

February 20, 2024

Dear Bidder;

The Borough of Seaside Park, a municipal corporation (hereinafter “the Borough”) is accepting written proposals for services for a real estate firm to provide brokerage and marketing services for a commercial property 66 I Street, Block 57, Lot 2, Seaside Park, New Jersey, that is owned by the Borough of Seaside Park.

The Borough reserves the right to accept or reject any or all proposals in whole or in part and to waive any informality the Borough may determine is necessary. The Borough also reserves to itself the exclusive right to accept any proposals when it is deemed by the Borough to be in its best interest.

In awarding any proposal, the Borough may consider, but not be limited to, any of the following factors: cost, professional qualifications, experience, and references. The Borough may hold interviews with the broker agency and broker/realtor prior to making a decision.

Proposals must be submitted in accordance with the following instructions to bidders.

Please mark sealed envelopes plainly: “Real Estate Broker Services– Bid 2024-_____.”

Questions regarding this Request for Proposals should be directed by email to Karen Kroon, Borough Administrator, kkroon@seasideparknj.org

Please submit your proposal in a sealed envelope to the Borough of Seaside Park **by 10:00 a.m. on March 15, 2024**. Proposals must be received by Jenna Jankowski, Municipal Clerk, **Borough of Seaside Park, 1701 North Ocean Ave, Seaside Park, New Jersey 08752** on or before the date and time appointed. Proposals will be opened at 10:00 a.m. at Borough of Seaside Park, Borough Hall, 1701 N Ocean Avenue, Seaside Park, NJ 08752. The Borough will not accept late bids.

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GENERAL DESCRIPTION OF PROJECT

The Borough of Seaside Park (“Borough”) is considering the sale of certain Borough owned real estate 66 I Street, Block 57, Lot 2, Seaside Park, New Jersey. While the Borough could undertake the sale of such property directly the governing body of the Borough has determined that it is in the best interest of Borough to obtain the services of a New Jersey licensed real estate Broker or firm (“Consultant”) having experience in commercial transactions to assist the Borough. It is the intent of this Request for Proposals (“RFP”) to have the successful Consultant enter into a Professional Services Contract with the Borough to supply real estate services as outlined herein.

SCOPE OF WORK

The selected Consultant will be responsible for providing the Borough with commercial Brokerage services, representing the Borough’s interest in marketing and negotiating contracts of sale for the assigned real estate property, vetting purchasers and providing other related commercial real estate services as requested.

The Borough is seeking a Consultant with experience in marketing, selling properties for commercial and municipal owners. The Consultant should have familiarity with laws and practices applicable to municipal real estate matters, including relevant local land use and zoning controls for properties as governed by the Borough of Seaside Park Code.

The selected Consultant will be expected to provide the following services:

1. Strategic planning for property sale;
2. Advice regarding property valuation, including suitability for sale;
3. Progress updates and maintain timely telephone and e-mail contact with assigned staff when there are active interests and transactions;
4. Presentations at public meetings;
5. Consultation with Borough Attorney, Assessing, Planning, Engineering, Zoning and Building department staff on real property deed restrictions and/or conditions (e.g., easements, covenants, etc.), valuation, and zoning and land use compliance matters;
6. Handle all customary activities and services associated with real estate transactions.

Consultant shall undertake such research necessary to develop a strategy for marketing the property and a plan to implement the marketing strategy. As part of the strategic planning, Consultant shall develop and create marketing brochures and print advertisements.

Consultant shall provide advice regarding property sale valuation, including suitability for sale. Consultant shall meet with staff members of the Borough, Borough Attorney, Assessor’s Office, Engineering Department, and Building Department on real property deed restrictions and/or conditions (e.g., easements, covenants, etc.), valuation, and zoning and land use compliance matters.

Consultant shall make every effort to ensure the Borough is aware of active interests and potential/contemplated transaction and the economic substance of any transactions contemplated herein. Consultant shall provide progress updates and maintain timely telephone and e-mail contact with such staff as designated by the Borough governing body. Throughout the term of this agreement and upon the request of the Borough governing body, the Consultant shall make presentations at public meetings.

The Consultant shall handle all customary activities and services associated with real estate transactions, including but not limited to, marketing of the property; solicitation of new prospective commercial clients; receive and review all offers to purchase submitted by buyers or buyers' agents; evaluate offer(s) and prepare a "net sheet" on each for the Borough for comparison purposes; counsel Borough on offers with explanation of the merits and weakness of each component of each offer; contact buyers' agents to review buyer's qualifications and discuss offer; subject to direction and approval of the Town Board negotiate all offers on Borough's behalf; prepare and convey any counter offers, acceptance or amendments to buyer's agent; coordinate efforts with the Borough Attorney regarding preparation and delivery of lease or purchase contracts; advise Borough in handling additional offers to purchase submitted between contract and closing.

Consultant warrants that Consultant shall conduct its business, as it relates to the services set forth herein, in a commercially reasonable, professional, legal and ethical manner.

Consultant is aware that the subject property is being marketed to the following conditions/restrictions:

1. The Property known as 66 I Street, Block 57, Lot 66 is a vacant lot and being sold in an "AS IS" condition.
2. The listing price for the Property shall be \$600,000.
3. All offers shall be presented to the Borough Administrator.
4. The Property shall not be used for any purpose other than single-family residential purposes. The term "residential purposes" excludes hospitals, clinics, duplex houses, apartment houses, boarding houses, hotel, commercial and professional uses. No building shall be erected, altered, placed or permitted to be constructed on this lot other than a single family residential home constructed in accordance with Borough Ordinances.
5. The above conditions will be incorporated into the sale of the property by Deed restriction.
6. All real estate contracts must be approved by the governing body pursuant to N.J.S.A. 40A:12-1 et seq., i.e., approval of the contract by resolution and final transfer of said public Property by ordinance.
7. The listing duration shall be for six months.

REQUEST FOR PROPOSALS

The Borough is requesting proposals for Consultant services to market 66 I Street, Seaside Park, New Jersey for sale and coordinate the sale transaction with potential buyers. The selected Consultant will demonstrate an ability to carry out the assignment and has the skills and experience necessary to complete the task.

There will be a limit of one proposal from any one broker agency. The Borough will award a contract from date of award for six months, with renewable options up to two additional six month terms. The Borough requires that the Consultant hold a Real Estate Brokerage Agency license by the State of New Jersey, and the principal in charge hold a Broker/Realtor license.

The Borough reserves the right to accept or reject any or all bids or any part of any bid, to waive defects, technicalities or ant specifications (whether they be in the Borough's specifications or Consultant's response), to sit and act as sole judge of the merit and qualifications of each product offered, or to solicit new bids on the same project or on a modified project which may include portions of the originally proposed project as the Borough may deem necessary in the best interest in the Borough.

The Borough reserves the right to cancel this solicitation at any time during the procurement process, for any reason or for no reason. The Borough makes no commitments expressed or implied, that this process will result in a business transaction with any Consultant.

Consultant may modify or withdraw its bid by written request, provided that both bid and request is received by the Borough prior to the bid due date. Bids may be re-submitted in accordance with the Bid Notice due date in order to be considered further. Bids become the property of the Town at the bid submission deadline. All bids received are considered firm offers at that time.

The final award of a contract is subject to approval by the Borough. The Borough has the sole right to select the successful Consultant for award, to reject any bid as unsatisfactory or non-responsive, to award a contract to other than the lowest priced bid, or not to award a contract. Notice in writing to a Consultant of the acceptance of its bid by the Borough will constitute a contract, and no Consultant will acquire any legal or equitable rights or privileges until the occurrence of such event.

Questions regarding this Request for Proposals should be directed to Karen Kroon, Borough Administrator, Borough of Seaside Park, 1701 North Ocean Ave, Seaside Park, New Jersey 08752.

COMPLIANCE WITH FEDERAL REGULATIONS

1. Equal Employment Opportunity: The Borough is an Equal Opportunity Employer and shall not discriminate against an applicant for employment, and employee or a citizen because of race, color, sex, marital status, physical and/or mental handicap, religion, age, ancestry or natural origin, unless based upon a bona-fide occupation qualification. Vendors and contractor or their agents doing business with the Borough shall not violate the above clause or the Civil Rights Acts of 1964. Violations by vendors shall be reviewed on a case-by-case basis and may mean an automatic breach of contract or service to the Borough.

2. Save Harmless: Consultant agrees to protect and save harmless the owner from all costs, expenses or damages that may arise out of alleged infringement of patents of materials used.

3. Subcontracting: The Consultant shall not subcontract any part of the work or materials or assign any monies due it without first obtaining the written consent of the municipality. Neither party shall assign or transfer its interest in the contract without the written consent of the other party.

INDEMNIFICATION

1. General Indemnification: By submitting a bid, the proposing Consultant agrees that in the event it is awarded a contract, it will indemnify and otherwise hold harmless the Borough of Seaside Park, its agents and employees from any and all liability, suits, actions, or claims, together with all costs, expenses for attorney's fees, arising out of the Consultant's its agents and employees' performance work or services in connection with the contract, regardless of whether such suits, actions, claims or liabilities are based upon acts or failures to act attributable, sole or part, to the Borough, its employees or agents.

2. Insurance:

i. Consultant recognizes that it is operating as an independent Consultant and that it is liable for any and all losses, penalties, damages, expenses, attorney's fees, judgments, and/or settlements incurred by reason of injury to or death of any and all persons, or injury to any and all property, of nature, arising out of the Consultant's negligent performance under this contract, and particularly without limiting the foregoing, caused by, resulting from, or arising out of any act of omission on the part of the Consultant in their negligent performance under this contract.

ii. The Consultant shall maintain such insurance as will protect against claims under Worker's Compensation Act and from any other claims for damages for personal injury, including death, which may arise from operations under this contract. The Consultant is an independent Consultant and is not an employee of the Borough of Seaside Park.

iii. During the term of this contract, the Consultant shall, at its own expense, carry insurance minimum limits as set forth above.

CONDITIONS AND INSTRUCTIONS TO BIDDERS

1. Consultant shall use the enclosed bid form.
2. Proposals must be completed in full, in ink and must be signed by firm official. Proposals **MUST be notarized** prior to bid being sealed and will be disqualified if not notarized. Proposals may be withdrawn prior to the time set for the official opening.
3. Proposals will be opened publicly. Consultant or representatives may be present at opening.
4. Issuance of this RFP and receipt of proposals does not commit the Borough to award a contract. The Borough reserves the right to postpone receipt date, accepting or rejecting any or all proposals received in response to this RFP, or to negotiate with any of the brokers/firms submitting an RFP, or to cancel all or part of this RFP.
5. No contract may be assigned without the written consent of the governing body.
6. Please state "**Real Estate Broker Services – 2024-**", on submitted, sealed envelope.
7. The Borough of Seaside Park reserves the right to waive any formality and technicality, whichever is deemed best for the interest of the Borough of Seaside Park.
8. The contract period for the successful broker/firm will be from date of award for six months with renewable options up to two additional six-month terms. The contract may be terminated by either party with 30 (thirty) days prior notice.
9. **OWNERSHIP DISCLOSURE FORM (MANDATORY FORM WITH BID PROPOSAL)**
Pursuant to N.J.S.A. 52:25-24.2, in the event the Proposer is a corporation, partnership or sole proprietorship, the Proposer must complete an Ownership Disclosure Form. A current completed Ownership Disclosure Form must be received prior to or accompany the submitted Proposal. A Proposer's failure to submit the completed form with its Proposal will result in the rejection of the Proposal as non-responsive and preclude the award of a contract to said Proposer. If any ownership change has occurred within the last six (6) months, a new Ownership Disclosure Form must be completed and submitted with the Proposal.

NOTE: If the Proposer is a partnership or a limited liability corporation, an Ownership Disclosure form must be completed by each general partner. Failure to comply may result in rejection of the Proposal.

12. DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN FORM

Pursuant to N.J.S.A. 52:32-58, the Proposer must utilize this Disclosure of Investment Activities in Iran form to certify that neither the Proposer, nor one of its parents, subsidiaries, and/or affiliates (as defined in N.J.S.A. 52:32-56(e)(3)), is listed on the Department of the Treasury's List of Persons or Entities Engaging in Prohibited Investment Activities in Iran and that neither the Proposer, nor one of its parents, subsidiaries, and/or affiliates, is involved in any of the investment activities set forth in N.J.S.A. 52:32-56(f). If the Proposer is unable to so certify, the Proposer shall provide a detailed and precise description of such activities as directed on the form. A Proposer's failure to submit the completed and signed form before contract award will be deemed non-responsive and preclude the award of a contract to said Proposer.

NOTE: If the Proposer is a partnership or a limited liability corporation partnership, each Disclosure of Investment Activities in Iran form must be signed by a general partner. Failure to comply may preclude the award of a contract.

13. The Proposer must submit the Disclosure of Investigations and Other Actions Involving Bidder Form, prior to the award of a contract, to provide a detailed description of any investigation, litigation, including administrative complaints or other administrative proceedings, involving any public sector clients during the past five (5) years, including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and, if applicable, disposition. The Proposer's inclusion of the Disclosure of Investigations and Other Actions Involving Bidder form with the Proposal is requested and advised. If a Bidder does not submit the form with the Proposal, the Bidder must comply within seven (7) business days of a request by the Authority or the Authority may deem the Proposal non-responsive.
14. **BUSINESS REGISTRATION CERTIFICATION (BRC):** In accordance with N.J.S.A. 52:32-44(b), a Proposer and its named Subcontractors must have a valid Business Registration Certificate ("BRC") issued by the Department of Treasury, Division of Revenue and Enterprise Services, prior to the award of a contract. To facilitate the Proposal evaluation and contract award process, it is requested and advised the Proposer should submit a copy of its valid BRC and those of any named Subcontractors with its Proposal.

A Proposer otherwise identified by the Authority as a responsive and responsible Bidder, inclusive of any named Subcontractors, but that was not business registered at the time of submission of its Proposal must be so registered and in possession of a valid BRC by a deadline to be specified in writing by the Authority. A Bidder who fails to comply with this requirement by the deadline specified by the Authority will be deemed ineligible for contract award. Under any circumstance, the Authority will rely upon information available from computerized systems maintained by the State as a basis to verify independently compliance with the requirement for business registration. <http://www.state.nj.us/treasury/revenue/busregcert.shtml> .

A Proposer receiving a contract award as a result of this procurement and any Subcontractors named by that Proposer will be required to maintain a valid business registration with the

Division of Revenue and Enterprise Services for the duration of the executed contract, inclusive of any contract extensions.

Pursuant to N.J.S.A. 54:49-4.1, a business organization that fails to provide a copy of a business registration as required pursuant to section 1 of P.L. 2001, c.134 (N.J.S.A. 52:32-44 et al.) or subsection e. or f. of section 92 of P.L. 1977, c. 110 (N.J.S.A. 5:12-92), or that provides false information of business registration under the requirements of either those sections, shall be liable for a penalty of \$25 for each day off violation, not to exceed \$50,000 for each business registration copy not properly provided under a contract with a contracting agency or under a casino service industry enterprise contract.

PROPOSAL FORM:

Due

To: Borough of Seaside Park
1701 North Ocean Ave
Seaside Park, New Jersey 08752

The undersigned submits this proposal without collusion with any other person, individual, or firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the Borough of Seaside Park.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature _____ Company _____

Name (print) _____ Telephone # _____

Title _____ Fax # _____

Address _____

Email Address _____

Web Site _____

STATE OF NEW JERSEY

_____, SS.

Date: _____

Personally appeared _____ and acknowledged the foregoing
instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

Notary Public

Print Name

Commission Expires _____

PROPOSAL FORMAT

Proposals shall contain the following information:

1. Cover letter
2. Bid submission form – Authorization (page 6 of this Request for Proposals)
3. Identify Principal in Charge (Realtor to be assigned to this work)
 - a. General statement of professional qualifications, experience, capacity
 - b. Specific experience (statistics of sales or any other information that would be useful to the City in evaluating your proposal);
 - c. Relevant professional memberships, awards, certifications or other affiliations
 - d. Relevant continuing education or other training
 - e. 3 client references
4. Identify creative strategies and experience with development/redevelopment projects
5. Identify what would make your firm a better choice than other firms or brokers; include sales data, organized by residential properties closed within the last year
6. Submit copies of licenses
7. Describe claims history during the past five years made on any liability insurance policies covering the broker agency, any of its officers, owners or key employees for professional work rendered
8. State your proposed commission rate for sales; include proposed compensation for non-traditional transactions
9. State any other costs the Borough may anticipate relating to the real estate services to be provided