



REQUEST FOR PROPOSALS

Fargo-Moorhead Area Flood Diversion Project

Real Estate Closing Services

Publish Date: December 30, 2013

Due Date: January 24, 2014

Real Estate Closing Services associated with Land Acquisition for the Fargo-Moorhead Area Flood Diversion Project

General Introduction

The communities of Fargo, ND, and Moorhead, MN; the counties of Cass, ND, and Clay, MN; and the Cass County Joint Water Resources District (CCJWRD) and Buffalo-Red River Water Resources District have signed a joint powers agreement that forms the Diversion Authority for the purposes of constructing and operating a flood diversion channel along the Red River of the North for reducing the flood risk of the stakeholder communities and counties. The Diversion Authority and its members worked with the United States Army Corps of Engineers on the Fargo-Moorhead Metro Flood Risk Management Feasibility Study to develop the Project. The Project is defined as the Locally Preferred Plan in the Final Feasibility Report and as the Federally Recommended Plan in the Chief's Report, which can be found at: www.fmdiversion.com.

Goal of the Request for Proposals (RFP)

CCJWRD intends to select an agent to provide real estate closing services associated with land acquisitions for the Project. The real estate closing agent will be responsible handling the closings and document recordation for several hundred real estate transactions in the next several years. The properties will include single family residences, multi-family dwellings, farmsteads, commercial properties, and undeveloped land ("Property").

CCJWRD intends to award all work to a single Respondent. Additional services or types of property may be added to the successful Respondent's scope of work subsequent to award.

Role of the Diversion Authority, CCJWRD, and PMC

The Diversion Authority has authorized CCJWRD to purchase land in North Dakota to construct and operate the Project. The real estate closing agent will be contracted to CCJWRD but will receive day-to-day direction from, and report to, CH2M HILL with whom CCJWRD has contracted to manage land acquisitions. CCJWRD also has contracted with three land acquisition firms to appraise and negotiate purchases of property; these include Houston-Moore Group, LLC, ProSource Technologies, LLC and Ulteig Engineers, Inc. CCJWRD and its legal counsel will be responsible for:

- Conducting initial deed searches on parcels identified by the Diversion Authority
- Drafting purchase agreements for landowners identified by the deed searches (not tax rolls)
- Providing draft Purchase Agreements to land acquisition firms
- Obtaining abstracts from acquisition consultants after Purchase Agreements are signed
- Requesting abstract updates
- Conducting title reviews
- Preparing title opinions

- Preparing any mortgage or encumbrance satisfactions, partial releases, or other corrective title documents necessary, based on title review
- Submitting title opinions and all corrective documents to real estate closing agent (to obtain signed corrective documents, satisfactions, and releases from third-party lien holders)
- Preparing Warranty/Trustee/Personal Representative Deed or Easement and other closing instruments (e.g., Affidavit of Non-Homestead)
- Submitting closing instruments and abstracts to real estate closing agent.

Services Requested From Real Estate Closing Agent

Services requested from the real estate closing agent include, but are not limited to:

- Coordinating with landowners regarding the closing, including providing appropriate office facilities, or traveling to other closing locations
- Preparing the closing checklist
- Handling the preparation of the settlement statement
- Working with CCJWRD and the Diversion Authority regarding disbursement of closing funds
- Recording the closing documents
- Returning original recorded documents to CCJWRD, with one set of copies for the Diversion Authority.

Submission Requirements

Respondents shall deliver four copies of their proposals by **January 24, 2013, at 3:00 PM**. Submittals are limited to a maximum of 10 pages with a font size no smaller than 11 point. Submittals shall be submitted in a sealed package clearly marked as Real Estate Closing Agent proposal and the name of the Respondent. Include one CD with the proposal in Adobe Acrobat® PDF format.

Submittals shall be delivered to and questions regarding this RFP shall be directed to:

Dirk Draper
 CH2M HILL
 3170 43rd St S Ste 100
 Fargo, ND 58104
 T: 701-364-9111

dirk.draper@ch2m.com

Required Content

EXECUTIVE SUMMARY/OVERVIEW — Include a one-page overview of Proposal.

ORGANIZATIONAL DATA AND BACKGROUND INFORMATION — Respondent Information: name, location, years in business, statement of firm stability, number of staff in firm, and relevant specialty services. Provide the name and address of the Respondent’s main office and all offices in the Project vicinity. Provide a primary contact name, address, phone and fax numbers, and email address for communication through contract execution.

Provide a description of the contracting entities’ business structure. The business structure must comply with state requirements and applicable law, including licensing, if any. For partnerships or joint ventures, include a statement that all members will be jointly and severally liable to CCJWRD under the contract terms.

KEY PERSONNEL — Identify key personnel to be assigned to the contract. Provide details of experience and capabilities of key personnel, and include a one-page resume for each of the key personnel (these resumes do not count toward the 10-page limit).

EXPERIENCE — Identify current and past real estate closing services work. Provide firm capabilities and roles, and provide assurance of the firm’s ability to deliver the necessary quantity and quality of property management services.

FEE SCHEDULE — Provide the fee schedule for real estate closing services for each type of Property or provide description of fee basis for real estate closing services.

REFERENCES — Provide references, including contact person and phone number for at least four recent clients.

Guarantees and Insurance

Commercial General Liability insurance policy is required. Respondent shall agree to hold CCJWRD harmless against any and all expenses, demands, claims or losses of any kind that may be sustained by CCJWRD occasioned by Respondent’s own negligence or intentional acts, and shall further secure and maintain Commercial General Liability Insurance in an amount not less than \$2,000,000, and shall provide to CCJWRD a certificate of insurance indicating acceptance by its insurer of its obligation to defend and hold CCJWRD harmless. Specific insurance coverages are required by the State Water Commission, and are non-negotiable for this contract.

The Respondent’s liability and indemnification obligations are not limited by any insurance coverage Respondent maintains.

Acknowledge ability to meet the guarantee and insurance requirements.

Selection Process and Evaluation Criteria

A Selection Committee consisting of representatives of CCJWRD, the Diversion Authority, and CH2M HILL will evaluate and rank the submissions. Selection criteria include:

1. Experience providing real estate closing services of similar nature
2. Qualifications of key personnel assigned to this Project
3. Staffing availability to deliver the anticipated workload
4. Use of local firms or demonstrated history of successful project delivery out of an established local office in the project vicinity
5. Fee schedule or indication of fee basis.

The schedule for selection is as follows:

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|-------------------------------------|-------------------|
| 1. Issue RFP | December 30, 2013 |
| 2. Written questions from firms due | January 10, 2014 |
| 3. Answers provided | January 17, 2014 |
| 4. Proposals due | January 24, 2014 |
| 5. Selection notification. | January 31, 2014 |

CCJWRD intends to award all work to a single Respondent.

Contract Terms and Conditions

Contract terms and conditions will be negotiated following selection. Services will begin following execution of the contract for real estate closing services, as needed based upon acquisition of properties.

Opportunity for Local Businesses

CCJWRD intends that well qualified local firms are afforded the maximum practical opportunity to participate in all phases of the Project. CCJWRD will give preference to local firms when possible without compromising the Project schedule, quality of work, or successful delivery of these services.

Acceptance or Rejection of Statements of Qualifications

CCJWRD reserves the right, in its absolute discretion, to waive any deficiencies in, and accept or reject any and all Statements of Qualifications submitted. CCJWRD is not responsible for the cost of preparation of the submission or interview.