

10720. RESOLUTION 13-30 – RESCINDS RESOLUTION 13-18 AND AUTHORIZES A CONTRACT BETWEEN THE AUTHORITY AND JACKSON CROSS PARTNERS, LLC TO PROVIDE GENERAL REAL ESTATE BROKERAGE SERVICES

WHEREAS, The Delaware River and Bay Authority (the “Authority”) is a bi-state Authority of the State of Delaware and the State of New Jersey created by Compact that owns, operates and controls the Delaware Memorial Bridge and the Cape May-Lewes Ferry among other facilities throughout Delaware and New Jersey; and

WHEREAS, the Authority desires to retain a qualified real estate brokerage firm to provide general real estate brokerage services (the “Services”); and

WHEREAS, the term of such Services is for three (3) years with the Authority to have the option to renew the agreement for one (1) consecutive, additional year; and

WHEREAS, the contract includes provisions for both commission and non-commission Services; and

WHEREAS, the not-to-exceed limit (“NTE”) for non-commission services for the initial three (3) year term is \$150,000 and the NTE for the one (1) optional year renewal is \$50,000; and

WHEREAS, there is no NTE for commission services because the Authority has not identified which properties, if any, will require services under this contract and the contract specifies that commission will be negotiated on a case-by-case basis for rates that the Authority believes to be fair and reasonable for the type of commission service provided; and

WHEREAS, the Authority publicly advertised and issued a Request for Proposal (RFP) for the required Services in compliance with Resolution 98-31, as amended by Resolution 09-52, which governs the procedure for the procurement of professional services; and

WHEREAS, the Authority received and evaluated two (2) proposal submissions pursuant to the aforementioned requirements; and

WHEREAS, the Authority short-listed both candidates, conducted oral interviews and graded both firms as having nearly equal qualifications; and

WHEREAS, subsequent to the approval of Resolution 13-18, the Authority and the firm designated first on the preference list were unable to reach final terms to execute an agreement; and

WHEREAS, Jackson Cross Partners, LLC (“Jackson Cross Partners”) is the preferred successor; and

WHEREAS, Jackson Cross Partners will be compensated for its Services pursuant to the terms of the contract and the attached cost proposal dated August 21, 2013; and

WHEREAS, the Authority's Budget and Finance Committee reviewed the recommendation and concurs with the evaluation.

NOW, THEREFORE, BE IT RESOLVED, that Resolution 13-18 is rescinded and the Executive Director is hereby authorized to finalize the terms and conditions of a contract with Jackson Cross Partners, LLC to provide General Real Estate Brokerage Services and have such Agreement, upon the review and advice of counsel, executed by the Chairperson, Vice Chairperson and Executive Director.

A motion to approve Resolution 13-30 was made by Commissioner Lathem, seconded by Commissioner Dorn, and approved by a roll call vote of 9-0.

Resolution 13-30 Executive Summary Sheet

Resolution: Authorizing the Authority to enter into an agreement with Jackson Cross Partners, LLC to provide General Real Estate Brokerage Services.

Committee: Budget & Finance Committee

Committee Date: September 17, 2013

Board Date: September 17, 2013

Purpose of Resolution:

The DRBA expects from time-to-time to have a need for professional advice, assistance and representation with respect to real estate matters including, but not limited to the sale of DRBA property, the leasing of DRBA property, and the purchase or lease of new property.

This Agreement includes provisions for both commission and non-commission services. Commission Services may include but are not limited to developing a disposition strategy, developing and executing marketing plans, managing the negotiations and sale, purchase or lease of property. Commission will be negotiated on a case by case basis.

Non-Commission Services may include but are not limited to:

- Performing market surveys and research
- Performing financial analyses
- Preparing cost benefit analyses
- Performing competitive market analyses
- Tenant prospecting
- Strategic planning
- Sales strategy
- Lease file review and imaging
- Performing operating expenses audits
- Providing due diligence support

Background for Resolution:

The proposed Resolution meets the requirements of Resolution 98-31, as amended by Resolution 09-52, to procure and award professional services.

The Authority received two (2) written proposals and short-listed and conducted oral interviews with both of the following firms:

Jackson Cross Partners, LLC
Jones Lang LaSalle Americas, Inc.

Both firms were graded as having excellent qualifications. Jones Lang LaSalle Americas, Inc. was the highest ranking firm following oral interviews, however they failed to execute an agreement subsequent to the approval of Resolution 13-18. Having excellent qualifications, Jackson Cross Partners is the preferred successor to be considered for award. The Authority compared their rates with the rates of the other short-listed candidate and determined that the rates were fair and reasonable.

The term of such services is for three (3) years with the Authority to have the option to renew the agreement for one (1) consecutive, additional year.