MIAMIBEACH

ITB 2022-059-WG
PREQUALIFICATION POOL FOR REAL ESTATE BROKERAGE SERVICES

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DEFINITIONS:

Bidder *means* any firm or individual submitting an application in response to this ITB. The term bidder may be used interchangeably with applicant and proposer.

Vendor *means* any firm or individual that has been prequalified to supply goods or services to the City.

SECTION 0100: GENERAL INFORMATION & SCOPE OF WORK

1. PURPOSE. The City of Miami Beach is seeking applications from licensed commercial real estate brokers who wish to be included in a pool of prequalified firms from which the City may select a firm to assist with commercial or residential real estate transactions as may be needed in the future. Interested firms may submit an application indicating their intent to become prequalified in accordance with Appendix A. The City intends to prequalify firms in the categories below:

1. **Commercial Real Estate Broker.** A commercial real estate broker representing the City will act as a middleman between sellers and buyers of commercial real estate, assisting with selling, leasing, or purchasing real estate. The Broker shall be able to list real estate on Co-Star or LoopNet.

2. **Residential Real Estate Services.** A commercial real estate agent is qualified to deal with residential and commercial properties. Accordingly, the City may from time to time require assistance with the sale, lease, or purchase of residential real estate. Commercial Real Estate Brokers wishing to participate in this category must be able to list real estate on the Multiple Listing Service (MLS).

Through this ITB, the City invites firms with proven experience to submit applications for the City's consideration. Approved applicants will be added to the pool of prequalified Real Estate Brokerage firms. The City, in its sole discretion, reserves the right to approve or reject any application for prequalification and to add or remove firms to the pool in the future.

The City utilizes Periscope S2G (formerly known as BidSync) (www.periscopeholdings.com or www.bidsync.com) for automatic notification of solicitation opportunities and document fulfillment. Any prospective bidder who has received this ITB by any means other than through Periscope S2G is solely responsible for registering immediately with Periscope S2G to assure it receives any addendum issued to this ITB. Additionally, prior to submittal of the bid, bidder shall verify that it has received and complied with all addenda issued. **Failure to receive an addendum, or comply with an addendum requirement, may result in disqualification of bid submitted.**

To be considered for the pool of prequalified firms, interested parties must submit a complete Bidder Prequalification Application (Appendix A).

2. SCOPE.

Commercial Real Estate Services

The following services at a minimum will be provided pursuant to the specified brokerage fee:

- provide a full and detailed Marketing plan for a Facility, including a marketing budget and expense schedule within thirty (30) days of being assigned said Facility by the City. If the marketing plan is accepted, City will bear approved marketing expenses.
- Show the Facility to interested parties
- Assist in negotiating the terms of the agreement with the Tenant.
- Advise City regarding the valuation of the Facilities. The City will obtain an appraisal of the Facilities, at its sole cost, if the City so desires.
- While assigned Facilities are vacant, the Broker will provide monthly reports of marketing, advertising, and other activities involving potential tenants for those Facilities. Reports will be standardized and submitted as exhibited in the agreement.
- All real estate transactions to be processed with the approval of the City and in accordance with applicable rules, regulations, and ordinances of the City of Miami Beach.
- Commission will only be paid to successful Broker and Co-Broker upon execution of an agreement with a Tenant/Buyer/Seller if procured by successful Broker. If the City rejects the offer for any reason or if negations are unsuccessful in executing an agreement, the City shall not be liable for any costs, claims, or commissions.
- The City reserves the right to delete or cancel any portion or all services provided in the agreement at any time without cause and for convenience. Suppose the City exercises such right. In that case, it shall

compensate for costs associated with the partial termination of the agreement based on the estimated percentage of completion, as reasonably determined by the City.

Residential Real Estate Services
Occasionally the City may have the need to post city-owned property on the Multiple Listing Service (MLS).

The following services at a minimum will be provided pursuant to the specified brokerage fee:

- Procuring buyers and assisting in negotiating sales for available various types of properties.
- Developing and implementing marketing/advertising and sales plan(s) for the properties.
- Providing Comparative Market Analysis
- Sales Analysis and due diligence regarding prospective buyers.
- standard report(s) along with the reporting period of marketing, advertising, and other activities involving prospective tenants for the landlords.

3. **PROCESS OF AWARDING SERVICE ORDER.** The City anticipates establishing an initial Pool of Broker(s) through this ITB prequalification process.

Inclusion in the Broker Pool is a prerequisite for having an opportunity to submit proposals and obtain work through this Pool. However, there is no guarantee that any or all prequalified brokers will obtain Service Orders through this Pool. When a project arises, the City will prepare a scope of work and provide prequalified brokers with information regarding the selection process and response requirements, which may include written proposals and oral presentations.

At the City's discretion, Brokers may be dropped from the Pool for: lack of participation, which shall include failure over a reasonable time to propose on Service Order Proposal Requests offered through the Pool; poor performance on a Service Order; being in arrears in obligations to the City; delays in completion of work on a prior Service Order; or for any other reason deemed to be in the City's best interest. Broker(s) shall maintain the qualifications of the firm and proposed personnel at a standard consistent and equivalent to the qualification submissions submitted in Broker's Proposal.

4. OVERVIEW OF PREQUALIFICATION PROCESS. The figure below is a general overview of the process that the City will utilize to award work pursuant to the prequalification process.



5. **PROCUREMENT CONTACT.** Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact noted below. The Bid title/number shall be referenced on all correspondence.

Procurement Contact:	*Telephone:*	*Email:*
Livia Barcelos, CPP	305-673-7000 x26858	LiviaBarcelos@miamibeachfl.gov
The City Clerk is to be copied on all communications via e-mail at: RafaelGranado@miamibeachfl.gov; or via facsimile: 786-394-4188.		

6. APPROVAL OF PREQUALIFIED STATUS. Following the review and evaluation of applications by staff, the responsive, responsible bidder(s) meeting all terms and conditions of the ITB will be recommended for award, as deemed in the best interest of the City, to the City Manager for her consideration. It is important to note that an application deemed to not meet the qualifications for prequalification does not eliminate the bidder from resubmitting a subsequent application during the contract term. Once the bidder has corrected the deficiency, a new application may be submitted for the City's consideration.

After considering the staff recommendation for award, the City Manager shall exercise her due diligence and recommend to the Mayor and City Commission the bid(s) that the City Manager deems to be in the best interest of the City. The City Commission shall consider the City Manager's recommendation(s) and may approve or reject the City Manager's recommendation(s). The City Commission may also reject all bids received. In addition to the criteria established in the application, pursuant to Section 2-369 of the City Code, the City may consider the following:

- **The ability, capacity and skill of the bidder to perform the Contract.**
- **Whether the bidder can perform the Contract within the time specified, without delay or interference.**
- **The character, integrity, reputation, judgment, experience and efficiency of the bidder.**
- **The quality of performance of previous contracts.**
- **The previous and existing compliance by the bidder with laws and ordinances relating to the Contract.**

PREQUALIFIED STATUS IS VALID FOR FIVE (5) YEARS FROM DATE OF THE NOTICE OF PREQUALIFICATION ISSUED BY THE CITY, OR AS OTHERWISE APPROVED BY THE CITY MANAGER. NOTWITHSTANDING THE CITY MAY VERIFY COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED HEREIN AT ANY TIME. PREQUALIFIED STATUS IS VALID FOR FIVE (5) YEARS FROM DATE OF THE NOTICE OF PREQUALIFICATION ISSUED BY THE CITY, OR AS OTHERWISE APPROVED BY THE CITY MANAGER. NOTWITHSTANDING THE CITY MAY VERIFY COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED HEREIN AT ANY TIME.

7. ADDITIONAL PREQUALIFIED FIRMS TO BE ADDED TO THE POOL. After the initial pool of firms is established, the City reserves the right to continue to receive prequalification applications and prequalify additional consultants. The City may also limit the number of firms prequalified and, in doing so, shall select the firm(s) it deems, in its sole discretion, through its City Manager, to be best qualified.

8. SERVICE DELIVERY EXPECTATIONS. The City places an emphasis on excellent customer service delivery and expects the prequalified bidder to provide the best possible customer service to any and all awarded projects throughout the term of the contract. The prequalified bidder's project manager is responsible for monitoring the customer service provided to City by prequalified bidder's staff, sales and support teams, and employing, as necessary, corrective measures, to ensure that the prequalified bidder will provide and maintain the highest quality of customer service possible during completion of the project(s). Project-specific deliverables and expectations shall be defined on a project-by-project basis, as specified in each request for proposal.

9. VOLUME OF WORK TO BE RECEIVED BY BIDDER. No promise of work is given, or should be understood, as a result of a prequalification. The City reserves the right to purchase any goods and/or services awarded from any resulting agreement, or another governmental contract, or on an as-needed basis through the City's spot market purchase provisions.

10. STANDARD TERMS AND CONDITIONS. The City's Standard for FORMAL SOLICITATIONS TERMS AND CONDITIONS – GOODS & SERVICES (available at https://www.miamibeachfl.gov/city-hall/procurement/standard-terms-and-conditions/) are referenced and incorporated herein.

11. BINDING AGREEMENT. By virtue of submitting an application for the City's consideration, the bidder agrees that the application shall be considered an offer on the part of the bidder, which offer shall be deemed accepted upon approval of bidder's prequalification status by City Manager or City Commission. Further, bidder agrees that, upon approval of the bidder's application by the City Manager or City Commission, a binding Agreement shall be established between the City and the approved contractor. Pursuant to this section, bidder agrees that, if its application is accepted, the ITB (inclusive of all attachments, appendixes, exhibits and addenda) and the Proposal (Application) shall constitute a binding Agreement, and all work shall be performed in accordance with the Agreement. The selected bidder may not include terms or conditions that are additional to this ITB without the

written consent of the City. The agreement will be supplemented, upon specific project need, only by individual Service Orders specifying project scopes and payments. Selection into the Pool does not guarantee work and does not provide for exclusive rights to provide these services to the City.

The Agreement shall be comprised of the following documents, and in the following order:

First, the Purchase Order issued by the City; then,
Second, the signed Service Order; then,
Third, the request for proposal awarded to the vendor; then,
Fourth the ITB, including all documents released in connection with the ITB, including all appendixes, whether included herein or released under separate cover.

In case of default on the part of the Successful Bidder, after said award, the City may take such action as it deems appropriate, including legal action, for damages or specific performance.

12. INSURANCE REQUIREMENT. The vendor shall maintain the below required insurance in effect prior to awarding the contract and for the duration of the contract. The maintenance of proper insurance coverage is a material element of the contract and failure to maintain or renew coverage may be treated as a material breach of the contract, which could result in withholding of payments or termination of the contract.

A. Worker's Compensation for all employees of the provider as required by Florida Statute 440 and Employer's Liability Insurance in an amount not less than $1,000,000.

B. Commercial General Liability on a comprehensive basis in an amount not less than $1,000,000 combined single limit per occurrence, for bodily injury and property damage. City of Miami Beach must be shown as an additional insured with respect to this coverage.

C. Automobile Liability for all owned, non-owned and hired vehicles used in connection with this agreement, in an amount not less than $1,000,000 combined single limit per occurrence, for bodily injury and property damage.

D. Professional Liability Insurance in an amount not less than $1,000,000.

Additional Insured - City of Miami Beach must be included by endorsement as an additional insured with respect to all liability policies (except Professional Liability and Workers' Compensation) arising out of work or operations performed on behalf of the contractor including materials, parts, or equipment furnished in connection with such work or operations and automobiles owned, leased, hired or borrowed in the form of an endorsement to the contractor's insurance.

Notice of Cancellation - Each insurance policy required above shall provide that coverage shall not be cancelled, except with notice to the City of Miami Beach c/o EXIGIS Insurance Compliance Services.

Waiver of Subrogation – Vendor agrees to obtain any endorsement that may be necessary to affect the waiver of subrogation on the coverages required. However, this provision applies regardless of whether the City has received a waiver of subrogation endorsement from the insurer.

Acceptability of Insurers – Insurance must be placed with insurers with a current A.M. Best rating of A:VII or higher. If not rated, exceptions may be made for members of the Florida Insurance Funds (i.e. FWCIGA, FAJUA). Carriers may also be considered if they are licensed and authorized to do insurance business in the State of Florida.

Verification of Coverage – Contractor shall furnish the City with original certificates and amendatory endorsements, or copies of the applicable insurance language, effecting coverage required by this contract. All certificates and endorsements are to be received and approved by the City before work commences. However,

failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements, required by these specifications, at any time.

CERTIFICATE HOLDER MUST READ:

CITY OF MIAMI BEACH
c/o EXIGIS Insurance Compliance Services
P.O. Box 4668 – ECM #35050
New York, NY 10163-4668

Kindly submit all certificates of insurance, endorsements, exemption letters to our servicing agent, EXIGIS, at:

Certificates-miamibeach@riskworks.com

Special Risks or Circumstances - The City of Miami Beach reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

Compliance with the foregoing requirements shall not relieve the vendor of his liability and obligation under this section or under any other section of this agreement.

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APPENDIX A

MIAMIBEACH

Prequalification Application

ITB 2022-059-WG
Prequalification Pool for Real Estate Brokerage Services

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

MIAMIBEACH

Prequalification Application & Instructions

Section 1. SUBMITTAL INSTRUCTIONS. The Prequalification Application will not be considered until it has been submitted completed and executed by a principal of the bidder. Incomplete applications cannot be processed. If requested information is not applicable, please indicate "N/A" or "None. " If answers to questions are lengthier than the spaces that are provided in the application, the answers may be provided on additional pages, which must be attached to the application. All requested documents must also be attached to the application. Failure to attach all requested documents will delay review and approval of the application.

Submit one (1) electronic copy of the application to Livia Barcelos at liviabarcelos@miamibeachfl.gov.

The City reserves the right to request clarifications or additional information as deemed necessary to evaluate a bidder's qualifications. When clarifications or additional information is requested by the City, bidder will have three (3) business days to provide, in full, all the requested information. Failure to provide the information within the prescribed time will delay the review process and may result in denial of prequalification.

Section 2. DEADLINE FOR SUBMITTAL. There is no deadline for the submittal of applications. However, the initial review of applications shall take place 21 days after issuance of this ITB. Applications submitted after this date will be reviewed periodically on an on-going basis. The City will endeavor to complete the review of each application within 60 days of receipt.

Section 3. MINIMUM ELIGIBILITY REQUIREMENTS. The Minimum Eligibility Requirements for this solicitation are listed below. Bidders that fail to comply with minimum requirements shall be deemed non-responsive and shall not have their application considered.

1. **Commercial Real Estate Broker.**
    1. Broker(s), Brokerage Team, or Team, defined as the specific Broker (s) and/or sales associates from the brokerage firm submitted and assigned by the Bidder to manage the City's account. These terms shall be used interchangeably to refer to the team or Broker managing the account.

       The Broker shall be licensed by the State of Florida Department of Professional Regulation by real estate license law under Florida Statute, Chapter 475, Part I.

       Required Submittal: The Proposer shall provide proof, in the form of licenses and certificates in their proposal.

    2. Broker(s) shall have had at a minimum of five (5) lease listings within the last five (5) years representing landlords or owners of commercial real estate within the City of Miami Beach. Leasing experience includes, but is not limited to the following:
        - ♦ Ability to list a property on Co-Star or LoopNet.
        - ♦ Procuring tenants and assisting in negotiating leases for available various types of properties, such as office, retail, and restaurant facilities.
        - ♦ Developing and implementing marketing/advertising and leasing plan(s) for the Facilities.

♦ Providing Comparative Market Analysis
♦ Consulting on the marketability of future City developments
♦ Lease Analysis and due diligence regarding prospective tenants.
♦ standard report(s) along with the reporting period of marketing, advertising, and other activities involving prospective tenants for the landlords.

Submittal Requirement: Responses should list a minimum of five projects, within the City of Miami Beach, within the last 5 years, which demonstrates the Broker's experience in providing the services as required under this ITB.

Residential Real Estate Services.

Occasionally the City may have the need to post city-owned property on the Multiple Listing Service (MLS). Commercial Real Estate Brokerage firms who also wish to be prequalified to provide Residential Real Estate services, must also meet the following minimum requirement:

3. Broker(s) shall have the ability to list real estate on the Multiple Listing Service (MLS).

Section 4. NON-RESPONSIVENESS Failure to submit the following requirements shall result in a determination of non-responsiveness. Non-responsive applications will not be considered.

1. Prequalification Application (Please refer to Section 1 above).

Part A – General Bidder Information.

FIRM NAME:		
NO. OF YEARS IN BUSINESS:	NO. OF YEARS IN BUSINESS LOCALLY:	NO. OF EMPLOYEES:
OTHER NAME(S) BIDDER HAS OPERATED UNDER IN THE LAST 10 YEARS:		
FIRM PRIMARY ADDRESS (HEADQUARTERS):		
CITY:		
STATE:	ZIP CODE:	
TELEPHONE NO.:		
TOLL FREE NO.:		
FAX NO.:		
FIRM LOCAL ADDRESS:		
CITY:		
STATE:	ZIP CODE:	
PRIMARY ACCOUNT REPRESENTATIVE FOR THIS ENGAGEMENT:		
ACCOUNT REP TELEPHONE NO.:		
ACCOUNT REP TOLL FREE NO.:		
ACCOUNT REP EMAIL:		
FEDERAL TAX IDENTIFICATION NO.:		
BIDDER IS: _____CORPORATION / _____PARTNERSHIP / _____SOLE PROPRIETORSHIP / _____OTHER (If other, specify:_____)		

Part B – Operational & Management Information.

PREQUALIFICATION SERVICES SELECTION
(Check all that you *wish to be Prequalified to participate in future pricing competition.*)

Commercial Real Estate Broker Services	
We wish to be prequalified as a Commercial Real Estate Brokerage Firm	✓
Multiple Listing Service (MLS)	
We are Commercial Real Estate Brokerage Firm that can also list Real Estate on the MLS	✓

1. **Commercial Real Estate Broker.**

Submit at least five (5) lease listings within the last five (5) years representing landlords or owners of commercial real estate within the City of Miami Beach.

Leasing experience includes, but is not limited to the following:

- ♦ Ability to list a property on Co-Star and LoopNet
- ♦ Procuring tenants and assisting in negotiating leases for available various types of properties, such as office, retail, and restaurant facilities.
- ♦ Developing and implementing marketing/advertising and leasing plan(s) for the Facilities.
- ♦ Providing Comparative Market Analysis
- ♦ Consulting on the marketability of future City developments
- ♦ Lease Analysis and due diligence regarding prospective tenants.
- ♦ standard report(s) along with the reporting period of marketing, advertising, and other activities involving prospective tenants for the landlords.

Name of Project	Location	Owners Name
Contact Information	Years of operation (term of contract)	Total Square Footage
Email: Tel #:		
Monthly vacancy rates during contract term	Tenant mix - include categories of tenants (Office, restaurant, retail)	PSF Gross rental rate(s)
Project Description:		

Name of Project	Location	Owners Name
Contact Information	Years of operation (term of contract)	Total Square Footage
Email: Tel #:		
Monthly vacancy rates during contract term	Tenant mix - include categories of tenants (Office, restaurant, retail)	PSF Gross rental rate(s)
Project Description:		

Name of Project	Location	Owners Name
Contact Information	Years of operation (term of contract)	Total Square Footage
Email: Tel #:		
Monthly vacancy rates during contract term	Tenant mix - include categories of tenants (Office, restaurant, retail)	PSF Gross rental rate(s)
Project Description:		

Name of Project	Location	Owners Name
Contact Information	Years of operation (term of contract)	Total Square Footage
Email: Tel #:		

Monthly vacancy rates during contract term	Tenant mix - include categories of tenants (Office, restaurant, retail)	PSF Gross rental rate(s)
Project Description:		

Name of Project	Location	Owners Name
Contact Information	Years of operation (term of contract)	Total Square Footage
Email: Tel #:		
Monthly vacancy rates during contract term	Tenant mix - include categories of tenants (Office, restaurant, retail)	PSF Gross rental rate(s)
Project Description:		

2. Provide the names of each owner (stockholder, sole proprietor, and partner), director, or officer of the company, below. Submit additional names on a separate sheet if required.

Owner	Ownership percentage	Directorship/Office type

3. Provide three (3) clients for which the bidder has provided the referenced services in the last five (5) years.

Project	Description of Work	Project Reference
		Name: Email: Telephone:
		Name: Email: Telephone:

		Name: Email: Telephone:

4. Is the bidder currently barred by a governmental agency, from bidding as a prime or subcontractor?

☐ YES ☐ NO

If yes, state debarment period and the reason(s) for debarment?

5. Has the bidder or any of its owners, directors, officers, or agents been convicted of a crime or had a claim that was filed in a court and mediated or arbitrated during the last five (5) years?

☐ YES ☐ NO

If yes, why?

6. Is an affiliate of the bidder prequalified by the City of Miami Beach for any work?

☐ YES ☐ NO

If yes, state the name of the affiliate?

7. Is the bidder a parent, subsidiary, or holding company for another company?

☐ YES ☐ NO

If the answer is "yes," identify the company and type of relationship(s), below:

Company	Type of affiliation (parent or subsidiary)	Period of affiliation

8. Is an owner, director, officer, or agent of the bidder affiliated with another company?

☐ YES ☐ NO

If the answer is "yes," provide the following information for each individual and the affiliated company.

Individual´s name	Affiliated company´s name	Period of affiliation	Type of affiliation (e.g. officer, director, owner or employee)

9. Is the bidder currently the debtor in a bankruptcy case or file for bankruptcy during the last five (5) years?

☐ YES ☐ NO

If yes, explain and attach, as applicable, the relevant case and court documents, including (but not

limited to): the original petition, including the case number and the date that the petition was filed; a copy of the bankruptcy court's discharge order, and any other document that ended the case, if no discharge order was issued.

10. Has any owner, director, officer, or agent for the bidder, or has any business organization in which any such person was an owner, director, officer, or agent filed for or been discharged in bankruptcy within the past five (5) years?

☐ YES ☐ NO

If yes, explain and attach a copy of the discharge order, order confirming plan and if a Corporate Chapter 7 case, a copy of the notice of commencement.

11. Has any owner, director, officer, or agent of the bidder owned or managed a company under any other name in the last five (5) years?

☐ YES ☐ NO

If yes, explain.

12. Has the bidder been assessed or paid any fines on any contract during the past five (5) years, whether the project was publicly or privately owned?

☐ YES ☐ NO

If yes, explain.

13. Are there currently any liens, suits, or judgments of record pending against any owner, director, officer, or agent for the company that is related to the business activities of a business organization?

☐ YES ☐ NO

If yes, explain.

14. Has the bidder or any of its owners, officers, or partners ever been convicted (criminal) or found liable (civil) for making either a false claim or material misrepresentation to any public agency or entity?

☐ YES ☐ NO

If yes, explain.

15. Has the bidder or any of its owners, officers, or partners ever been convicted of any a federal or state crime?

☐ YES ☐ NO

If yes, explain.

16. Is any officer, director, employee or agent, or immediate family member (spouse, parent, sibling, and child) of any officer, director, employee or agent, an employee of the City of Miami Beach?

☐ YES ☐ NO

If yes, state name, title and share of ownership

Name	Title	Share (%) of Ownership

17. VENDOR CAMPAIGN CONTRIBUTIONS

Pursuant to Section 2-487 of the City Code, no vendor shall give a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the offices of mayor or commissioner. Bidder must disclose Bidder, or any principal of the bidder, shall disclose the name of any candidate elected to the office of mayor or city commissioner to which the bidder has directly or indirectly, or to the campaign committee of an elected candidate, given a campaign contribution.

	Name of Elected Candidate	Contributor	Amount of Contribution	Date of Contribution
1				
2				
3				
4				

18. SUSPENSION, DEBARMENT, OR CONTRACT CANCELLATION.

Has bidder ever been debarred, suspended or other legal violation, or had a contract cancelled due to non-performance by any public sector agency?

☐ ☐

If answer to above is "YES," bidder shall submit a statement detailing the reasons that led to action(s):

19. BYRD ANTI-LOBBYING AMENDMENT CERTIFICATION FORM

APPENDIX A, 44 C.F.R. PART 18 – CERTIFICATION REGARDING LOBBYING
Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned Contractor certifies, to the best of his or her knowledge, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The undersigned Contractor certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. § 3801 *et seq*., apply to this certification and disclosure, if any.

By virtue of submitting bid, bidder certifies or affirms its compliance with the Byrd Anti-Lobbying Amendment Certification.

Name and Title of Bidder's Authorized Representative:	Signature of Bidder 's Authorized Representative:

20. SUSPENSION AND DEBARMENT CERTIFICATION

The Contractor acknowledges that:

(1) This Contract is a covered transaction for purposes of 2 C.F.R. pt. 180 and 2 C.F.R. pt. 3000. As such the contractor is required to verify that none of the Contractor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935).

(2) The Contractor must comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C and must include a requirement to comply with these regulations in any lower tier covered transaction it enters into.

(3) This certification is a material representation of fact relied upon by the City. If it is later determined that the

Contractor did not comply with 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C, in addition to remedies available to the City, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment.

(4) The Contractor agrees to comply with the requirements of 2 C.F.R. pt. 180, subpart C and 2 C.F.R. pt. 3000, subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The Contractor further agrees to include a provision requiring such compliance in its lower tier covered transactions."

By virtue of submitting bid, bidder certifies or affirms its compliance with the Suspension and Debarment Certification.

Name and Title of Bidder's Authorized Representative:	Signature of Bidder 's Authorized Representative:

21. SMALL AND DISADVANTAGED BUSINESS CERTIFICATION

Pursuant to Resolution 2020-31519, the City is tracking the Small and Disadvantaged Businesses, as certified by Miami-Dade County that have been certified as Small or Disadvantaged Business by Miami-Dade County.

Does bidder possess Small or Disadvantaged Business certification by Miami-Dade County? ☐ ☐

22. LGBT BUSINESS ENTERPRISE CERTIFICATION

Pursuant to Resolution 2020-31342, the City is tracking the utilization of LGBT owned firms that have been certified as an LGBT Business Enterprise by the National Gay and Lesbian Chamber of Commerce (NGLCC).

Does bidder possess LGBT Business Enterprise Certification by the NGLCC? ☐ ☐

23. CONE OF SILENCE

Pursuant to Section 2-486 of the City Code, all procurement solicitations once advertised and until an award recommendation has been forwarded to the City Commission by the City Manager are under the "Cone of Silence." The Cone of Silence ordinance is available at https://library.municode.com/fl/miami_beach/codes/code_of_ordinances?nodeId=SPAGEOR_CH2AD_ARTVIISTCO_DIV4PR_S2-486COSI

Any communication or inquiry in reference to this solicitation with any City employee or City official is strictly prohibited with the of exception communications with the Procurement Director, or his/her administrative staff responsible for administering the procurement process for this solicitation providing said communication is limited to matters of process or procedure regarding the solicitation. Communications regarding this solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov .

Vendor attests that they have read, understand, and are in compliance with the Cone of Silence Ordinance, pursuant to Section 2-486 of the City Code? ☐ ☐

24. CODE OF BUSINESS ETHICS

Pursuant to City Resolution No.2000-23789, the Bidder shall adopt a Code of Business Ethics prior to executing a contract with the City. The Code of Business Ethics shall be submitted to the Procurement Department with

its response or within three (3) days of request by the City. The Code shall, at a minimum, require the Bidder, to comply with all applicable governmental rules and regulations including, among others, the conflict of interest, lobbying and ethics provision of the City Code. In lieu of submitting Code of Business Ethics, bidder may indicate that it will adopt, as required in the ordinance, the City of Miami Beach Code of Ethics, available at http://www.miamibeachfl.gov/city-hall/procurement/procurement-related-ordinance-and-procedures/

Bidder will submit firm's Code of Business Ethics within three (3) days of request by the City?

☐ ☐

Bidder adopts the City of Miami Beach Code of Business Ethics?

☐ ☐

25. LOBBYIST REGISTRATION & CAMPAIGN CONTRIBUTION REQUIREMENTS

This solicitation is subject to, and all bidders are expected to be or become familiar with, all City lobbyist laws, including lobbyist registration requirements and prohibition on campaign contributions.

Lobbyists:
https://library.municode.com/fl/miami_beach/codes/code_of_ordinances?nodeId=SPAGEOR_CH2AD_ARTVIISTCO_DIV3LO

Campaign Finance Reform:
https://library.municode.com/fl/miami_beach/codes/code_of_ordinances?nodeId=SPAGEOR_CH2AD_ARTVIISTCO_DIV5CAFIRE

Has the bidder, or any officer, director, employee or agent, contributed to the campaign either directly or indirectly, of a candidate who has been elected to the office of Mayor or City Commissioner for the City of Miami Beach?

☐ YES ☐ NO

If yes, provide details.

By virtue of submitting bid, bidder certifies or affirms that they have read and understand the above Lobbyist Registration and Campaign Contribution Requirements.

26. NON-DISCRIMINATION

The Non-Discrimination ordinance is available at:
https://library.municode.com/fl/miami_beach/codes/code_of_ordinances?nodeId=SPAGEOR_CH2AD_ARTVIPR_DIV3COPR_S2-375NSCCOREWA

By virtue of submitting bid, bidder agrees it is and shall remain in full compliance with Section 2-375 of the City of Miami Beach City Code.

27. FAIR CHANCE REQUIREMENT

The Fair Chance Ordinance No. 2016-4012 is available at:
https://library.municode.com/fl/miami_beach/codes/code_of_ordinances?nodeId=SPAGEOR_CH62HURE_ARTVFACHOR

By virtue of submitting bid, bidder certifies that it has adopted policies, practices and standards consistent with the City's Fair Chance Ordinance. Bidder agrees to provide the City with supporting documentation evidencing its compliance upon request. Bidder further agrees that any breach of the representations made herein shall constitute a material breach of contract, and shall entitle the City to the immediate termination for cause of the agreement, in addition to any damages that may be available at law and in equity.

28. PUBLIC ENTITY CRIMES

Please refer to Section 287.133(2)(a), Florida Statutes, available at:
https://www.flsenate.gov/Laws/Statutes/2012/287.133

By virtue of submitting bid, bidder agrees with the requirements of Section 287.133, Florida Statutes, and certifies it has not been placed on convicted vendor list.

29. VETERAN BUSINESS ENTERPRISES PREFERENCE

Pursuant to City of Miami Beach Ordinance No. 2011-3748, https://library.municode.com/fl/miami_beach/codes/code_of_ordinances?nodeId=SPAGEOR_CH2AD_ARTVIPR_DIV3COPR_S2-374PRPRPRVECOGOCOSE the City shall give a preference to a responsive and responsible bidder which is a small business concern owned and controlled by a veteran(s) or which is a service-disabled veteran business enterprise, and which is within five percent (5%) of the lowest and best bidder, by providing such bidder an opportunity of providing said goods or contractual services for the lowest responsive bid amount. Whenever, as a result of the foregoing preference, the adjusted prices of two (2) or more bidders which are a small business concern owned and controlled by a veteran(s) or a service-disabled veteran business enterprise constitute the lowest bid pursuant to an ITB, RFP, RFQ, ITN or oral or written request for quotation, and such bids are responsive, responsible and otherwise equal with respect to quality and service, then the award shall be made to the service-disabled veteran business enterprise.

Is the bidder a service-disabled veteran business enterprise certified by the ***State of Florida***?

☐ YES ☐ NO

Is the bidder a service-disabled veteran business enterprise certified by the ***United States Federal Government***?

☐ YES ☐ NO

30. EQUAL BENEFITS FOR EMPLOYEES WITH SPOUSES AND EMPLOYEES WITH DOMESTIC PARTNERS.

Purchases hereunder are subject to the requirements of Equal Benefits for Domestic Partners Ordinance 2005-3494 that requires bidders with more than 51 employees and City volume greater than $100,000 to provide "Equal Benefits" to their employees with domestic partners, as they provide to employees with spouses. The Ordinance applies to all employees of a bidder who works within the City limits of the City of Miami Beach, Florida; and the Contractor's employees located in the United States, but outside of the City of Miami Beach limits, who are directly performing work on the contract within the City of Miami Beach.

A. Does your company provide or offer access to any benefits to employees with spouses or to spouses of employees?

☐ YES ☐ NO

B. Does your company provide or offer access to any benefits to employees with (same or opposite sex) domestic partners* or to domestic partners of employees?

☐ YES ☐ NO

C. Please check all benefits that apply to your answers above and list in the "other" section any additional benefits not already specified. Note: some benefits are provided to employees because they have a spouse or domestic partner, such as bereavement leave; other benefits are provided directly to the spouse or domestic partner, such as medical insurance.

BENEFIT	Company Provides for Employees with Spouses	Company Provides for Employees with Domestic Partners	Company does not Provide Benefit
Health			
Sick Leave			
Family Medical Leave			
Bereavement Leave			

31. MORATORIUM ON TRAVEL TO AND THE PURCHASE OF GOODS OR SERVICES FROM MISSISSIPPI. Pursuant to Resolution 2016-29375, the City of Miami Beach, Florida prohibits the purchase of goods or services sourced in Mississippi. Are any of the products for which the bidder is seeking to be prequalified sourced in Mississippi?

☐ YES ☐ NO

If yes, which brands.

32. SUSPENSION, DEBARMENT, OR CONTRACT CANCELLATION. Has the bidder ever been debarred, suspended (or other legal violation), or had a contract cancelled due to non-performance by any public sector agency?

☐ YES ☐ NO

If yes, submit a statement detailing the reasons that led to action(s).

BIDDER AFFIDAVIT

The undersigned agrees that s/he: 1) is a principal of the bidder duly authorized to execute the foregoing Contractor Prequalification Certification Application, and that the contents of said document(s) are complete, true, and correct to the best of his/her knowledge and belief; 2) s/ certifies that the application and supporting documents include all of the material information necessary to validate the status of the company for prequalification purposes; 3) s/ shall notify the Procurement Department within fifteen (15) days and provide a notarized statement whenever a change occurs in the ownership, management, or financial condition of the company. Further, any prequalified contractor, including its principal(s), director(s), and any affiliate, who is a party to any misrepresentation to obtain business or contracts with the City of Miami Beach shall be declared delinquent and have its certificate suspended or revoked and will be subject to debarment and any other penalties prescribed by law.

The undersigned affirms that the bidder agrees: 1) to complete and unconditional acceptance of the terms and conditions of this document, inclusive of attachments, exhibits and appendices; 2) that it has not colluded, nor will collude, with any other bidder; 3) that all information contained herein is part of the public domain as defined by the State of Florida Sunshine and Public Records Laws; 4) that all responses, data and information contained in the bid are true and accurate.

Name:	Title (must be a principal of the bidder):
Signature:	Date:

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APPENDIX B

MIAMIBEACH

Special Conditions

ITB 2021-059-WG
Prequalification Pool for Real Estate Brokerage Services

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

1. COMMERCIAL REAL ESTATE FEES /COMMISSION.

a) Commission is based on the aggregate base rent (not including operating expenses or pass-throughs) of no more than five years of the initial term of the lease.

b) The Commission shall be four percent (4%) payable to the Broker in two payments, fifty percent (50%) upon lease execution and fifty percent (50%) upon occupancy of the premises by tenant and rent commencement. In the event tenant is represented by a broker, Landlord's Broker shall be paid 3% and the Tenant's Broker shall be paid 3%.

c) Other services may be negotiated.

2. PROJECT ASSIGNMENT.

Award of this contract may be made to multiple responsive, responsible brokers who meet the qualifications set forth in this solicitation. When the need for services arises all prequalified contractors that are in good standing may be invited to submit statements of work (SOW) and costs based on an Invitation to Quote (ITQ) issued by the City. Each SOW prepared by the contractor shall include a clear description of the work to be performed (with specific and timed deliverables) and the related costs by deliverable. Selection of any one broker for a specific project may be based on proposed marketing costs, experience, and/or availability of the Broker to meet necessary timelines. Award to a broker for a specific project or individual action does not preclude the remaining prequalified vendors from being selected for other specific projects.

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