

**EL PASO WATER UTILITIES – PUBLIC SERVICE BOARD  
REQUEST FOR QUALIFICATION**

**RFQ27-22  
January 5, 2022**

RE: Request for Qualification (RFQ) – Professional Real Estate Brokerage Services

Project: On-Call Professional Real Estate Brokerage Services for the sale of real property within the control of El Paso Water Utilities.

**ATTENTION:**

Proposals are being accepted by the El Paso Water Utilities (EPWater) for Statement of Qualifications (SOQ) from interested firms for:

**ON-CALL PROFESSIONAL REAL ESTATE BROKERAGE SERVICES  
FOR LAND SALES BY LOCAL BROKER**

The nature of these contracts will be for non-exclusive on-call services for a period of one (1) year, with the possibility of renewal options based on performance, effective from the date of the contract award date (PSB meeting date). Within the one-year contract period, unlimited task orders may be issued under each contract for the sale of EPWater land in accordance with all applicable laws. There is no maximum total contract amount. EPWater reserves the right to assign Task Orders to the Broker based on EPWater needs. . If work on a task order is issued prior to the expiration of the contract, the work order will remain in effect until completion of the work order.

EPWater may select up to five (5) brokers with whom to enter into on-call contracts for the performance of task orders, the form of which shall be substantially similar to the agreement attached hereto as **Exhibit D** and incorporated herein. The contract between a selected broker and EPWater shall not be exclusive. EPWater may, at its discretion, decide when to use any selected brokerage firms or individuals.

EPWater has sole discretion with regard to the evaluation of any Submittals in response to this RFQ and reserves the right to cancel this RFQ, or to reject any or all proposals received prior to contract award.

Each Respondent shall carefully examine all RFQ documents and thoroughly familiarize themselves with all requirements prior to submitting a Statement of Qualifications (SOQ) to ensure that the Statement of Qualifications meets the intent of this RFQ.

Before submitting a Statement of Qualifications, each Respondent shall be responsible for making all investigations and examinations that are necessary to ascertain conditions and affecting the requirements of this RFQ. Failure to make such investigations and examinations shall not relieve the Respondent from obligation to comply, in every detail, with all provisions and requirements of the RFQ.

It is EPWater's intent to commence final negotiation with the most qualified Respondent(s) deemed most advantageous to the EPWater. EPWater reserves the right to conduct post-Submission discussions with any Respondent(s).

**Submittal Instructions:**

EPWater will consider all Statements of Qualification submitted by brokers who are duly licensed by the Texas Real Estate Commission and operate principally in El Paso, Texas. If a Respondent intends to utilize a licensed real estate sales agent or realtor who is under its supervision, the Statement of Qualifications submitted shall identify the particular local real estate sales agent to be used for task orders during the term of the on-call contract. Incomplete SOQ packages will not be considered for evaluation.

SOQs shall contain the following:

1. An executed Offer and Submittal Form, a copy of which is attached hereto as **Exhibit A.**
2. A statement describing the experience of the Respondent in the El Paso real estate market, including that of any real estate sales agents and/or realtors that the Respondent will utilize to perform services for the sale of EPWater's real property. Include the types of real estate handled by each individual (e.g., commercial, industrial, residential, ranch, farm) and which party (either buyers or sellers) the Respondent most frequently represents.
3. A list of references located in El Paso, Texas in the form attached hereto as **Exhibit B.**
4. An executed Affidavit of Ownership and Control in the form attached hereto as attached hereto as **Exhibit C.**
5. If applicable, a list of the real estate sales agents and/or realtors who will to perform services for the sale of EPWU property under the Respondent's supervision.
6. Any other additional relevant/supporting information.

**Minimum Qualifications: Respondents that fail to meet the following minimum qualifications will not be considered for evaluation.**

1. Respondent and all listed real estate agents must be licensed by the Texas Real Estate Commission;
2. Respondent (including Respondent's brokerage firm) operate principally in El Paso, Texas and/or the State of New Mexico; and
3. Respondent has provided three (3) different Project Refence forms pursuant to the form attached hereto as **Exhibit B.**

**Evaluation Criteria:**

EPWater staff shall use the following criteria and weights to evaluate all submissions:

1. Is the Respondent licensed to provide brokerage services in New Mexico? (13 Points)
2. Is the Respondent's primary office located in El Paso, Texas? (27 Points)
3. Demonstrated brokerage experience of Respondent **and listed real estate agents to include the consideration of the responses provided by the references .** (60 Points)

**The DUE DATE for the Statement of Qualifications is February 3, 2022.**

Please submit six (6) hard copies of the SOQ and two (2) electronic submittals on USB or CDs in a **sealed envelope** to:

El Paso Water Utilities – Public Service Board  
Attention: Robert Davidson  
Contract Construction Administrator / Rose Guevara, Sr. Purchasing Agent  
1154 Hawkins Boulevard  
El Paso, TX 79925

**If the Respondent is hand delivering the SOQ, address the sealed envelope as directed above and deliver the SOQ to:1154 Hawkins Boulevard, First Floor, Purchasing and Contracts Department by 3:00 P.M. Mountain Standard Time on February 3, 2022.**

All inquiries regarding the Project and Request for Qualifications must be submitted via e-mail to: Rose Guevara, E: [RGuevara@epwu.org](mailto:RGuevara@epwu.org), 915-594-5547, and Robert Davidson, [RDavidson@epwu.org](mailto:RDavidson@epwu.org), 915-594-5528.

Sincerely,

*Robert Davidson*

Robert Davidson  
Contract Construction Administrator

*Attachments: Exhibit A: Offer and Submittal Form;  
Exhibit B: Project Reference Form;  
Exhibit C; Form Affidavit of Ownership and Control; and  
Exhibit D: Sample On-Call Agreement for Brokerage Services*

*cc: Rose Guevara*

**EXHIBIT A  
OFFER AND SUBMITTAL**

NOTE: SUBMISSION MUST BE SIGNED AND NOTARIZED BY AN AUTHORIZED REPRESENTATIVE(S) OF THE RESPONDENT, WHICH MUST BE THE ACTUAL LEGAL ENTITY THAT WILL PERFORM THE CONTRACT IF AWARDED.

"THE RESPONDENT WARRANTS THAT NO PERSON OR SELLING AGENCY HAS BEEN EMPLOYED OR RETAINED TO SOLICIT OR SECURE THIS CONTRACT UPON AN AGREEMENT OR UNDERSTANDING FOR A COMMISSION, PERCENTAGE, BROKERAGE, OR CONTINGENT FEE, EXCEPTING BONA FIDE EMPLOYEES. FOR BREACH OR VIOLATION OF THIS WARRANTY, EPWU SHALL HAVE THE RIGHT TO ANNUL ANY AGREEMENT WITHOUT LIABILITY OR, AT ITS DISCRETION, TO DEDUCT FROM THE CONTRACT PRICES OR CONSIDERATION, OR OTHERWISE RECOVER THE FULL AMOUNT OF SUCH COMMISSION, PERCENTAGE, BROKERAGE OR CONTINGENT FEE."

Respectfully Submitted:

\_\_\_\_\_  
(Print or Type Name of Contractor – Full Company Name)

\_\_\_\_\_  
Federal Identification Number:

By: \_\_\_\_\_  
(Signature of Authorized Officer or Agent)

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Address of Contractor: \_\_\_\_\_  
Street Address or P.O. Box

\_\_\_\_\_  
City – State – Zip Code

Telephone No. of Contractor: (\_\_\_\_) \_\_\_\_\_

Signature, Name and title of Affiant: \_\_\_\_\_

\_\_\_\_\_  
(Notary Public in and for)

\_\_\_\_\_  
County, Texas

My Commission Expires: \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

## EXHIBIT B

### PROJECT REFERENCE FORM (PRF)

**Directions to Submitting Firm:** Request three (3) Public/Private agencies for which you have completed Professional Services with similar in scope. Provide this form to the agency representative directly responsible for oversight of the project to complete and submit via e-mail to [RDavidson@epwater.org](mailto:RDavidson@epwater.org) prior to the date and time listed below. If the form is received after the date and time specified, it will not be accepted.

Statement of Qualifications Due Date and Time: \_\_\_\_\_

PROJECT NAME: Request for Qualification (RFQ) – Professional Real Estate Brokerage Services

NAME OF COMPANY TO BE EVALUATED: \_\_\_\_\_

NAME OF AGENCY OR FIRM SUBMITTING EVALUATION: \_\_\_\_\_

NAME/PHONE NUMBER OF PERSON SUBMITTING EVALUATION: \_\_\_\_\_

NAME OF REAL ESTATE PROJECT/SALE/PURCHASE AND DATE OF SUBSTANTIAL COMPLETION/CLOSING: \_\_\_\_\_

#### QUESTIONS:

1. Has the above-referenced real estate transaction closed? (Select One) ☐ Yes ☐ No

2. What was the firm's role, and in what capacity did they serve on the above-referenced project?

3. On a scale of 1 to 10 (1 being "poor" – 10 being "excellent"), how would you rate this company's performance on the following:

- How would you rate work performed by this firm on your project?
- ~~Was the project marketed~~ appropriately?
- What was the quality of the work performed?
- Was staff proactive in solving problems that may have occurred on your project?
- Would you be willing to contract with this firm again? (1 = No and 10 = Yes)

**Rate: 1-10**

**TOTAL POINTS (maximum 50 points)**

EXHIBIT C

AFFIDAVIT OF OWNERSHIP OR CONTROL

**INSTRUCTIONS:** EPWU requires knowledge of the identities of the owners of entities seeking to Contract with EPWU. ENTITIES USING AN ASSUMED NAME SHOULD DISCLOSE THAT FACT TO AVOID REJECTION OF THIS AFFIDAVIT.

STATE OF \_\_\_\_\_ § AFFIDAVIT OF OWNERSHIP OR CONTROL  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_  
[FULL NAME] (the "Affiant"), \_\_\_\_\_  
[STATE TITLE/CAPACITY WITH CONTRACTING ENTITY] of \_\_\_\_\_  
[CONTRACTING ENTITY'S CORPORATE/LEGAL NAME] ("Contracting Entity"), who being by me duly  
sworn on oath stated as follows:

1. Affiant is authorized to give this affidavit and has personal knowledge of the facts and matters herein stated.
2. Contracting Entity seeks to do business with El Paso Water Utilities in connection with  
\_\_\_\_\_  
[DESCRIBE PROJECT OR MATTER]
3. The following information is submitted in connection with the proposal, submission or bid of Contracting Entity in connection with the above described project or matter.
4. Contracting Entity is organized as a business entity as noted below (check box as applicable).

**FOR PROFIT ENTITY:**

- ☐ SOLE PROPRIETORSHIP  
☐ CORPORATION  
☐ PARTNERSHIP  
☐ LIMITED PARTNERSHIP  
☐ JOINT VENTURE  
☐ LIMITED LIABILITY COMPANY  
☐ OTHER (Specify type in space below)

**NON-PROFIT ENTITY:**

- ☐ NON-PROFIT CORPORATION  
☐ UNINCORPORATED ASSOCIATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. The information shown below is true and correct for the Contracting Entity; and
6. All owners of 10% or more of the Contracting Entity and, where the Contracting Entity is a non-profit entity, the required information has been shown for each officer, i.e., president, vice-president, secretary, treasurer, etc. **[NOTE: IN ALL CASES, USE FULL NAMES, LOCAL BUSINESS AND RESIDENCE ADDRESSES AND TELEPHONE NUMBERS. DO NOT USE A P.O. BOX]**

**CONTRACTING ENTITY**

Name: \_\_\_\_\_

Business Address **[No./STREET]** \_\_\_\_\_

**[CITY/STATE/ZIP CODE]**

Telephone Number (\_\_\_\_) \_\_\_\_\_

Email Address **[OPTIONAL]**

Residence Address **[No./STREET]**

**[CITY/STATE/ZIP CODE]**

Telephone Number (\_\_\_\_) \_\_\_\_\_

Email Address **[OPTIONAL]**

**10% Owner(s) or More (IF NONE, STATE "NONE.")**

Name: \_\_\_\_\_

Business Address **[No./STREET]** \_\_\_\_\_

**[CITY/STATE/ZIP CODE]**

Telephone Number (\_\_\_\_) \_\_\_\_\_

Email Address **[OPTIONAL]**

Residence Address **[No./STREET]**

**[CITY/STATE/ZIP CODE]**

Telephone Number (\_\_\_\_) \_\_\_\_\_

Email Address **[OPTIONAL]**

**EXECUTED** on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ BY:

**CONTRACTING ENTITY:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

**ACKNOWLEDGMENT**

STATE OF TEXAS            )

)

COUNTY OF EL PASO        )

      This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_  
20\_\_, by \_\_\_\_\_, on behalf of

\_\_\_\_\_.

Notary Seal:

\_\_\_\_\_  
Notary Public, State of Texas

Commission Expires: \_\_\_\_\_

**EXHIBIT D**

**SAMPLE ON-CALL BROKERAGE SERVICES AGREEMENT**