



**NEW HAMPSHIRE LIQUOR
COMMISSION**

Request for Proposals

**Commercial Real Estate Services for
Hampton Liquor Properties**

RFP 2020-001-HLP

RFP ISSUED.....September 11, 2020

**NHLC CONTACT.....Andrew S. Davis
NHLC Chief Administrator,
NHLC.HAMPTON@liquor.nh.gov**

CONTRACT TYPE.....PROFESSIONAL SERVICES

PROPOSALS DUE VIA HAND DELIVERY2:30 PM, October 26, 2020

**AT: New Hampshire Liquor Commission
C/O Andrew S. Davis
Chief Administrator
50 Storrs Street
Concord, NH 03302-0503**

9-10-20 Version

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COMMERCIAL REAL ESTATE SERVICES FOR HAMPTON LIQUOR PROPERTIES
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1. INTRODUCTION

The New Hampshire Liquor Commission (NHLC) seeks a qualified real estate broker firm (Broker) specializing in highway-oriented commercial real estate to provide brokerage, valuation and marketing services for surplus properties owned by the NHLC in Hampton, NH.

The NHLC currently owns and maintains liquor and wine outlets in Hampton, NH that are accessed via Interstate 95 northbound and southbound. These outlets are located on parcels owned by the NHLC that are approximately 64 acres in size northbound and 24 acres in size southbound. Portions of both sites are unavailable due to wetlands or conservation easements. The NHLC has owned the northbound and southbound parcels since 1992 and 1981 respectively.

The NHLC has deemed the majority of the parcels as surplus. The NHLC, with assistance from the New Hampshire Department of Administrative Services (DAS), is moving forward with this Request for Proposals (RFP) process. The selected Broker is expected to achieve the desired outcome of the NHLC to: sell the surplus properties to one or more parties that will redevelop the sites to incorporate appropriate uses in addition to a new, state-of-the-art liquor store on each site, approximately 22,000 square feet (sf)+/-. It is not a requirement that the northbound and southbound surplus properties be sold together.

In March 2020, the NHLC conducted a Request for Qualification (RFQ) process to identify potential Brokers interested in partnering with the NHLC to provide brokerage, valuation, and marketing services for the buying/developing of surplus properties owned by the NHLC in Hampton, NH. Through this process the NHLC shortlisted two Brokers based on their qualifications. Those shortlisted Brokers are receiving this RFP. This RFP will provide the shortlisted Brokers the opportunity to clearly set forth how and where they would market these properties and their proposed commission rate.

Figure 1 below identifies the Northbound and Southbound Hampton liquor store locations.

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Figure 1 – Northbound and Southbound Hampton Liquor Store Locations

1.1. RELEVANT INFORMATION

The following relevant information shall be noted by the Broker and any prospective buyer/developer:

- The NHLC reserves the right to maintain ownership of 22,000 +/- square feet of both the northbound and southbound parcels for construction, operation, and interior maintenance of new, state-of-the art liquor and wine outlets. Location of these facilities will be finalized as part of the purchase and sale agreement. NHLC also reserves the right to brand these stores and locations consistent with other NHLC store locations.

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- New property owner will be responsible for all additional development and all operating and maintenance costs on each site owned, including all exterior liquor store building and parking lot maintenance.

- Any proposed development on the northbound and southbound parcels will need to be highway-oriented type development (i.e. gas, food) and will be subject to local zoning laws.

- Access to the Hampton liquor properties is currently via Interstate 95. Interstate 95 in New Hampshire in the area of the liquor facilities is owned and maintained by the New Hampshire Department of Transportation (NHDOT), Bureau of Turnpikes. Although ownership and maintenance are by the Bureau of Turnpikes, the agency having jurisdiction and final guidance over access to and from Interstate 95 is the Federal Highway Administration (FHWA).

- FHWA has concluded that no federal funds have been used in the development and improvements to these Hampton liquor properties.

- FHWA and NHDOT have control over and final approval on any changes (if proposed) to the ramps accessing Interstate 95 to ensure proper safety and mobility to the highway. The NHLC will retain ownership of all ramps.

- Any expansion of the existing northbound and southbound parcels will require following standard New Hampshire Department of Environmental Services (DES) permitting processes and local development regulations.

- Findings from the Phase IA, Phase IB, and Phase II archeological site investigations (Phase II recently completed) have identified a relatively small area on the southerly Hampton liquor property for avoidance by a buyer/developer. Initial limits of this area and location on the property are anticipated in late September 2020 based on input from the Department of Historic Resources (DHR).

- The NHLC, with the support of a Technical Committee, will complete a formal process to oversee the selection of a buyer/developer for these surplus properties. This will begin once a Broker has been selected through this RFP process.

- Rivers Management Advisory Committee (RMAC) and the Lakes Management Advisory Committee (LMAC) were invited to serve on the committee in a technical adviser capacity to oversee the purchase and detail of the development plan for the properties.

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- The Broker and potential buyer/developer may be required to engage with governmental entities, including, but not limited to: NHDOT, FHWA, Town of Hampton, Hampton Planning Board, DHR, RMAC, and DES.

1.2 CONTRACT AWARD

The Commercial Real Estate Services Contract award by the State will be based upon criteria, standards, and weighting identified in this RFP. Each Proposal will be considered as a whole solution, without limitation, including all services proposed, qualifications of the Broker and any potential buyer/developer, and revenue proposal.

1.3 CONTRACT TYPE

The State plans to execute a Commercial Real Estate Services Contract with the selected Broker. The Commercial Real Estate Services Contract is defined as a document that shall incorporate the material terms of this RFP, the selected Proposal, and additional provisions typically found in a commercial real estate brokerage agreement. A sample Commercial Real Estate Services Contract containing similar terms and provisions is found in Appendix B. The NHLC reserves the right to alter the terms and provisions in the sample contract as needed to develop the final contract with the selected Broker.

1.4 CONTRACT TERM

The Broker's initial term is expected to begin on the date of Governor and Council contract approval and will extend for one calendar year unless the surplus properties are sold sooner. The NHLC reserves the right to extend the contract term for an additional year with 30 days' written notice.

The Broker shall provide Commercial Real Estate Services on behalf of the NHLC and the State of New Hampshire. In the event of termination of the Commercial Real Estate Services Contract, the NHLC will be free to solicit Commercial Real Estate Services with another Broker.

1.5 SCOPE OF WORK/SERVICES

It is expected that the selected Broker will work solely on behalf of the NHLC and represent its interests to the fullest extent possible during the process.

The primary responsibilities of the selected Broker shall be to market the surplus properties to potential buyer/developers, participate in the buyer/developer selection process through NHLC-led RFQ and RFP processes, provide valuation estimates for the surplus properties, list the surplus properties for sale and respond to submitted offers, and negotiate the sale of

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the surplus properties on behalf of the NHLC. Additionally, the selected Broker may be asked to assist the NHLC in the due diligence and closing processes associated with such a land sale transaction.

Specific services may include, but are not limited to, the following:

- a) Develop a clear marketing plan to advertise and promote the surplus properties, either individually or collectively, to potential local and national buyers and developers;
- b) Participate in the development of specific market and sale language to be included in a Buyer/Developer RFQ and RFP;
- c) Participate in Buyer/Developer RFQ and RFP process as directed by NHLC;
- d) Prepare a comprehensive property valuation for the surplus properties, including an assessment of the current COVID-19 pandemic and recent archeological finding's impact on potential property values, short and long-term;
- e) Prepare a comprehensive market study of target market opportunities and possible Buyer/Developers, along with an interpretation and assessment of relevant market trends;
- f) Conduct due diligence investigations of each surplus property's suitability for the NHLC requirements, specifically retaining a 22,000+/- sf area for future liquor buildings;
- g) Assist NHLC in determining appropriate target list of potential Buyer/Developers;
- h) List the surplus properties at a local, regional, and national level through the Broker's available network;
- i) Prepare and negotiate purchase and sale agreements for the surplus properties, and assist State with all elements of the purchase and sale process including fee simple transfer;
- j) Analyze initial term sheets received – both financial and non- financial proposed terms, as well as strength of potential Buyer/Developers;
- k) Assist NHLC in selecting a preferred Buyer/Developer;
- l) Solicit draft transaction documents from selected Buyer/Developer;
- m) Coordinate execution of all transaction documents, evidence of insurance, etc.; and
- n) Other services as requested.

1.6 COMPENSATION

Compensation for the entire scope of services as indicated in this RFP, including research, marketing, valuation, and sales transaction of the surplus properties, shall be as follows:

A) Commission Rate.

Should the NHLC complete a transaction for the sale of its surplus properties, the selected Broker will receive a brokerage commission paid by the NHLC, based on a percentage of the selling price of the properties, to be paid from the proceeds of the sale at the close of escrow. Selected Broker will state its requested Commission Rate in response to this RFP.

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The proposed commission will be the total commission paid by the NHLC and will include any commission due to the Buyer/Developer's broker pursuant to a commission split agreement between selected Broker and the Buyer/Developers broker. The NHLC expects selected Broker to cooperate with outside brokers in accordance with standard market practice.

B) Retainer Fee.

Due to the level of effort anticipated to complete this transaction, the NHLC shall pay the selected Broker a Retainer Fee of \$25,000 to cover efforts for marketing, property valuation, and coordination with the NHLC and other parties during the Buyer/Developer RFQ and RFP process prior to purchase commission. It is not intended that this Retainer Fee will cover all marketing, valuation, and purchase transaction efforts, but rather will cover those efforts that are beyond what a typical commercial real estate transaction of this size and magnitude would entail.

The NHLC will pay the selected Broker the Retainer Fee in equal installments (25%) following the completion and approval by the NHLC of each of the following:

1. Marketing study of target opportunities and possible Buyer/Developers
2. Property marketing plan
3. Comprehensive property valuation
4. Participation in entire Buyer/Developer RFQ and RFP development and selection process as required

2. OVERVIEW OF THE PROCESS

2.1 DESCRIPTION OF THE PROCESS

In response to this RFP, the Brokers shortlisted via the March 2020 RFQ, shall provide further detail as to their proposed marketing approach to identifying buyers/developers for the surplus properties, as well as identify their proposed commission rate. Detailed information to be provided in response to this RFP may include, but is not limited to, the following;

- Identification of target market opportunities
- Detail of marketing plan to identify potential buyers/developers locally and nationally
- Approach to valuation prior to listing property
- Commission rate
- Other information as identified by the Brokers to support their proposals

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A Selection Committee, comprised of representatives including, but not limited to: NHLC, DAS, and the NHLC's consultant, will review, rate and identify the selected Broker through this RFP process.

2.2 PROPOSAL EVALUATION PROCESS

Proposals will be evaluated by a Selection Committee (See Section 2.1) made up of individuals selected by the NHLC. The Selection Committee will review and evaluate all conforming submissions according to the requirements identified in Section 4: *Proposal Requirements and Deliverables* herein.

Proposals shall be considered conforming and responsive provided that it is submitted within the allowed time periods and contains all requested information as specified. In making its evaluation and selection, the Selection Committee will rely on the information submitted by the Brokers in the proposal packages.

The NHLC reserves the right to:

- a. Waive minor or immaterial deviations from the RFP requirements, if determined to be in the best interest of the State;
- b. Omit any planned evaluation step if, in the NHLC's view, the step is not needed; and
- c. At its sole discretion, withdraw this RFP and/or reject any and all submissions at any time.

The NHLC plans to use the following process at its discretion to evaluate each Proposal:

- **Initial screening;**
- **Preliminary review of the Proposals;**
- **Oral Presentations;**
- **Final evaluation and scoring of Proposals; and**
- **Best and Final Offer ("BAFO").**

Initial Screening

The NHLC will conduct an initial screening to verify Broker compliance with submission requirements and to confirm that the Proposal satisfies the following;

- The Proposal is date and time stamped before the deadline.
- The Broker has sent the required number of copies.
- The original version of the proposal is marked "ORIGINAL" and the copies are marked "COPY".
- The original proposal includes a signed transmittal letter accepting all terms and conditions of the RFP without exception.

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- The Commission Rate is provided in a separate, sealed envelope.

A Proposal that fails to satisfy either submission requirements or minimum standards may be rejected without further consideration. The NHLC may waive minor defects in Proposals as it sees fit.

Preliminary Review of the Proposals

The Selection Committee will conduct a preliminary review of the proposals and develop a list of questions or clarifications to be provided to each Broker for the Oral Presentation. Questions or clarifications will be organized and consistent with the criteria identified in Section 4.15 *Proposal Content*.

Oral Presentations

The purpose of an oral presentation is to expound upon information provided in the written Proposals and to address questions and requests for clarifications provided by the Selection Committee. Brokers are prohibited from altering the basic substance of their Proposals during the oral presentations.

For each Broker, the oral presentation will be scheduled according to the *Schedule of Events*, Section 2.5, herein. Specific oral presentation criteria will be provided at the time oral presentations are announced. A structured agenda will be used for oral presentations to ensure standard coverage of each Broker.

It is anticipated and strongly encouraged that oral presentations can be conducted in person at the NHLC. Details and protocols for the oral presentation, consistent with Governor Executive and Emergency orders and CDC guidelines, will be provided in advance.

Final Evaluation and Scoring of Proposals

Following the oral presentations, the Selection Committee will perform final evaluations and score the proposals. The NHLC will select the Broker with the highest scoring proposal to enter into contract discussions.

Best and Final Offer

Upon completion of the scoring process, the NHLC may, at its sole discretion, request a “Best and Final Offer” (BAFO) for the NHLC’s consideration. The NHLC reserves the right to select the Broker based solely on the initial proposals and is under no obligation to solicit or accept a BAFO from any shortlisted Brokers. Brokers are encouraged to provide their most competitive Commission Rate in their initial proposals in the event the NHLC does not request a BAFO.

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If the NHLC invites a Broker to submit a BAFO, the NHLC will provide a submission deadline. The NHLC may communicate in writing to any Broker selected to participate in the BAFO any Commission Rate targets that the NHLC is seeking in the BAFO. All restrictions on contact with NHLC employees outlined in Section 4.3 shall remain in effect for the BAFO period.

Each invited Broker may only make one BAFO. The BAFO may not alter the substance of the Proposer’s technical proposal. The BAFO may only amend the Broker’s initial Commission Rate to reduce it.

To the extent the NHLC solicits and receives a BAFO pursuant to this section, the NHLC will re-score the BAFO participants’ Commission Rate score only. The NHLC will not select a Broker based on the lowest BAFO Commission Rate. A final selection, if any, shall be based on the combined score of the technical proposal and BAFO Commission Rate. Only those Brokers who were invited to submit a BAFO will be considered for the award.

2.3 PROPOSAL SCORING

The NHLC will use a scoring scale of 100 points. The maximum points awarded by category and subcategory are shown in the following table:

Hampton Commercial Real Estate Services Criteria and Scoring

CATEGORY – TECHNICAL PROPOSAL	POINTS
IDENTIFICATION OF TARGET MARKET OPPORTUNITIES	15
DETAIL OF MARKETING PLAN TO IDENTIFY POTENTIAL BUYERS/DEVELOPERS LOCALLY AND NATIONALLY	25
APPROACH TO VALUATION PRIOR TO LISTING PROPERTY	15
OTHER INFORMATION AS IDENTIFIED BY BROKER TO SUPPORT PROPOSAL	5
CATEGORY – COMMISSION RATE	POINTS
COMMISSION RATE	40
TOTAL POTENTIAL MAXIMUM POINTS	100

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2.4 COMMISSION RATE SCORING

The Broker’s Commission Rate will be allocated a maximum score of 40 points. Information provided below is intended to provide a basis for comparing rates. The following formula will be used to assign points:

- a. Brokers Commission Rate. Lowest commission rate in percentage will receive the full value of available points. Remaining commission rates will be scored as follows: Lowest Commission Rate/Proposed Broker Commission Rate x 40 points. Example Commission Rate scoring is as follows:

Broker A = 6% Commission Rate

Broker B = 5% Commission Rate

Commission Rate Scoring

Broker A = 5% (Lowest)/6% (Broker A) x 40 points = 33.33 points

Broker B = 5% (Lowest)/5% (Broker B) x 40 points = 40 points

2.5 SCHEDULE OF EVENTS

The following table provides the schedule of events for this RFP.

EVENT	DATE	TIME
RFP issued to shortlisted Brokers	September 11, 2020	
Broker RFP inquiries due to NHLC	September 25, 2020	4:00 pm
NHLC Responses to Broker RFP Inquiries	October 2, 2020	
Proposal due via hand delivery	October 26, 2020	2:30 pm
Selection Committee Questions and Clarifications due to Brokers	November 2, 2020	
Broker Oral Presentations	November 9, 2020	TBD
Selected Broker Notified no later than	November 20, 2020	
Execution of Professional Services Agreement	TBD subject to G&C approval and schedule	

The above table provides a Schedule of Events for this RFP. Broker RFP inquiries can be submitted at any time up to the date and time identified in the schedule above. The NHLC reserves the right to amend this Schedule at its sole discretion and at any time for any reason through a published Addendum. Any such Addendum will be effected by posting on the NHLC official website at https://www.nh.gov/liquor/public_notices.shtml. **Proposers are responsible for checking the website for published Addenda.**

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2.6 AVAILABLE DOCUMENTS AND MATERIALS

Pertinent documents will be made available during the RFP process for prospective Brokers on the following website:

https://www.nh.gov/liquor/public_notices.shtml

Shortlisted Brokers are encouraged to check the website regularly. Available documents and materials for this RFP are not Project Documents, and as such the NHLC makes no representations or guarantees as to, and shall not be responsible for, the accuracy, completeness, or pertinence of reference documents, and, shall not be responsible for the conclusions to be drawn there from. Additional documents may be made available during the RFP process.

3. STATE AGENCIES INVOLVED

The following State of New Hampshire agencies are involved in this process.

3.1 NH LIQUOR COMMISSION

The New Hampshire Liquor Commission (“NHLC”) was established in 1933 following the repeal of prohibition. New Hampshire is one of seventeen “control” states or jurisdictions that control the sale of alcoholic beverages through a governmental agency. The NHLC regulates the manufacture, importation, storage, transportation, sale and use of wine, spirits and brewed beverages in New Hampshire.

In addition to regulating the alcoholic beverage business in New Hampshire, the NHLC is also a wholesaler and retailer of wines and spirits. The NHLC operates over 77 retail stores throughout New Hampshire, through which the NHLC sells wines and spirits to both consumers and NHLC licensees. Off-premise licensees, such as grocery or convenience stores, purchase wines from the NHLC to sell at retail. On-premise licensees, such as restaurants, purchase wines and spirits from the NHLC to sell to patrons at their establishments.

In Fiscal Year 2019, NHLC’s gross sales were \$729.2 million. As a state agency, the NHLC transferred \$146.3 million to the State General Fund and \$8.4 million to the Alcohol Abuse Prevention and Treatment Fund. The NHLC is a significant retail draw with 50% of its customers originating from outside the State. It is known for its extensive offering of wine

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and spirits and large store selection. The Commission operates the largest retail chain of wine and spirits in New England.

Pursuant to NH RSA 176:3, the NHLC is statutorily obligated to optimize profitability, maintain proper controls, assume responsibility for effective and efficient operations, and provide service to all customers.

3.2 NH DAS

The New Hampshire Department of Administrative Services (DAS) provides a variety of professional, management, advisory, coordination, oversight, and support services to other State agencies, the New Hampshire legislature, New Hampshire citizens, and certain State government programs for which DAS has been delegated responsibility by statute. Through its Real Property Asset Management program, DAS facilitates a wide range of State real property transactions and projects as well as land use matters by lending expertise, advice, and transaction/project management services to State agencies.

4. PROPOSAL REQUIREMENTS AND DELIVERABLES

4.1 PROPOSAL INSTRUCTIONS, SUBMISSION, DEADLINE, & LOCATION

Proposals submitted in response to this RFP must be hand delivered and received by the NHLC, no later than the time and date specified in Section 2.3: *Schedule*. Proposals must be addressed and hand delivered to:

**Mr. Andrew S. Davis
Chief Administrator
New Hampshire Liquor Commission
50 Storrs Street
Concord, NH 03302-0503**

Packages containing Proposals must be clearly marked as follows:

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All sections of the RFP must be completed and delivered to the NHLC by the submission deadline. Do not alter any parts of this RFP. Late submissions will not be accepted and will be returned to the Broker unopened. Preparation and delivery of the Proposal shall be at the Broker's expense.

A Proposal submission shall be deemed received on the date and at the time officially documented by the NHLC as having been received at the location designated above. The NHLC accepts no responsibility for mislabeled mail or mail that is not delivered or undeliverable for whatever reason. Any damage that may occur due to shipping shall be the Broker's responsibility. Proposals transmitted by facsimile or email will not be accepted.

All Proposal packages submitted in response to this RFP must consist of one (1) original (clearly marked as such) and five (5) clearly identified copies of the proposal package, including all required attachments, and one (1) electronic copy of the Proposal in a searchable PDF format on CD or flash drive. These Proposal materials shall be submitted in a separate, sealed envelope marked "Technical Proposal".

One (1) original of the Broker Commission Rate shall be provided in a separate, sealed envelope marked "Commission Rate". This envelope will not be opened until the completion of the Oral Presentations and Final Evaluation and Scoring by the Selection Committee.

Proposals shall be accompanied by the transmittal letter described in Appendix A, Form 2, *Proposal Transmittal Letter*, herein. The original and all copies shall be bound separately, delivered in sealed containers, and permanently marked as indicated above. One (1) copy of the proposal transmittal form letter shall be signed by an official authorized to legally bind the Broker and shall be marked "ORIGINAL." A Broker's disclosure or distribution of its Proposal other than to the NHLC will be grounds for disqualification.

4.2 RFP INQUIRIES

All inquiries concerning this RFP, including requests for clarification, shall be submitted via email to:

NHLC.HAMPTON@liquor.nh.gov

Brokers are required to submit questions via email on Form 1, *Broker Inquiry Form* included in Appendix A. Inquiries can be submitted at any time up until the date and time identified in Section 2.5 *Schedule*. The NHLC assumes no liability for assuring accurate/complete email transmission/receipt and is not responsible to acknowledge receipt. Brokers shall not contact

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the NHLC by phone with any inquiries. Brokers shall not contact the NHLC after the close of the RFP inquiry period.

The NHLC intends to issue official responses to properly submitted inquiries on or before the date specified in Section 2.5, *Schedule*, herein; however, this date is subject to change at the NHLC's discretion. The NHLC may consolidate or paraphrase questions for efficiency and clarity. The NHLC may, at its discretion, amend this RFP on its own initiative or in response to issues raised by inquiries, as it deems appropriate. Oral statements, representations, clarifications, or modifications concerning the RFP shall not be binding upon the NHLC. Official responses by the NHLC will be made only in writing by posting on the NHLC website at https://www.nh.gov/liquor/public_notices.shtml. Brokers shall be responsible for reviewing the most updated information related to this RFP before submitting Proposals.

All inquiries must be received no later than the date and time identified in Section 2.5: *Schedule*. Inquiries received later than the conclusion of the Broker Inquiry Period shall not be considered properly submitted and may not be considered.

During the RFP Inquiry Period, potential Brokers may take exception to sample contract terms contained in the RFP. The NHLC will review requested exceptions and accept, reject, or note that it is open to negotiation of the proposed exception. If the NHLC accepts a Broker's exception, the NHLC will, at the conclusion of the inquiry period, provide notice to all potential Brokers of the exceptions that have been accepted and indicate that exception is available to all potential Brokers, or that the item is negotiable. Any exceptions that are not raised during the Broker Inquiry Period are waived. In no event is a Broker to submit its own standard contract terms and conditions as a replacement for the State's terms in response to this solicitation.

4.3 RESTRICTION OF CONTACT WITH NHLC EMPLOYEES

During the pendency of the RFP process and as it relates to this RFP, *all communication regarding this RFP with NHLC employees, DAS employees, DoIT personnel who support the NHLC or other vendors under contract with the NHLC is forbidden*. NHLC employees have been directed not to hold conferences or engage in discussions concerning this RFP with any potential Broker during the selection process. Brokers may be disqualified for violating this restriction on communications.

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4.4 VALIDITY OF PROPOSALS

Proposals must be valid for one hundred and eighty (180) days following the deadline for submission of Proposals in Section 2.3: *Schedule*, or until the Effective Date of any resulting Professional Services Agreement, whichever is later.

4.5 RFP ADDENDUM

The NHLC reserves the right to amend this RFP at its discretion, prior to the RFP submission deadline. In the event of an addendum to this RFP, the NHLC, at its sole discretion, may extend the RFP submission deadline, as it deems appropriate.

4.6 NON-COLLUSION

The Broker's signature on a Proposal package submitted in response to this RFP guarantees that the terms and conditions, and work quoted have been established without collusion with other Brokers and without effort to preclude the NHLC from obtaining the best possible competition.

4.7 PROPERTY OF THE NHLC

All material received in response to this RFP shall become the property of the State of New Hampshire and will not be returned to the RFP respondent. Upon any eventual resulting Contract award, the NHLC reserves the right to use any information presented in any Proposal package.

4.8 CONFIDENTIALITY OF PROPOSALS

Unless necessary for the approval of a contract, the substance of the Proposal must remain confidential until the Effective Date of any Contract resulting from this RFP. A Brokers' disclosure or distribution of Proposals other than to the NHLC will be grounds for disqualification.

4.9 PUBLIC DISCLOSURE

In order to protect the integrity of the competitive selection process, notwithstanding RSA 91-A:4, no information shall be available to the public, or to the members of the general court or its staff concerning specific responses to requests for bids (RFBs), requests for proposals (RFPs), requests for applications (RFAs), or similar requests for submission for the purpose of procuring goods or services or awarding contracts from the time the request is made public until the closing date for responses.

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In accordance with RSA 9-F:1, any contract entered into as a result of this RFP will be made accessible to the public online via the website Transparent NH (<http://www.nh.gov/transparentnh/>).

The content of each submission shall become public information upon the award of any resulting Contract. *Any information submitted as part of a response to this RFP may be subject to public disclosure under RSA 91-A.* However, business financial information and proprietary information such as trade secrets, business and financial models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If you believe any information being submitted in response to this request for proposals should be kept confidential as financial or proprietary information; you must specifically identify that information in a letter to the agency, and must mark/stamp each page of the materials that you claim must be exempt from disclosure as “CONFIDENTIAL.” A designation by the Broker of information it believes exempt does not have the effect of making such information exempt. The NHLC will determine the information it believes is properly exempt from disclosure. Marking of the entire submission or entire sections of the submission as confidential will neither be accepted nor honored. The NHLC will endeavor to maintain the confidentiality of portions of the submission that are clearly and properly marked confidential.

If a request is made to the NHLC to view portions of a submission that the Broker has properly and clearly marked confidential, the NHLC will notify the Broker of the request and of the date the NHLC plans to release the records. By responding to this RFP, the Broker agrees that unless the Broker obtains a court order, at its sole expense, enjoining the release of the requested information, the NHLC may release the requested information on the date specified in the NHLC’s notice without any liability to the Broker.

4.10 NON-COMMITMENT

Notwithstanding any other provision of this RFP, this RFP does not commit the NHLC to award a Contract. The NHLC reserves the right, at its sole discretion, to reject any and all submissions, or any portions thereof, at any time; to cancel this RFP; and to solicit new submissions under a new acquisition process.

4.11 PREPARATION COST

By responding to this RFP, a Broker agrees that in no event shall the NHLC be either responsible for or held liable for any costs incurred by a Broker in the preparation of or in connection with the Submission, or for Work performed prior to the Effective Date of a resulting Contract.

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4.12 ETHICAL REQUIREMENTS

From the time this RFP is published until a contract is awarded, no Broker shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFP, or similar submission. Any Broker that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any Broker that has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or that is subject to a pending criminal charge for such an offense, shall be disqualified from bidding on the RFP, or similar request for submission and every such Broker shall be disqualified from bidding on any RFP or similar request for submission issued by any state agency. A Broker that was disqualified under this section because of a pending criminal charge that is subsequently dismissed, results in an acquittal, or is annulled, may notify the Department of Administrative Services, which shall note that information on the list maintained on the state's internal intranet system, except that in the case of annulment, the information shall be deleted from the list.

4.13 PROPOSAL FORMAT

Proposals shall follow the following format:

- Proposals shall be bound.
- Proposals shall be printed on white paper with dimensions of 8.5 by 11 inches with right and left margins of one (1) inch.
- Proposals shall use Times New Roman font with a size of eleven (11). *Exceptions for paper and font sizes are permissible for: Graphical exhibits, including organization charts, may be printed on white paper with dimensions 11 inches by 17 inches.*
- Each page of the Proposal shall include a page number and the number of total pages and identification of the Broker in the page footer. Each page shall be numbered consecutively within each Section (i.e., 1-1, 1-2...; 2-1, 2-2...; 3-1, 3-2..., etc.), and the page numbers shall be centered at the bottom of each page.
- Proposals shall be printed double-sided. Each side of each page shall be considered one page.
- Tabs shall separate each section of the Proposal.

4.14 PROPOSAL ORGANIZATION

Proposals shall adhere to the following outline and shall have a total page limit of twenty-five (25) pages, excluding the items identified below as not applying to the page limit.

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Section	Page Limit Applies? (Yes/No)
Cover Page	No
Transmittal Form Letter	No
Table of Contents	No
Section I: Target Market Opportunities	Yes
Section II: Marketing Plan	Yes
Section III: Valuation Approach	Yes
Section IV: Other Broker Information	Yes
Section V: Commission Rate	Yes

4.15 PROPOSAL CONTENT

Proposals must contain the following:

Cover Page

The first page of the Broker’s Qualifications must be a cover page containing the following text:

**STATE OF NEW HAMPSHIRE
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REQUEST FOR PROPOSALS
COMMERCIAL REAL ESTATE SERVICES FOR
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The cover page must also include the Broker’s name, contact person, contact telephone number, address, city, state, zip code, fax number, and email address.

Transmittal Form Letter

The Broker must submit a hand-written or typed and signed transmittal form letter with their response using the Form 2, *Proposal Transmittal Letter* provided in Appendix A. Any electronic alteration to this Transmittal Form Letter is prohibited. Any such changes will result in Proposals being rejected.

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Table of Contents

The Broker must provide a table of contents with corresponding page numbers relating to its Proposal. The table of contents must conform to the outline provided in Section 4.14: *Proposal Organization*, but should provide detail, e.g., numbering, level of detail.

Section I: Identification of target market opportunities

In Section I, the Broker shall provide a clearly defined list of market opportunities that have potential to be located on the surplus properties. This target market list shall focus on highway-oriented type development opportunities but may include other potential opportunities identified by the Broker. The Broker shall compare all target market opportunities identified for compatibility with proposed NHLC liquor stores. Broker should also summarize how proposed target market opportunities against current Town of Hampton, NH zoning that the Buyer/Developer will need to follow.

Section II: Detail of marketing plan to identify potential buyers/developers locally and nationally

In Section II, the Broker shall clearly identify the details of a proposed marketing plan to identify potential buyer/developers locally and nationally. The marketing plan shall contain, at a minimum, the following elements:

- Discussion of Opportunity
- Pricing and Selling Strategy of surplus properties individually or collectively
- Local, Regional, National Distribution Plan
- Marketing Materials
- Promotion Strategy
- Other information relevant to your marketing plan

Each element of the marketing plan above shall be described in detail. Samples of previous marketing plans, graphics, and other promotional materials are encouraged to be provided to allow the NHLC to fully understand how the surplus properties will be marketed.

Section III: Approach to valuation prior to listing property

In Section III, the Broker shall identify how the surplus properties will be valued by the Broker's Team prior to listing. A step-by-step process should be provided that clearly outlines how the valuation will be determined, including but not limited to any potential impacts due to COVID-19 or equivalent pandemic conditions and impact of archeological findings. Additionally, the Broker should identify all necessary information needed from the NHLC or other parties to maximize property value and opportunity.

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Section IV: Other information as identified by the Broker to support their proposal

In Section IV, the Broker shall provide any additional information they believe relevant to their Proposal. Information provided in this section must not repeat previous sections information but shall support why the NHLC should select the Broker's proposal. The NHLC anticipates that Brokers will be creative and detailed when providing other information to support their proposal.

Section V: Commission Rate

In Section V, the Broker shall identify their proposed Commission Rate in the form of a percentage of the total purchase price. To ensure the equitable comparison of Brokers' Commission Rates as set forth in Section 2.4(a) of this RFP, each Broker shall provide one Commission Rate only. That commission percentage will be used as the basis for allocating the points available for Commission Rate.

Commission Rate shall be submitted as described in Section 4.1.

For scoring of Commission Rate, see Section 2.4.

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APPENDIX A - Required Forms

**STATE OF NEW HAMPSHIRE
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Form 1

Broker Inquiry Form

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Form 1: Broker Inquiry Form

Broker: _____

Sheet 1 **of** _____ **sheets**

Item No.	Page No.	Section No.	Inquiry	Reserved for Response
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Duplicate as needed.

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Form 2

Proposal Transmittal Letter

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FORM 2: PROPOSAL TRANSMITTAL LETTER

Broker Name _____

Address _____

To: Mr. Andrew S. Davis
Chief Administrator
New Hampshire Liquor Commission
50 Storrs Street
Concord, NH 03302

RE: Proposal Invitation Name: COMMERCIAL REAL ESTATE SERVICES FOR HAMPTON LIQUOR PROPERTIES
RFP Number: 2020-001-HLP
Proposal Opening Date and Time: October 26, 2020 at 2:30 pm

Dear Sir:

Company Name: _____ hereby offers its Proposal to the New Hampshire Liquor Commission as indicated in Request For Proposals 2020-001-HLP, COMMERCIAL REAL ESTATE SERVICES FOR HAMPTON LIQUOR PROPERTIES, in complete accordance with all conditions of this RFP.

Company Signor: _____ is authorized to legally obligate
Company Name: _____.

We attest to the fact that:

The company has reviewed and agreed to be bound by all RFP terms and condition, which shall form the basis of any Commercial Real Estate Services Agreement resulting from this process.

These Proposal is effective for a period of 180 days following the deadline for submission of Proposals in Section 2.5: *Schedule*, or until the Effective Date of any resulting Professional Services Agreement, whichever is later.

Our official point of contact is _____,
Title _____
Telephone _____, Email _____
Authorized Signature Printed _____
Authorized Signature _____

Important Note: Brokers are provided an electronic version of the RFP Transmittal Letter. Any electronic alteration to this Transmittal Letter template is prohibited. Any such changes will result in Proposal being rejected.

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APPENDIX B - Sample Commercial Real Estate Broker Services Contract