019
<b>RFP Proposals Due</b>	<b>August 16, 2019 by 5:00 p.m.</b>
Initial Selection	August 23, 2019
Interviews (if necessary)	August 26-29, 2019
Begin Contract Negotiations	August 29, 2019
Execution of Contract	By September 6, 2019
Commencement of Work	September 9, 2019

### **a. Questions and Responses**

Prospective bidders may submit questions regarding this RFP by email to [contracting@cleanpoweralliance.org](mailto:contracting@cleanpoweralliance.org). All questions must be received by **5:00 pm (Pacific) on Friday, August 9, 2019**. When submitting questions, please specify which section of the RFP you are referencing and quote the language that prompted the question. Questions may address issues or concerns that the evaluation criteria and/or business requirements would unfairly disadvantage bidder or, due to unclear instructions, may result in CPA not receiving the best possible responses from bidder.

CPA will provide responses to questions on **August 12, 2019**. CPA reserves the right to group similar questions when providing answers.

### **b. Proposal Submission Deadline**

The Bidder's proposal should be submitted by email to [contracting@cleanpoweralliance.org](mailto:contracting@cleanpoweralliance.org) by 5:00 pm (Pacific) by **Friday, August 16, 2019 at 5:00 p.m.** Please include the subject line "PROPOSAL FOR COMMERCIAL REAL ESTATE BROKERAGE, TENANT REPRESENTATION & CONSULTING SERVICES."

It is the sole responsibility of the submitting Bidder to ensure that its proposal is received before the submission deadline. Submitting Bidders shall bear all risks associated with delays in delivery. Any proposals received after the scheduled closing date and time for receipt of proposals will not be accepted.

### **III. Proposal Requirements**

Proposals shall include the following components:

- Bidder's Qualifications.
- Bidder's experience with each of the services described in Section II, "Real Estate Transaction Services," in Attachment A.
- Description of process for identifying the facility described under Section I, "Minimum Requirements for CPA's Leased Facility," in Attachment A and meeting the minimum requirements described therein.
- Bidder must identify any non-commission fees and/or compensation Bidder may seek from CPA and an explanation for why those fees or compensation may be sought.
- A copy of the agreement that Bidder typically uses for these services. If the agreement is a pro forma, Bidder is expected to identify any terms and conditions that Bidder can waive or any exceptions or revisions Bidder is willing to make to that agreement.

#### **IV. Proposal Evaluations & Criteria**

Proposals will be evaluated in accordance with the following evaluation criteria.

<b>Evaluation Criteria</b>
Bidder's qualifications
Bidder's experience with and approach to the services requested in Attachment A. Any non-commission fees and/or compensation Bidder may seek from CPA.
Bidder's approach to providing "Additional Services" not specifically requested as part of Attachment A

Following the initial evaluation, CPA may select a particular Broker (with or without interviews) or enter into discussions with a "short list" of Brokers, consisting of those Brokers reasonably likely, in the opinion of CPA, to be awarded the contract.

The purpose of discussions with a Broker on the "short list" will be to identify to that Broker specific deficiencies and weaknesses in its proposal and to provide the Broker with the opportunity to consider possible approaches to alleviating or eliminating them. These deficiencies or weaknesses may include such things as technical issues, management approach, cost, or team composition. Discussions may take place through written correspondence and/or during face-to-face interviews.

CPA reserves the right not to convene interviews or discussions, and to make an award on the basis of initial proposals received. References may be contacted at any point in the evaluation process.

After a Bidder has been selected, CPA and the prospective contractor will negotiate a contract for execution by CPA. If a satisfactory contract cannot be negotiated, CPA may, at its sole discretion, begin contract negotiations with the next qualified Bidder who submitted a proposal, as determined by CPA. Bidders are further notified that CPA may disqualify any Bidder with whom CPA cannot satisfactorily negotiate a contract.

#### **V. Reservation of Rights**

This RFP is a solicitation for proposals only and is not intended as an offer to enter into a contract or as a promise to engage in any formal competitive bidding or negotiations. CPA may, at its sole discretion, accept or reject any or all proposals submitted in response to this RFP. CPA also may, in its sole discretion, make no award for this RFP or cancel this RFP in its entirety. In addition, CPA may, at its sole discretion, only elect to proceed with contract negotiations for some of the services included in the proposal. CPA further reserves its right to waive minor errors and omissions in proposals, request additional information or revisions to offers, and to negotiate with any or all Bidders.

CPA shall not be liable for any costs incurred by the Bidder in connection with the preparation and submission of any proposal. CPA reserves the right to waive

inconsequential disparities in a submitted proposal. CPA has the right to amend the RFP, in whole or in part, by written addendum, at any time. CPA is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda. Such addendum shall be made available to each person or organization which CPA records indicate has received this RFP. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the proposal being found non-responsive and not being considered, as determined in the sole discretion of CPA. CPA is not responsible for and shall not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf. CPA has the right to reissue the RFP at a future date.

## **VI. Confidentiality and Public Records**

Responses to this RFP shall become the exclusive property of CPA. CPA is subject to the California Public Records Act ("CPRA"). The recommended Bidder's proposal will become a matter of public record when contract negotiations are complete and CPA receives a letter from the recommended Bidder's authorized officer that the negotiated contract is the firm offer of the recommended Bidder or when an agreement is executed by CPA. Exceptions to disclosure may be available to those parts or portions of proposals that are justifiably and reasonably defined as business or trade secrets, and plainly marked by the Bidder as "Trade Secret", "Confidential", or "Proprietary". CPA shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the CPRA or otherwise by law. **In the event CPA receives a CPRA request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked "Confidential", "Trade Secrets", or "Proprietary", Bidder agrees to defend and indemnify CPA from all costs and expenses, including reasonable attorneys' fees, incurred in connection with any action, proceedings, or liability arising in connection with the CPRA request.**

A blanket statement of confidentiality or the marking of each page of the proposal as confidential shall not be deemed sufficient notice of a CPRA exemption, and a Bidder who indiscriminately and without justification identifies most or all of its proposal as exempt from disclosure or submits a redacted copy may be deemed non-responsive.

## **VII. Conflicts of Interest**

CPA is governed by the Political Reform Act, Government Code Section 1090, Government Code Section 84308, and other requirements governing conflicts, campaign contributions, and gifts. Bidders are required to review all applicable conflict of interest laws. In addition, CPA has adopted policies governing bidder conduct. Bidders are advised to review all policies, including the Vendor Communication Policy available here: <https://cleanpoweralliance.org/key-documents/>.

You may not contact or receive information outside of this RFP process. If it is discovered that the Bidder contacted and received information from anyone other than the person specified above and under the process specified herein regarding this solicitation, CPA

may, in its sole discretion, disqualify your proposal from further consideration.

All contact regarding this RFP or any matter relating thereto must be in writing and may be emailed to [contracting@cleanpoweralliance.org](mailto:contracting@cleanpoweralliance.org).

#### ATTACHMENTS

Attachment A – Scope of Services

Attachment B – Prospective Contractor References

# Attachment A – Scope of Services

## I. Minimum Requirements for CPA's Leased Facility

The principal responsibility of the selected Broker is to provide commercial real estate brokerage services to CPA with regard to CPA's lease of a facility in the Los Angeles commercial real estate market, that meets the following minimum real estate requirements:

- Located in Downtown Los Angeles area or surrounding environs (e.g. Little Tokyo, Chinatown)
- Located in close proximity to an existing or future Metro Rail Station
- Availability of parking on-site or nearby
- Space for a Board Room of at least 1,500 sq. ft. (can be built as part of Tenant Improvements or located in an existing shared facility under certain conditions)
- Upon occupancy, building must meet code requirements for seismic, life safety, ADA and all other applicable codes
- Upon occupancy, specialized space such as Secured Server Room(s)
- Within one year upon occupancy, Energy StarEfficient labeled building (LEED Certified preferred)
- No significant barriers to extensive low-voltage work to support video conferencing, remote meetings and other advanced technology needs

## II. Real Estate Transaction Services

CPA anticipates that the selected Broker will provide the following services, or some combination thereof (as determined by CPA, at its sole discretion):

- Space Planning/Confirm Real Estate Requirements:** Review CPA's staffing plan, space needs and other documentation and re-confirm CPA's major real estate assumptions and requirements that will be incorporated into the site search and selection task.
- Develop Marketing Materials:** Prepare draft marketing materials to solicit building owners, developers interested in leasing an office building located in the Los Angeles market. The materials shall specify minimum building program requirements, including, but not limited to, location criteria, total floor area, optimum floor plate size, special operational features and requirements, schedule for completion and financial requirements. Broker will conduct any pre-proposal conferences and shall be responsible for responding to all inquiries.
- Site Search and Site Selection:** Market real estate opportunity to brokers and other resources with property listings in the Los Angeles market. Receive and

conduct initial assessment of all responses including building specifications, design and construction, evaluate for seismic retrofit, ADA life/safety regulations. Coordinate and conduct site tours for CPA staff and design consultants.

- d. **Proposal Evaluation/Short List Recommendation:** Broker will review and evaluate all submitted proposals and conduct due diligence to confirm the merits of any proposal received. Broker will confirm all costs associated with the lease or each building under consideration; determine amount of improvement necessary and costs associated with having buildings in move-in ready condition; Broker will identify and recommend a short-list of lease facility options for review to CPA.
- e. **Negotiations:** Upon approval to proceed, Broker will develop, present and obtain pre-approval of the real estate negotiation strategies and principles from CPA. Conduct negotiations to secure the best possible real estate transaction with maximum incentives and concessions consistent with professional ethics and the market conditions. Broker must provide written documentation of the negotiation process, terms of agreements, Letters of Intent, etc.
- f. **Final Recommendation:** Broker will present the terms and conditions for the recommended final option for review and approval to CPA and will support the development of a presentation to CPA's governing committee, if necessary.
- g. **Lease Documentation:** Broker will prepare and/or coordinate the completion of required lease documentation to finalize the approved real estate transaction.

### III. **Additional Potential Services**

At their sole option, CPA may utilize the selected Broker to provide the following services under separately negotiated agreements, as needed:

- Move/Relocation Management Services
- Approaches to design services for tenant improvement including construction management or architectural services

## Attachment B - Prospective Contractor References

**Contractor's Name:**

List three (3) References where the same or similar scope of services were provided in order to meet the Minimum Requirements stated in this solicitation.

<b>1. Name of Firm</b>	<b>Address of Firm</b>	<b>Contact Person</b>	<b>Telephone #</b> (   )	<b>Fax #</b> (   )
Name or Contract No.	# of Years / Term of Contract		Type of Service	Dollar Amt.
<b>2. Name of Firm</b>	<b>Address of Firm</b>	<b>Contact Person</b>	<b>Telephone #</b> (   )	<b>Fax #</b> (   )
Name or Contract No.	# of Years / Term of Contract		Type of Service	Dollar Amt.
<b>3. Name of Firm</b>	<b>Address of Firm</b>	<b>Contact Person</b>	<b>Telephone #</b> (   )	<b>Fax #</b> (   )
Name or Contract No.	# of Years / Term of Contract		Type of Service	Dollar Amt.