

RFP to hire a real estate agent:

The County will put out an RFP to hire a real estate agent to sell the two parcels. The County will use its standard RFP process, ie, there will be a team of County staff, assigned by the County Manager, to draft the RFP, publish it, review the responses and select the best response, if applicable.

The assessment of the RFP responses for the agent will include but is not limited to the following:

- responsiveness to the RFP requirements
- experience and success with similar sales projects
- professionalism in written response and, ideally, in-person interview

Once adopted and this process followed, the County Manager may contract with the agent to market the land.

The RFP team can determine whether to include both the A8 and LASO properties in one RFP or to have separate RFPs for an agent for each property.

Requirements in regard to qualifications of an agent and marketing the parcels:

Agent Qualifications

The requirements of the RFP will include but are not limited to:

- the agent's ability to market the development opportunity regionally, state-wide and nationally
- the agent's experience marketing and selling other development projects
- demonstrated understanding of the positive aspects of hosting Los Alamos National Laboratory in the community and initial plan to educate potential investors about the same

County Requirements in a Sale

The RFP will state the needs of the County that the agent must market in regard to the sale of the land. The RFP will include which issues the County prefers to be marketed, and which specifics must be finalized in the course of the sales negotiation. These requirements may include but are not limited to:

- County requirements for a timeframe for the development, including certain milestones that the developer must reach, with set dates. (The specific dates, for instance, may be finalized in the negotiation; the fact there will be set dates may be required to be marketed.)
- The ability of the County to take back the land if the milestones are not met (a "clawback" requirement)
- The terms of any potential clawback

- The preferred usage of the land (ie residential, high density residential, mixed use, senior living and/or a graduated care community) with the caveat that a developer can bring other potential offers so long as they are housing

County Requirements in a Purchaser

The RFP may also include any requirements of the investor/developer of the final sale that the County will require to be marketed, which may include but is not limited to:

- a purchaser/developer's demonstrated ability to develop a housing area
- purchaser/developers financial viability and means to acquire the land and build out the development

Logistics between Agent and County

The RFP may also include but is not limited to the following logistics:

- that the agent is working as a real estate agent only, and would not have any legal Agency authority to act on behalf of the County
- a County contact that the agent will report to on a regular basis, and on what timeframe
- the County contact who has the authority to provide negotiation terms to the agent; presumptively this is the County Manager unless delegated by the Manager
- the ability and the terms under which the County may terminate the services of the agent

Agent tasks delineated

The RFP would include specific tasks to be performed by the agent, which may include but are not limited to:

- marketing the land for development of A8 and the LASO (A-12 and A-13) site
- marketing to include education on the benefits of LANL as the major employer, and other economic realities of Los Alamos
- guidance to the County in negotiating received offers; guidance if more than one offer is received
- outreach regionally, state-wide and nationally
- provide potential purchasers with guidance and information on County zoning or permitting processes and timeframes

Agent payment

Any RFP response would include answers to any of the above as well as, but not limited to:

- the percentage of the sale price that would be paid to the listing agent and to the buyer's agent
- following standard real estate practice, the agent would not be paid unless there were a sale of the property

This process is for the hiring of a professional agent, and for the process of marketing the parcels for sale and development, only. Any actual sale of either parcel would still require the approval of Council.