



Borough of Kennett Square

Request for Proposals:

Borough Property Listing Agent

Responses due by: January 4, 2023

For questions or comments contact:

Kyle Coleman

Borough Manager

Kennett Square, PA

600 S. Broad St. Suite 110

Kennett Square, PA 19348

Phone: (610) 444-6020

Mobile: (610) 227-5224

I. Introduction

The Borough of Kennett Square, Chester County, seeks an individual and/or real estate firm to evaluate ~40,000 square feet of remnant space and other portions of the property at 600 South Broad Street not planned to be utilized by the Borough, provide a recommendation to sell or lease the vacant space, and manage leasing and/or sale process, and broker to execute the plan. It is the intent of this RFP to have the successful individual/firm enter into a Professional Services Contract with the Borough to supply the real estate services outlined herein (and as otherwise determined by Borough Council in agreement with such individual).

Nothing herein shall be construed as a competitive bidding process under Pennsylvania law. The selection of an individual and/or firm for the services herein constitute a professional services contract, exempt from bidding requirements under the Pennsylvania Borough Code, and the Borough reserves the right to reject all proposals.

The Borough-owned Property subject to the Professional Services Contract(s) encompasses the sale, conveyance or lease of portions of 600 South Broad Street, Kennett Square, PA (UPI No. 3-5-94) (excepting those first, second and third floor areas designated by the Borough for its use).



II. Scope

The selected individual or firm must:

- Perform market analysis.
- Develop and implement strategies for sale and/or lease of the above-referenced Borough Property, subject to the approval of Borough Council and subject to all applicable competitive bidding obligations set forth under Pennsylvania law.
- Work with the Borough Council, staff and professional consultants to negotiate the sale/lease of the property with buyers/prospects.
- Coordinate real estate appraisals.
- Coordinate real estate transaction closings.
- Provide advice to the Borough on the sale/lease/conveyance of the Property.
- Handle all other customary activities and services associated with potential real estate transactions.

III. Responses

All responses to this RFP shall follow the format listed below:

Company Information:	
Potential Company Name:	
Primary Contact Name:	
Current Address:	Street City, State, Zip Code
Phone number:	
Email address:	
Proposal Information:	
Proposal Submission Date:	

IV. Request for Proposals

To be considered, interested individuals shall submit eight (8) copies of their proposal to the Kennett Square Borough Manager, on or before **12:00 p.m. on January 4, 2023**, at 600 South Broad Street, Suite 110, Kennett Square, PA. The proposals shall be submitted in a sealed envelope, clearly marked on the outside “Kennett Square Borough Proposal – Property Leasing and Sale Services”.

The proposal shall include the name, address and contact info of the Proposer. The Proposer shall further include all information that they believe pertinent to their selection,



including: a listing of nearby, similar or comparable properties for which they serve as the property manager; a listing of their proposed rates and any other costs or fees that the Borough may anticipate related to the services to be provided; and a narrative of the scope of services provided, the specialties and any limitations of the services; and a listing of any third-parties or outside vendors that the proposer intends to use for the property management services set forth herein. A listing of three (3) references shall also be provided, together with a listing of any current litigation, litigation with the past seven (7) years, outstanding judgments and liens. The successful, selected proposer shall enter into a written agreement for the herein-referenced services, subject to the approval of the Borough.

Proposers must also execute and submit a Non-Collusion Affidavit, in form and substance acceptable to the Borough, to be submitted with their proposal.

Qualifications and Conditions

- Individuals and/or firms must be licensed and in good standing with the Commonwealth of Pennsylvania as a Real Estate Broker.
- The successful individual/firm shall be precluded from representing the buyer/lessor in any sale, lease or other conveyance of the Property.
- Individuals must submit copies of their certificates of insurance for professional liability.
- Individuals must be knowledgeable in the local non-residential real estate market.
- Experience in the sale of state-, county-, township- or borough-owned properties is preferred.
- Proposers may be requested to give an oral presentation of their background and services to the Borough Council in an executive session and/or at a public Borough meeting.
- Individuals must have an excellent reputation in the local real estate community.
- Attendance and presentations at meeting of the Borough Council and/or its subcommittees may be required.
- The term of the Professional Services Contract shall be six (6) months, subject to termination by either party within that time upon sixty (60) days' notice. Issuance of this RFP or selection by the Borough Council of an individual/firm for consideration does not constitute a contract between the Borough and the individual/firm. A contract shall only be formed upon approval and written execution of the above-referenced professional services contract.
- The successful candidate must make themselves familiar, and comply with, all applicable provision of the Pennsylvania Borough Code (including the competitive



bidding requirements thereunder), the Kennett Square Borough Code, the Borough's Zoning Ordinance, the State Ethics Act and other applicable law, related to the sale or lease of the above-referenced Property. *Inter alia*, the proposer must disclose any known business relationships between it and any employee, consultant or officials of the Borough, members of their immediate families or businesses with which they are affiliated (i.e., any contract, relationship or arrangement by which the employee, official or member of their immediate family or a business with which they are associated would accrue a pecuniary or financial benefit).

- Candidates are strongly recommended to inspect the Property to discuss the parameters of the representation with the Borough Manager prior to submitting their proposal.
- Candidates are strongly recommended to inspect the Property to discuss the parameters of the property management services with the Borough staff prior to submitting their proposal.

V. Acknowledgments

By submission of a response to this RFP, the proposer is certifying that the information in the Proposal is, to the best of the individual's knowledge, true and correct.

VI. Proposal Rejections

The Borough reserves the right to reject any and all proposals received as a result of this RFP and to negotiate separately with competing applicants. The Borough reserves the right to waive any and all technical requirements and informalities, as it deems necessary. No costs associated with the preparation or submittal of this application is reimbursable by the Borough.

VII. Proposal Ownership and Confidentiality

All proposals may be considered public documents, subject to disclosure under the Pennsylvania Right to Know Act. To the extent that a request for a submission is made, the proposer shall have the ability to object to its disclosure but must cite controlling authority to support the same. The Borough acknowledges that the proposals may contain certain confidential, proprietary information, related to the proposer's other operations. Proposers must identify the pages of a submission that do so, together with an affirmative statement of the same. In the event that a proposer does so, it must submit a redacted copy of their proposal (in addition to the unredacted submission). No proposer shall offer any favor or anything of pecuniary or other value to any member of the Borough Council, staff, consultant or other individual with an interest in this RFP submission process for the purposes of influencing the outcome of the selection process.



VIII. Submission

Responses by potential Proposers will be through a written application forwarded to Kyle Coleman, Kennett Borough Manager at the address on the front of this RFP and in the format suggested. Similarly, you can scan and send your applications via email to kcoleman@kennettsq.org. Responses must be provided in a SEALED envelope directed to the Borough Manager. Each submission must include: the RFP submission format; all material the proposer deems relevant to their submission and proposed use, including biographies of key personnel of the Proposer, their history of operating the same or similar uses, and their qualifications and experience; a minimum of three (3) references; a listing of similar projects for which the Proposer operates; a Non-Collusion Affidavit; a bond in the amount of 10% of the anticipated annual lease amount for those Sites being offered for lease. The Borough reserves the right to interview any and/or all proposers.

IX. Due Date

Completed Proposals should be submitted no later than 12:00 pm on Wednesday, January 4, 2023. The timestamp on the email will be your acknowledgment of receipt in a timely manner.

X. Selection Criteria

The selection of the User of Borough owned facilities will be based upon community benefit, capital investment by the User/Purchaser, and revenue generated. Borough Council will use these criteria as a guide but not the sole final determining factor in selection. Should any question arise as to the proper interpretation or implementation of the terms and conditions of this RFP, the Borough's interpretation of the same shall be final.

XI. Selection Process and Timeline

The process for selection will include the deadline for submissions of January 4, 2023. It is anticipated that the decision making timeline will take approximately one (1) week after the submission deadline, but may be made at any point sixty (60) days from January 4, 2023.

XII. Agreements

At the conclusion of the proposer selection process, the chosen Proposer and the Borough will enter into a Professional Services Contract with the Borough of Kennett Square.