

Questions and Answers

These Questions and Answers will be part of a public dialog between potential Offerors and the Government. When a question is submitted, it will be assigned a question number and will retain this number for the life of the procurement. Questions will be posted when they are received and a date will be posted on the answer. If answers are augmented, the original answer will remain posted with the augmentation or clarification following the original answer. Contractors are HIGHLY encouraged to provide questions to the Government. The Government has questions and the Potential Contractors are requested to provide responses to Government questions. The responses will be posted to Government Questions in a non-attribution fashion if at all possible and the respondents are requested to respond in that fashion.

Q1.	When will we have the specific information on the properties to be sold, such as location, type of land?
A1.	The Forest Service is required to perform a NEPA (National Environmental Protection Act) review on each parcel of land that is being considered in the conveyance program. After the NEPA analysis is completed, the Forest Supervisor will make a decision as to the disposition of the parcel. When the parcel is determined to be one the Forest Service will place in the conveyance program, a Task Order will be issued to the Broker, through the awarded contract, for the sale of the parcel. There is a very high likelihood that no specific parcel will be known until after the award of the contract. (DATE ANSWERED: 01/13/2012)
Q2.	Does the Forest Service intend to contract with one firm or one in each of the selling property areas?
A2.	The Forest Service is looking for maximize the dollars of the sale of parcels and to put the funds acquired back in the forest. The Forest Service would like to have the parcels marketed to right people and right areas. With input from the industry, the Forest Service would like input from industry as to how they believe the best way to market the parcels would be. (DATE ANSWERED: 01/13/2012) INPUT FROM INDUSTRY REQUESTED: Would it be better to have a single requirements contract (one contractor gets all parcels in the forest) or Multiple Requirements contracts (one contractor gets all parcels in a specific 'zone' within the forest)
Q3.	INPUT FROM INDUSTRY REQUESTED: How does the real estate industry market properties and how do you differentiate a good strategy from a poor one?
A3.	
Q4.	Will you issue RFP in March for one or all the properties?
A4.	The Forest Service is awaiting the completion of the NEPA review on a number of prospective parcels. The Forest Service anticipates the sale of approximately 15 parcels of land. The Forest Service anticipates issuing on or about the 15 th of March 2012. The parcels to be sold most likely will not be approved by the time the RFP is released. Parcels that have their NEPA review completed and determined to be in the conveyance program will be issued by Task Order to the contract holder. At the current time, it is anticipated that there will be 15 parcels for sale over the life of the contract. (DATE ANSWERED: 01/12/2012_)

Questions and Answers

Q5.	Since this contract is so specialized, will this be an 8(a) set aside?
A5.	Under the Small Business Administration, there is a program referred to as 8(a). This program allows contractors that are participating in the 8(a) program to be able to acquire contracts without competition. It is not believed that the 8(a) program would be in the Forest Service's best interest. That said, Full And Open competition does not prohibit 8(a) companies from competing for this contract. The Forest Service is looking to maximize the dollars of the sale of these parcels through the selection of a contractor that can best meet the requirements of the contract. (DATE ANSWERED: _01/13/2012_____)
Q6.	Would you not entertain using an 8(a) contractor for this program?
A6.	This will be a Full and Open competition. As a Full and Open competition, 8(a) companies are not precluded from participating in the competition. The Forest Service is looking for the Best Value from the competition. (DATE ANSWERED: _01/13/2012_____)
Q7.	How does a person buy from Forest Service? What about financing? Is this a cash sale only?
A7.	There are several methods of purchasing real property from the FS. Most common is through GSA which provides marketing services, transactional support, and an online bidding forum. Tribes, States and subdivisions thereof can petition for a direct sale if they can make a case that such a sale is in the public benefit for all concerned. Under a direct sale the proposing party pays for the analysis and appraisal to Federal Government standards and the property is conveyed at the value approved by the government appraiser. In this situation competitive sales, which we are addressing in this sources sought process, Forest Service real estate may be sold either through auction or through contracted brokerage services. Currently, authorities and approved process for FS real estate sales are for cash sales only with no seller financing available. Alternatives may be considered if in the interest of the government and legal processes are available. (DATE ANSWERED: 01/23/2012)
Q8.	How will the Contractor/Broker be paid? In the morning's discussion, there were comments made on a prohibition of Cost Plus Percentage of Cost. It is customary for the Broker to get a percentage of the cost of the sale. Can you please elaborate?
A8.	In Government contracting, there is a prohibition of a contract type where the contractor gets paid a percentage of the cost of a project. For Example: If a contractor's fee is 5% of the amount spent, then on a \$100,000 project, the contractor would be paid \$5,000. If the project was \$1,000,000, the contractor would be paid \$50,000. The basis of the prohibition is that there is no cost control. The more the contractor spends, the more fee they received. In the situation the Forest Service Conveyance Program, we want to maximize our return and the way the Broker gets paid more is to have a fixed

Questions and Answers

	percentage fee based on the selling price of the parcel. This would incentivize the Broker to maximize the sale price of the parcel. The Forest Service will need to work with the Office of General Counsel in order to make a determination if this is the methodology we can legally pursue. (DATE ANSWERED: 01/13/2012)
Q9.	INPUT FROM INDUSTRY REQUESTED: How does a Broker determine how to price a property?
A9.	
Q10.	INPUT FROM INDUSTRY REQUESTED: What is the customary practice for fees and commission?
A10.	
Q11.	Who is going to receive the RFP, who are we sending it out to?
A11.	<p>The Forest Service will post a notice on Federal Business Opportunities (also known as FBO or FEDBIZOPS). The FBO notice will direct potential offerors to a website that has a copy of the Request For Proposal (RFP). Any interested party may review the RFP and submit a proposal in accordance with Sections L&M of the RFP.</p> <p>Section L of an RFP defines what is required to be submitted in a proposal. Section M describes how the proposal will be evaluated. (DATE ANSWERED: 01/13/2012)</p>
Q12.	NEPA assessment based upon area? What are you using the NEPA for that analysis type? Are you looking at soil analysis?
A12.	<p>Part of the process is for lands/market analysis. Basis for the NEPA and end use. Categorical exclusion, documentation of why no full analysis. EA process may be done. If the anticipated future use of the site under consideration for sale is essentially the same, a CE or categorical exclusion may be considered for a NEPA decision. If the future use is likely to change as a result of a proposed conveyance, an EA or environmental analysis is performed which considers potential biology, hydrology, and cultural impacts of the future use. A decision is made based upon these studies to sell or retain only. Typically there are not multiple options to consider. Soil analysis is considered only if the proposed future use is likely to have impact on soil condition. If performed, this type of study is usually not suitable as a basis for engineering design of potential future structures. (DATE ANSWERED: 01/23/2012)</p>
Q13.	Properties List to be sold, where they recommended through NEPA?
A13.	<p>All Forest Service administrative use properties are required to be evaluated periodically for their suitability to accomplish the current and future program of work. Results of these evaluations are documented in a Forest Facilities Master Plan (FMP). The master plan makes recommendations to retain, modify,</p>

Questions and Answers

	replace, or dispose of the facility. Those that are in the dispose or replace category are submitted to congress along with the annual budget request for approval to begin the detailed analysis that may lead to disposal or conveyance. One approved, a NEPA process is performed which culminates in either a sell or do not sell decision.(DATE ANSWERED: 01/23/2012)
Q14.	As some of the properties are most likely in less than stellar condition, Will the Forest Service be upgrading the property with a coat of paint or general cleanup to make it more marketable?
A14.	This type of expenditure is allowed under the conveyance authority. A solid business case must first be made that the expenditure of maintenance and repairs is offset by increased proceeds when the property is sold. (DATE ANSWERED: 01/23/2012)
Q15.	What can be expected to be conveyed with the property? Mineral rights? Water rights?
A15.	This varies with each property under consideration. Generally mineral rights and water rights will be conveyed with the property in a similar manner that the U.S. Government originally acquired the property. In some cases these rights may be severed from the property and sold separately if it is determined to be in the best interest of the government. (DATE ANSWERED: 01/23/2012)
Q16.	Assuming this comes out as a full and open competition, will you require the proposals to have a subcontracting performance plan in it and will it be evaluated?
A16.	Yes. (DATE ANSWERED: 01/23/2012)
Q17.	Will there be a conflict of interest of clause between realtor and commercial developer?
A17.	Yes. (DATE ANSWERED: 01/23/2012)
Q18.	Are you going to include an OCI in the proposal to be included keep the conflict of interest between broker and developer?
A18.	Most likely. Not sure at this point. (DATE ANSWERED: 01/23/2012)
Q19.	Will there be financing offered on any of these properties?
A19.	No. (DATE ANSWERED: 01/23/2012)
Q20.	Has the Forest Service studied the GSA best practices, cost structures, fees for real

Questions and Answers

	estate?
A20.	Yes, a couple of properties were sold on this Forest through GSA. This initiative is to explore the costs and benefits of marketing and sale of real estate through private market practices.(DATE ANSWERED: 01/23/2012)
Q21.	Have you study the transactions of GSA best practices?
A21.	Yes, several recent GSA transactions and reports have been reviewed. These will be compared to the processes developed here. (DATE ANSWERED: 01/23/2012)
Q22.	Where has GSA hired brokers and how have the brokers where compensated?
A22.	You can do a search on FBO to see what they have available, and how they have contracted for compensate. (DATE ANSWERED: 01/23/2012)
Q23.	The fees associated with these practices?
A23.	We don't understand the question. Can you clarify? (DATE ANSWERED: 01/23/2012)
Q24.	Will you take any input from the selected broker on pricing for land or appraised value of the property?
A24.	A collaboration between the government and the selected broker is seen an valuable in the determination of offering price. The government is bound by the government's appraisers determination of minimum sales value. This minimum sales value may be reconsidered, if there is sufficient support, at the discretion of the Forest Service's Regional appraiser supervisor. (DATE ANSWERED: 01/23/2012)
Q25.	Will that be disclosed before proposals submitted? (Price of land, see above)
A25.	As the parcels have not yet been approved for sale at this time – No. It is anticipated that the Broker will be an integral part of the process and the Forest Service and the Broker will be working together to best determine an advertising price. (DATE ANSWERED: 01/13/2012)
Q26.	When selecting properties, are you have to get Congressional approval?
A26.	The Forest has already received approval from Congress for the parcels under consideration. Even with approval for consideration, the Forest is not exempt from the NEPA Process. (DATE ANSWERED: 01/13/2012)
Q27.	REWORD FOR CLARITY: Precluded from other contractual opportunities if the contractor doesn't think property is priced right. Challenge with the investing in the market of the selling of property. How to get to best price. How do we deal with the

Questions and Answers

	hard floor on property value?
A27.	<p>AQM/TECHNICAL/PROGRAM INPUT REQUIRED TO ANSWER THIS QUESTION (DATE ANSWERED: _____)</p> <p>As long as there is flexibility in the pricing the broker can help and market will ultimately decide. Realistic goals. Current prices.</p>
Q28.	Clarification on FS appraisers and how they do the appraisals.
A28.	<p>AQM/TECHNICAL/PROGRAM INPUT REQUIRED TO ANSWER THIS QUESTION (DATE ANSWERED: _____)</p> <p>Government needs to know if the cash and close a severe enough to limit opportunities? Flexibility on the sale of the property, you would want to have flexibility to say look at cash at time of payment or 6 month window for entitlement process.</p>
Q29.	Contractual who signs off on the contract. Property? What about the follow up meeting in January, the scheduling process?
A29.	The contract will be signed by AQM-Aurora. The follow-up meetings have been scheduled for January 26 & 27, 2012 (DATE ANSWERED: 01/23/2012)
Q30.	If we have a question or observation that in involves a strategy we don't want others to know how do we convey that?
A30.	One-on-one confidential sessions with potential listing brokers can be scheduled with the Forest Service at the Regional Headquarters in Golden, CO on Thursday & Friday, January 26 and 27.(DATE ANSWERED: 01/23/2012
Q31.	Are the proposals proprietary?
A31.	Yes (DATE ANSWERED: 01/23/2012)
Q32.	Address how much time there is between notice and follow on interviews. When do you anticipate announcing the interviews/discussions for January?
A32.	One-on-one confidential sessions with potential listing brokers can be scheduled with the Forest Service at the Regional Headquarters in Golden, CO on Thursday & Friday, January 26 and 27.(DATE ANSWERED: 01/23/2012
Q33.	Could a joint website be established by the chosen brokers to showcase the properties? (This could be more cost effective, much like the FDIC Property Site)
A33.	The Forest Service will consider the idea. (DATE ANSWERED: 01/23/2012)

Questions and Answers

Q34.	If a Buyer wants a FS property but has a Lesser Value Property would the FS trade? If the Buyers Property would enhance a current FS Property? Example such as a Buyer owns a parking lot next to an FS Office Building Property and would take a FS Home in trade.
A34.	Such an exchange is technically possible, however the FS would need to get specific approval to acquire the property proposed for exchange. This exchange process can take 1 to 3 years to accomplish unless specifically mandated by an act of congress. This exchange process is unlikely to be considered in this process unless a strong benefit to the government can be demonstrated. (DATE ANSWERED: 01/23/2012)
Q35.	What is ORCA?
A35.	ORCA is an e-Government initiative that was designed by the Integrated Acquisition Environment (IAE) to replace the paper based Representations and Certifications (Reps and Certs) process. https://orca.bpn.gov/ You must be registered in ORCA if the solicitation you are responding to requires that you have an active registration in CCR. (DATE ANSWERED: 01/23/2012)
Q36.	What is CCR?
A36.	Central Contractor Registration (CCR) is the primary vendor database for the U.S. Federal Government. Since October 1, 2003, it is federally mandated that any business wishing to do business with the federal government under a FAR-based contract must be registered in CCR before being awarded a contract. In addition, vendors must maintain their CCR records annually. www.ccr.gov (DATE ANSWERED: 01/23/2012)
Q37.	What are Reps and Certs/Section K?
A37.	(DATE ANSWERED: _____)
Q38.	What is FBO?
A38.	Fed Biz Ops – the US Government web portal for contracting opportunities. www.fbo.gov (DATE ANSWERED: 01/23/2012)
Q39.	

Questions and Answers

Comments/Recommendations/Suggestions

Comments on posting the information of the slides and discussion.

Addressed that this information by referring to the FBO, and how to register CCR, ORCA, Reps and Certs

Recommendations: Of these three options, you should hire locally.

1. One entity one company
2. One entity company who farms it out to others
3. You might hire fifteen entities

Plan Unit Development (PUD) may be done by a broker

Suggestion: The broker that you pick has capability to show the property hands on and not just computer.