



STATE OF TENNESSEE  
DEPARTMENT OF GENERAL SERVICES

**REQUEST FOR PROPOSALS # 460/000-01-2017-01-03**  
**AMENDMENT # Two**  
**FOR Leasing Brokerage Services (Eastern, Middle,  
and Western Grand Divisions)**

DATE: June 7, 2017

ESC RFP TRANSACTION NUMBER 460/000-01-2017-01-03 IS AMENDED AS FOLLOWS:

1. This RFP Schedule of Events updates and confirms scheduled RFP dates.

EVENT	TIME (Central Time)	DATE	UPDATED / CONFIRMED
1 RFP Issued		May 3, 2017	Confirmed
2 Disability Accommodation Request Deadline		May 5, 2017	Confirmed
3 Pre-response Conference	1:00 p.m.	May 11, 2017	Confirmed
4 Notice of Intent to Respond Deadline		May 12, 2017	Confirmed
5 Deadline to Submit First Round Written "Questions & Comments" and "Pro Forma Contract Redline" (See RFP Section 1.3.)	2:00 p.m.	May 18, 2017	Confirmed
6 State Response to First Round Written "Questions & Comments" and "Pro Forma Contract Redline"		May 25, 2017	Confirmed
7 Deadline to Submit Second Round Written "Questions & Comments"	2:00 p.m.	June 1, 2017	Confirmed
8 State Response to Second Round of Written "Questions & Comments"		June 7, 2017	Confirmed
9 Response Deadline	2:00 p.m.	June 20, 2017	Confirmed
10 State Completion of Technical Response Evaluations		June 27, 2017	Confirmed
11 State Opening & Scoring of Cost Proposals		June 27, 2017	Confirmed
12 Negotiations (at the State's discretion)		June 27, 2017	Confirmed
13 State Notice of Intent to Award Released and RFP Files Opened for Public Inspection		July 11, 2017	Confirmed
14 Executive Subcommittee of the State Building Commission ("ESC") Approval Sought		July 24, 2017	Confirmed

EVENT	TIME (Central Time)	DATE	UPDATED / CONFIRMED
15 State sends contract to Respondent for signature		July 24, 2017	Confirmed
16 Respondent Signature Deadline		July 31, 2017	Confirmed

**2. State responses to questions and comments in the table below amend and clarify this RFP.**

Any restatement of RFP text in the Question/Comment column shall NOT be construed as a change in the actual wording of the RFP document.

QUESTION / COMMENT	STATE RESPONSE
<p>1 Leveling the playing field to provide services, for equal participation opportunity: As a follow-up &amp; in addition to (comment #9, of another respondent) in the 1st round; On behalf of ALL small business owners, experienced and qualified to provide the services of this specific RFP, I thank the State for its commitment to fair and impartial consideration of proposals submitted by those of this category. Throughout the document is written; The State at its sole discretion may amend (in writing) this RFP, and No person shall be excluded from participation in, be denied benefits of opportunity. And there will be no discriminating practices allowed.</p> <p>Hence, in review of RFP's and State's requested specific needs, it appears that "Newly created or Smaller or Individual Brokerages", whom yet may have more suited credentials or experience, with a history of specific working knowledge of State process and procedures; even though with much to offer are at a major disadvantage. And seemingly, places the State and its Agencies in a position of being unable to benefit from, or take advantage of that specialized knowledge base these individual Brokers may possess due to the current rules of measurement.</p>	<p>The RFP provides parameters for all Respondents to engage in cooperative business relationships which will enable them to effectively and competitively propose to meet the leasing needs of the State identified in the RFP. See also response to #2 below.</p>
<p>2 As a benefit to the State, increase productivity, produce better outcomes, and be more inclusive &amp; sensitive to ALL qualified proposing Brokers as it relates to the issue of competing, as well as create healthier competition in the marketplace and among Broker representatives; the State is respectfully requested to revise the currently posted RFP's in an effort to accommodate the following: If not reasonable or acceptable to the State, please explain.</p> <ul style="list-style-type: none"> <li>All Task Orders be assignable to multiple Brokers of each Grand</li> </ul>	<ul style="list-style-type: none"> <li>It is the State's desire for this RFP that a single Respondent Broker be contracted with for each Grand Division. It is noted that per the RFP, and the terms of the contract, that the single</li> </ul>

QUESTION / COMMENT	STATE RESPONSE
<p>Division, if qualified to provide services;</p> <ul style="list-style-type: none"> <li>• If the assigned Broker is unable to carry out an assigned duty, or chooses to pass on an assignment, that assignment shall then be assigned to the next Broker in line as not to cause delays in the State's completion deadlines.</li> <li>• Adapt the RFP requirements to be more inclusive of the above-mentioned group(s); "Newly created or Smaller or Individual Brokerages", by including a less restrictive version of State guidelines of mandatory qualifications, or a Small Business Owner version of Attachment 6.2, for this Brokerage category of RFP/proposal challenged Professionals</li> </ul>	<p>Respondent Broker may contract with other brokers to provide whatever level of services is required.</p> <ul style="list-style-type: none"> <li>• See answer for bullet 1 above.</li> <li>• Prime Respondents must meet the minimum requirements of experience in order to be considered for this RFP.</li> </ul>
<p>3 Owner's Lease Proposal Requirements: In the past, building Owners could enter a proposal without being required to pay a commission, unless being represented by someone of their choosing.</p> <p>So, is the Building Owner permitted to propose a building for State consideration directly, and without being required to pay a State Broker Rep commission when RFP's are advertised? Why, or why not?</p> <ul style="list-style-type: none"> <li>• If a Building Owner is sufficiently represented, by council or broker, to complete the proposal process, are they still required to pay an additional commission to the State Broker Rep on advertised RFP? Why, or why not?</li> <li>• If the proposing Building Owner is represented and refuses, or wishes to negotiate the commission requested by State Broker Rep, due to their ability/inability to offer property competitively, or offer to State at a better market price; Does this disqualify Owner's proposal opportunity? Why, or why not?</li> <li>• Will independent Brokers, representing a Building Owner, be allowed to submit a proposal on RFP's handled by State Broker Rep and participate in commission splits, as in normal business practice? Why, or why not?</li> </ul>	<p>If the state assigns a lease to a broker, that broker will be the State's authorized representative for that lease. This is to insure that responses to lease advertisements are handled equitably.</p> <ul style="list-style-type: none"> <li>• The State Broker Rep will be the authorized representative of the State on such assigned lease transactions. Per contract Paragraph A.4, 2, b, the Lease Commission Agreement shall be signed and returned in order for a prospective lessor to participate.</li> <li>• The State is not a party to the commission agreement between the building owner and the State Broker Rep except to set the maximum limit of its amount. Per contract Paragraph A.4, 2, b, the Lease Commission Agreement shall be signed and returned in order for a prospective lessor to participate.</li> <li>• Yes, independent brokers may submit to the State Broker Rep on behalf of the building owner. The State would not prohibit a commission split so long as the State Broker Rep's portion does not exceed the amount proposed as a response to this RFP.</li> </ul>

QUESTION / COMMENT	STATE RESPONSE
<p>4 Participation when Proposals are handled by State Staff:</p> <ul style="list-style-type: none"> <li>• Will the proposing Building Owners, on State Staff advertised proposals be requested to pay a commission in these RFP's? Why, or why not?</li> <li>• Will the Building Owners be allowed to propose directly on these RFP's?</li> <li>• Will Building Owners, represented by independent Brokers, be allowed to propose on State Staff handled RFP's? Why, or why not?</li> </ul>	<ul style="list-style-type: none"> <li>• State staff are not eligible to receive brokerage commissions and no commission agreement will be included with RFPs issued by State staff.</li> <li>• Yes, building owners may propose directly.</li> <li>• Yes, building owners may be represented by independent brokers.</li> </ul>
<p>5 Participation of State Broker Rep in providing property to the State for lease: Section 3.4.3. touches on conflicts of interest, however:</p> <ul style="list-style-type: none"> <li>• Will the contracted State Broker Rep, it's family, friends or associates be allowed to participate in the proposals assigned to them; with the purpose of proposing to provide space or services, directly or indirectly to the State; specifically, on those RFP's advertised or evaluated by them? Please explain the why, or why not?</li> <li>• Or, will the (successful Respondent) contracted State Broker Rep, it's family, friends and associates be prohibited from participating in providing property or leasing space or managerial services in/on the proposals assigned to them?</li> </ul>	<ul style="list-style-type: none"> <li>• Yes, disclosure of a conflict of interest does not automatically result in the exclusion of participation. A conflict of interest requires disclosure and, upon review, may require avoidance or mitigation as appropriate. It may be difficult to mitigate a conflict of interest of the type described. See also SBC Policy Item 12, Conflicts of Interest at the following link: <a href="http://www.tn.gov/assets/entities/finance/osa/attachments/SBC-Policy-MASTER.pdf">http://www.tn.gov/assets/entities/finance/osa/attachments/SBC-Policy-MASTER.pdf</a></li> <li>• See above.</li> </ul>
<p>6 Does the State utilize lease administration software and if so, what program is used?</p>	<p>Yes, the State utilizes Archibus software for the tracking and administration of leases. The successful Respondent to this RFP will not be required to interface with this software.</p>