



REQUEST FOR PROPOSALS #2024-115  
FOR PRINCIPAL REAL ESTATE BROKER SERVICES  
RESPONSE TO CLARIFYING QUESTIONS  
January 8, 2025

Note that these are questions submitted by interested firms to the above referenced solicitation. The below answers are for clarification purposes only and in no way alter or amend the RFP as published.

- Page 4, Location of RFP Documents:** *These documents are not on the Oregon Buys website, but rather on the Bid Locker Site. Which should we register with if we are planning to bid?*  
**Answer:** Submissions must occur through Bid Locker. Oregon Buys posts the RFP for extended circulation purposes.
- Page 10-11, Section 3, Scope of Work, 3.1 Introduction:** *Our firm has previously successfully sold many homes of scattered site housing for other housing authorities nationally by public auction to the general public. The results of these previous auction sales were significantly in excess of third-party market value appraisals, and we sold several properties in one day and closed escrow on those within 30 days. For those homes deemed by the HACC to be sold to the general public, will it seriously consider, without bias towards traditional list/sell brokerage methods, a public auction sale of these homes **and if not, specifically, why not?** Public auction sales of real estate are not solely for foreclosed, distressed, or otherwise unsellable real estate; in fact, our firm does not auction any of those specific types of properties, but rather non -distressed sales for the highest price the market will bear, which in the HACC's case, benefits it and the taxpayers who support it.*  
**Answer:** Sale of the homes under this contract must be sold in the open and competitive market by selling the properties to the highest bidder through the MLS open market. This is required in HUD's Special Applications Center (SAC) Section 18 Disposition approval letter issued September 25, 2024. It is likely that the homes will be available individually over time and not all at once, and therefore, HUD's approval contemplates MLS listing.
- Page 10-11, Section 3, Scope of Work, 3.1 Introduction:** *Our firm is domiciled outside of the State of Oregon, however, our Oregon Designated Broker is domiciled Clackamas County, OR. Is this acceptable for the purposes of this contract? We have worked with this broker previously on a successful public real estate auction for the State of Oregon and that arrangement was acceptable to the State.*  
**Answer:** Respondents may partner with a registered Broker in the State of Oregon.
- Page 10-11, Section 3, Scope of Work, 3.1 Introduction:** *Is the HACC wanting the selected broker to BOTH sell homes to existing scattered site home residents AND to sell the remaining homes on the open market, or would the HACC be willing to award these two items separately (one contract for resident sales and one contract for open market sales)?*  
**Answer:** HACC may award multiple contracts based upon a review of proposals, however it is anticipated that only a small portion of the homes will be sold to existing residents.
- Page 11, Section 3, Scope of Work, 3.3.1 Services Performed:** *Many of the items listed in this section our firm does, but we do it differently than traditional list/sell real estate brokers. Our firm would work with the HACC once it has determined specific portfolio(s) of properties to be sold to the general public at generally the highest bid obtained, subject to any seller reserve, in an auction. All Buyer due diligence would be conducted prior to*

*the auction, typically at open house previews on specific dates and times. The homes would be sold with no contingencies (appraisal, financing, or inspection), but the prospective buyers may have their inspectors inspect the homes prior to the auction and they may obtain financing if they so choose, but these items are not contingencies to closing escrow. We also arrange for preliminary title insurance reports for the prospective buyers on each of the properties and conduct the auction, have the buyers execute the purchase and sale agreements for HACC approval and execution and then proceed to escrow and closing as in traditional transactions. **Given these facts, would these be acceptable to the HACC under the “Services Performed?”***

**Answer:** Sales must be sold on the open and competitive market through the MLS open listings. Fee proposals to meet tiered home sale thresholds prescribed in the RFP. An appraisal for each home sold is required in HUD’s SAC Section 18 Disposition approval letter.

6. **Page 11, Section 3, Scope of Work, 3.3.1 Services Performed:** *When we market and sell the homes, prior to the sale, will they be vacant or not?*

**Answer:** The homes will be vacated prior to sale. Vacation of the homes during marketing is contingent upon relocation and listing priority timing, but generally marketing/listing will occur within one month of relocation.

7. **Page 11, Section 3, Scope of Work, 3.2.2. Type of Contract:** *When we sell real estate at public auction, the Buyer, rather than the Seller (HACC), would pay our compensation through a “Buyer Premium,” which when added to the High Bid Price, would achieve the Total Purchase Price of the Property. The HACC would receive the High Bid Price and our firm would receive the Buyer Premium. Given that the HACC would not be responsible for our compensation, is this compensation arrangement acceptable to the HACC and if not, specifically why not?*

**Answer:** Fee proposals to be negotiated as a percentage of sale per Section 4.2 of the RFP.

8. **Page 13, Section 4, Evaluation Procedure, 5.2 Evaluation Criteria:** *Will the HACC, upon Bid Award, issue to all proposers a copy of the Scoring Matrix by category and by reviewer (with undisclosed identities) so that we can see how we rank against other proposers.*

**Answer:** An aggregate RFP reviewer score for each respondent within each category and total score will be posted in conjunction of posting of Notice of Bid Award.

9. **Page 13, Section 4, Evaluation Procedure, 4.2 Evaluation Criteria AND Page 15-16, Section 5 Proposal Contents, Sections 5.2.2 Brokerage Firm Experience and 5.2.3. Fee Proposal:** *On Page 13, it shows the scoring as 10 points for our Cover Letter, 60 Points for Brokerage Firm Experience and 30 points for our Fee Proposal, but on Pages 15-16, it shows 0 points for our Cover Letter, 65 points for Brokerage Experience and 35 points for the Fee Proposal. Which point scoring is correct?*

**Answer:** 65 Points for Cover Letter and 35 points for fee proposal.

10. **Page 13, Section 4, Evaluation Procedure, 4.2 Evaluation Criteria:** *With respect to our fee proposal, we do not charge a commission to the Seller for our services, but rather to the Buyer as a “Buyer Premium” at public auction. Therefore, the effective commission rate to the HACC is 0% **Is this acceptable to the HACC?** Also, would the HACC be willing to reimburse us for our pre-budgeted and pre-approved out-of-pocket marketing and advertising costs to sell the portfolio of homes assigned to us to sell? Besides potential BPO costs, these are the only costs we would request the HACC reimburse us for.*

**Answer:** Out of pocket costs by the selected registered broker can be reimbursed and an estimate of marketing and other associated costs should be included in the submitted fee proposal.



## Department of Finance

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11. **Page 15, Section 5, Proposal Contents, 5.1.4:** *Besides the Proposal Certification Page not counting towards the final page count, will the Lobbying Certificate – Exhibit A, Debarment Certificate – Exhibit B, and Form HUD 5369-C – Exhibit C also not be counted against the page count?*  
**Answer:** Exhibits on Page RFP pages 17, 18, 19, 22, and 23 for a total of five pages count towards the page count limit. The final exhibit in the packet, “Instruction to Offerors” is just informational to the proposer and does not need to be submitted.
12. **Page 16, Section 5, Fee Proposal 5.2.3.a.:** *What does our fee proposal have to do with “Experience with tax-exempt bonds and low-income housing tax credits to finance affordable housing and related infrastructure?”*  
**Answer:** This line has been removed from the RFP.
13. **Page 16, Section 5, Fee Proposal 5.2.3.b.:** *Per the previous section 5.2.3.a., we would work on a percentage fee paid by the buyer in addition to their high bid. This would not be a flat fee. Is that acceptable?*  
**Answer:** A proposed percentage fee is generally acceptable; however, the homes are to be sold via MLS.
14. **Page 16, Section 5, Fee Proposal 5.2.3.c.:** *We have no issue with a tiered commission structure, but will the HACC reimburse us for our pre-budgeted and pre-approved marketing and advertising costs, especially if we are marketing large portfolios of properties at one time?*  
**Answer:** Yes
15. **General:** *On submission through the Bid Locker system, is there a file size limitation for submittal in terms of megabytes?*  
**Answer:** No
16. **Page 12, 3.2 Background, 3.2.4 Sample Contract:** *On the County’s Personal Services Contract, under Travel and Other Expense, HACC has said it will not be part of the contract. Does that mean HACC will or will not reimburse us for our out-of-pocket travel costs?*  
**Answer:** The Clackamas County Contractor Travel Reimbursement Policy applies to this contract. That can be found [here](#).

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End of Clarifying Questions #2