

RESOLUTION NO. R-2019-352

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING APPROPRIATE CITY OFFICIALS TO EXECUTE A STATEMENT OF WORK WITH CBRE, INC. FOR REAL ESTATE BROKERAGE AND CONSULTING SERVICES, IN AN ANNUAL AMOUNT NOT TO EXCEED \$130,000.00, BASED UPON THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES INVITATION TO BID NO. DMS-12/13-007 AND IN ACCORDANCE WITH SECTION 38.40(C)(5) OF THE CODE OF ORDINANCES (PIGGYBACK); AMENDING THE FISCAL YEAR 2020 OPERATING BUDGET (R-2019-283).

WHEREAS, the City has a need for professional real estate brokerage and consulting services for the acquisition and disposition of real property assets, including real estate portfolio planning and management, asset valuations and RFP development, distribution and analysis; and

WHEREAS, on April 9, 2014, the State of Florida, acting through the Department of Management Services, entered into contract DMS-12/13-007A for tenant broker and real estate consulting services with CBRE, Inc. ("CBRE"), and has renewed the contract through April 8, 2024; and

WHEREAS, the State of Florida, Department of Management Services, through a competitive process, issued an Invitation to Negotiate (ITN NO. DMS-12/13-007) seeking a qualified firm to provide services including but not limited to: (i) real estate services such as independent market analysis and asset valuation, (ii) lease transaction services, and (iii) portfolio strategy services; and

WHEREAS, CBRE was determined by the Department of Management Services to be the top ranked firm based on the evaluation of multiple firms that responded to ITN NO. DMS-12/13-007; and

WHEREAS, Section 38.40(C)(5) of the Purchasing Ordinance allows the Director to procure, without following formal procedures, all goods and services which are the subject of contracts with the state, its political subdivisions, the United States government, other governmental entities, or a corporation not for profit whose members are governmental entities, public officers, or any combination thereof, provided that the goods and services are: (i) the subject of a price schedule negotiated by the state or the United States government, or (ii) the subject of a contract with another governmental entity or a corporation not for profit whose members are governmental entities, public

officers, or any combination thereof, which contract is based strictly on competitive bids or competitive proposals and not on any preference; and

WHEREAS, the City Commission approved Resolution 2019-101 on May 1, 2019, authorizing the City to utilize the state contract DMS-12/13-007A with CBRE for the same services and under the same pricing and terms in an amount not to exceed \$40,000.00; and

WHEREAS, in accordance with the State contract, CBRE will assist the City by providing initial services for portfolio strategy and real estate consulting based upon the compensation provisions that allow for a flat fee for services or a maximum hourly rate schedule for which the total contract amount shall not exceed \$130,000.00; and

WHEREAS, in addition to the initial services and in accordance with the State contract, CBRE will also provide the City with real estate transactional services including the negotiation of new leases, lease renewals and property dispositions based upon City codes and regulations; and

WHEREAS, in accordance with Section 2.1.3 of the State contract, the City can negotiate for additional real estate development advisory services by receiving a quote that can either be a commission based quote, a flat fee for services quote, or an hourly rate quote at the rates at or below those indicated in the state contract; and

WHEREAS, commission based quotes are based upon the value of the transaction and paid by the development entity; and

WHEREAS, for lease transaction services, a percentage-based commission with ceiling rates ranging from 2% to 3.5% of the sum of the rent to be paid for the initial term of leases has been established, and lower compensation rates may be established per transaction with CBRE; and

WHEREAS, in accordance with the State contract, CBRE may assist the City in providing specific real estate transactional services for the sale or lease of City property pursuant to the City's charter, code of ordinances and regulations, and upon City Commission approval, CBRE will be entitled to a negotiated percentage-based commission to be paid by the lessor or purchaser; and

WHEREAS, certain periodic budgetary transfers and appropriations continue to be necessary to ensure prudent financial management during the fiscal year; and

WHEREAS, this Resolution seeks to amend the budget as detailed in the attached Exhibit "1", which allocates funds to the general fund as needed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING APPROPRIATE CITY OFFICIALS TO EXECUTE A CONTRACT WITH CBRE, INC. FOR REAL ESTATE BROKERAGE AND CONSULTING SERVICES, IN AN AMOUNT NOT TO EXCEED \$130,000.00, BASED UPON THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES INVITATION TO BID NO. DMS-12/13-007 AND IN ACCORDANCE WITH SECTION 38.40(C)(5) OF THE CODE OF ORDINANCES (PIGGYBACK).

Section 1: That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes the execution, by the appropriate City officials, of a Statement of Work for real estate brokerage and consulting services with CBRE, Inc., in a form acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That these amendments, Adjustments and Transfers of funding to the FY 2020 Operating Budget and the FY 2020 Capital Improvement Program for the Fiscal Year beginning October 1, 2019 and set forth in detail in the attached Exhibits are adopted and authorized as Amendments and/or Adjustments to the various Operating Budgets of the Funds of the City of Hollywood, Florida, for the Fiscal Year 2020.

Section 4: That this Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on this 4th day of December, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY

Exhibit 1: Amendments / Transfers / Reallocations
General Fund

This item allocates \$130,000 from general consulting services to the consulting services account in the Department of Economic Development for the CBRE statement of work.

Transfer from:

Description	Account Number		Amount
Consulting Services	001.190104.51900.531300.000000.000.000	\$	130,000

Expenses:

Description	Account Number		Amount
Consulting Services	001.114001.51300.531300.000000.000.000	\$	130,000