



July 19th, 2019

To Whom It May Concern,

Please accept our following formal bid protest with regard to the solicitation for a real estate broker to represent the city and the Heartwood community. We were notified on July 10th, 2019 that Bosshardt Realty Services, LLC., with Davonda Brown, Davin Woody and Pattie Glenn, was not awarded the contract to represent the Heartwood Community. On July 11th 2019 we asked for and were provided information that revealed discrepancies in the scoring matrix. We question the evaluators' effectiveness utilizing the matrix in comparing applicants, potential flaws in city policy that may not have been met, violated, or altered, and concerns about due process. We would ask that you reconsider the awarding of the project to another broker based on these discrepancies

Above all, we believe that the scoring matrix, particularly one evaluator's 5 point deduction to Bosshardt, was not equitable. In several instances, competitive bidders received higher scores than us for identical or similar responses.

Recommended listing price for each of the 12 models (15 points possible)

During the prior bid, substantial changes were made to the proposal requirements on the last day so that the other bidders did not have to provide the same depth of research, knowledge of the product, or of our community. Though Bosshardt provided CMAs, we were given the same score as other applicants rather than simply copying and pasting from the Heartwood Neighborhood Map and Home Guide. Other applicants took appraised values from the appraisals and provided a range or used under roof square footage when residential real estate sales industry practice is to use heated/cool square footage. Many years of experience working with banks and Fannie Mae and using various residential CMA/BPO platforms we have yet to see one use gross square footage as a measure. Our questions were never fully answered at our previous protest hearing. Why did the CMA request get removed at the last minute with an extension of the bid due date when one does not require the other? Who requested the change? Who made the final decision? Is switching proposal requirements on the last day of a solicitation in accordance with City of Gainesville policy?

Given there were no new construction comps from East Gainesville used by the appraiser, it required the appraiser to use a proximity adjustment for new sales in NW and SW Gainesville. We say this to speak to educating any seller that sets a price with no local comps and knowing how it may not be relevant to predict market acceptance and absorption.

Marketing plan including details for how the properties will gain maximum exposure to prospective home buyers and engage with CRA's stakeholders groups. (15 points possible) Also, the scoring matrix used by the evaluators did not take into account that Bosshardt's proposal offered pictorials of marketing to be offered, identified the same stakeholders and even included a sample of our work, yet received a lower score or equal score. Why not a higher score?

Examples of marketing and selling residential properties in the City of Gainesville from \$150,000-\$250,000, or relevant experience (15 points possible) The prior proposal request had specific language that asked for **Past experience and examples of marketing and selling residential properties in the 32641 zip code; specifically new construction**, which Bosshardt provided. Bosshardt Realty's proposal not only noted new construction, but included entire new home communities in East Gainesville and in the 32641 zip code. Finally, in the previous solicitation, we know the winning proposal contained misleading/false information that did not meet the specific requirements asked for and question rather or not this should have disqualified them from being awarded the bid and rather or not this is in keeping with City policy.

The prior winning proposal referenced 16 homes marketed in the 32641 zip code, not one of those 16 homes were new construction as the proposal language specifically requested. The new solicitation removed the 32641 zip code from its language, effectively removing the East Gainesville experience requirement. Who requested the change and who authorized it? Does the change benefit residents of Gainesville and line up with City policy and the stated mission of the CRA?

Proposed term of listing contract (10 points possible) One year at a time is considered industry standard. The listing term included in Bosshardt's proposal was scored very low for relaying direct project marketing experience of how a longer listing relationship is beneficial. This one evaluator's unfair deduction exceeds the two-points spread of the top two applicants.

Experience working with a contractor or part of a team (15 points possible) Bosshardt Realty's proposal was scored the same in the category of experience working with a contractor or a team, though Bosshardt has far more experience working with contractors or teams.

Understanding of project goals (20 points possible) In close matters, if anything is to separate competing companies it should be experience: more overall real estate experience, new construction experience, new home community experience, experience working with contractors, more team experience, and experience in the community in which the project is located.

Both Davonda and Davin are lifelong residents of Gainesville. Both were born and raised in the community, still live, work and play in the community. Davonda continues to reside in East Gainesville and is a stakeholder in the community. She grew up in Lincoln Estates, the

community immediately adjacent to Heartwood. Her sister, friends, and former classmates, which she often visited, once resided in Kennedy Homes and she is very familiar with the culture and community. Pattie is well-versed in new home community planning, energy efficiency, and Green Building guidelines. The bottom line is that our team's relevant experience for this project is unmatched and that fact was not reflected in the scoring process of this proposal. Beyond that, this team has been committed to East Gainesville and the Heartwood project from its inception. We hope the CRA recognizes and acknowledges the passion and persistence of this team.

Bosshardt Realty is a homegrown company and the dollars made by the company stay in Gainesville. Bosshardt Realty is not a franchise and does not send franchise dollars out of state. Furthermore, no other Brokerage remains as dedicated to providing professional services, community support, and representation to the residents of East Gainesville and the community at large. For the last two decades, Davin, Davonda and Pattie have a proven track record of dedication and support of East Gainesville with not only their efforts but their dollars.

This protest is filed in compliance with section 41-582 effective January 1, 2007 and revised July 11, 2018.

We have attached ours and the intended winning bidder's submitted proposals along with the score sheets of all the bidders with brief comments. With just a 2 point difference in scores 277 to 279 respectively, serves the fact that in the event our protest is successful we are the most qualified applicant to handle the marketing and sales of the Heartwood home community.

We respectfully ask that you notify the CRA Board and Advisory Board of this protest and include board members in all communications and actions regarding this solicitation and protest.

Sincerely,

A handwritten signature in cursive script that reads "Gene Anne McKay". The signature is written in dark ink and is positioned above the printed name.

Gene Anne McKay
Broker



**Gainesville
Community
Redevelopment
Agency**

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Ms. Gene Anne McKay, Broker

Bosshardt Realty Services

5542 NW 43rd Street

Gainesville, FL 32653

"Sent Via Email and U.S. Mail"

July 31, 2019

Dear Ms. McKay,

Please accept this response to your protest letter dated July 19, 2019 regarding the *Heartwood Realtor Solicitation*. In accordance with the City's Financial Services and Procedures Manual an opportunity to be heard was provided on July 25, 2019 at 3:00pm at the Gainesville CRA.

As stated at the hearing on the 25th, I may only reverse or modify the evaluation committee's decision if I determine that the committee's decision was not based on substantial competent evidence or that the committee's reasoning or application of the policies, procedures, or law was fundamentally flawed.

Since the CRA originally announced its intent to solicit for a real estate partner in May 2019, the CRA made every effort to provide a fair procurement process. After the first attempt was protested and then canceled per my letter dated May 24, 2019; the CRA gave a report to its governing Board regarding the protest, the CRA's response, and proposed changes to the solicitation process.

Changes were made to the evaluation committee and solicitation as a result. CRA consulted with the City's Procurement and Legal Departments on these changes, and participation increased from 3 to 7 firms. This increase in competition was a positive result. The evaluation committee was reconstituted with three members from City and CRA; all with the knowledge and qualifications to serve in this capacity.

On two separate occasions Keller Williams, Team Dynamo Realty has competed and risen to the top of the final ranking; with a new evaluation committee and enhanced competition. After reviewing the City's Professional Services Evaluation Handbook, which outlines how committees score and rank proposals, I see no evidence where members have been materially inconsistent with applicable policies, practices, or procedures or haven't conformed with the essential requirements of the law. In addition, the record supports that the evaluation committee's decision was based on substantial competent evidence.

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Therefore, I support and uphold the evaluation committee's ranking and intent to award to Keller Williams, Team Dynamo Realty.

We appreciate the time and effort invested into this process and respect the level of professionalism and expertise each of the firms brought to the table. I want to specifically acknowledge the level of passion and connection your Team at Bosshardt exhibited for the project and hope to have your continued support and enthusiasm in our efforts to bring new housing stock to East Gainesville.

Sincerely,

Sarah Vidal-Finn
CRA Director

CC: Deborah Bowie, CRA Executive Director
Sean McDermott, CRA Attorney
Diane Wilson, Finance Director
Daniel Gil, CRA Project Manager

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