



THE SUNRISE CITY
FORT PIERCE
CITY ATTORNEY'S OFFICE *Florida*



TO: Shyanne Helms, Eco. Dev. & Comm. Manager
FROM: Tanya Earley, Assistant City Attorney *TME*
THROUGH: Peter Sweeney, City Attorney *PS*
RE: Colliers International Work Scope
CAO RLS File: No. 20-159
DATE: July 20, 2020

Received

JUL 21 2020

City of Fort Pierce
City Manager's Office

In response to the above request for legal services, I have reviewed the proposed scope of work agreement between Fort Pierce and Colliers International. The document is approved as to form and correctness.

If you have any further questions, please contact the City Attorney's Office via phone or email.

Thank you.

TE/mm

cc: Nicholas C. Mimms, P.E., City Manager
Linda Cox, City Clerk

*OIC
NCL
7/21/20*



CITY ATTORNEY USE ONLY

Date Received:	
Assigned To:	
File:	20-159
Due Date:	
Hours:	

RECEIVED
JUL 14 2020

City Attorney REQUEST FOR LEGAL SERVICES

To: CITY ATTORNEY

SUBMITTED BY: SHYANNE HELMS, ECO. DEV. & COMM. MANAGER *SH*

CITY MANAGER AUTHORIZATION: NICHOLAS C. MIMMS, P.E., CITY MANAGER *NM*

RE: COLLIERS INTERNATIONAL WORK SCOPE

DATE: JULY 8, 2020

Service Required: (please circle or underline)

<u>Review Documents</u>	Draft Document	Written Opinion Requested
Attend Meetings	Advise	Other: _____

Upon review and/or "Approval as to Form and Correctness," the Department submitting the RLS is responsible for placement of any related item on a Commission or Board Agenda.

- Brief statement of the nature of the request or problem:** Please review the attached scope of work from Colliers International.
- Discussion of the implications and the possible impact if not apparent from preceding information:** (Discuss any issues related to the underlying matter to assist with the City Attorney's analysis.) n/a
- Time considerations and their significance:** This item will go before the FPRA Board on 7/28.
- Are City funds required? If so, list approvals obtained for expenditure of funds:** FPRA.
- Factual background:** (Outline the facts related to the underlying matter to provide context for the request.) In November 2019, the City of Fort Pierce issued a Request for Proposals (RFP 2020-008) to obtain the services of a qualified firm to aid with retail attraction and retention. On May 26, 2020, the Fort Pierce Redevelopment Agency Board approved staff to enter into negotiations with the highest ranked proposer, Colliers International for a period of 90 days. The negotiation has concluded and the attached proposed work scope will be presented for the consideration of the FPRA Board.

6. List and/or attach all related documents and known authorities (e.g., statute, ordinance, resolution, administrative code, legal case, RFP, bidder's response, contract, lease, letter, memorandum, prior legal opinion, deed, etc.):

7. Identify prior legal assistance on this or a related matter and the attorney who handled it:

7. If this is a request for review of a contract, provide the following:

- a. List of individuals who have read and approved the business terms and conditions of the contract and confirmed the ability to carry out the terms of the contract as they apply to the City: (This office is not responsible for reviewing either the accuracy or value of the business terms and conditions or product specifications of the contract as agreed upon between the department and contractor. However, this office is available to negotiate the terms as desired by the City upon request.)
- b. Insurance requirements that differ from the City's template insurance terms: (The department should consult with the Risk Manager for each contract to determine whether there are any special insurance requirements.)

CITY ATTORNEY USE ONLY			
Routed for Review	Date	Response Deadline	Response



CITY OF FORT PIERCE

WORK SCOPE – Retail/ Business Recruitment Plan for the City of Fort Pierce

July 1, 2020

PREPARED BY:

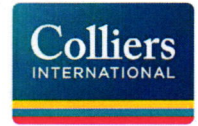
Colliers International
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ken.krasnow@colliers.com

Brooke Berkowitz
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+1 954 652 4633
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Research and Consulting Manager
+1 954 249 3974
Verity.Mosquera@colliers.com

PREPARED FOR:

City of Fort Pierce



July 1, 2020

Ken Krasnow, Vice Chairman, Institutional Investor Services | Florida

Tel: +1 786.517.4990

Email: ken.krasnow@colliers.com

Shyanne Helms
Economic Development Manager
City of Fort Pierce
100 North U.S. 1
Fort Pierce, FL 34950
Tel: (772) 467-3034
shelms@cityoffortpierces.com

RE: Retail/ Business Recruitment Plan for the City of Fort Pierce

Dear Ms. Helms,

Thank you for selecting Colliers International Florida, LLC ("Colliers") for the assignment of preparing a Retail/ Business Recruitment Plan for the City of Fort Pierce and other real estate services. We offer Florida commercial real estate expertise, an intimate knowledge of latest market and development trends, specifically in the "post COVID-19" environment and enthusiasm to work with the City of Fort Pierce.

Colliers proposes a three-phase approach to address the City's real estate needs. Phase I encompasses a comprehensive market and retail feasibility study. Phase II, a development of a Retail Strategy Plan for the Community Redevelopment Area and other commercial properties along major corridors. Phase III includes a development of a Strategic Retail Prospect List to include retail recruitment on behalf of the City of Fort Pierce. Phase IV provides for project-specific brokerage services as needed.

PHASE I - WORK SCOPE TO BE PROVIDED ("Agreement")

- Project** Phase I - A comprehensive market and retail feasibility study.
Phase II – The development of a Retail Strategy Plan for the Community Redevelopment Area and other commercial properties along major corridors.
Phase III - The implementation of the approved Retail Strategy Plan to include specific and targeted retail recruitment on behalf of the City of Fort Pierce.
- Location** Major commercial corridors in the Fort Pierce Redevelopment Agency area. (Examples: US1, 25th Street, Avenue D, Orange Avenue, SR70).
- Parties** Colliers International Florida, LLC ("Colliers") and City of Fort Pierce and Fort Pierce Redevelopment Agency (FPRA) (herein at times referred to as either "Client" or "City")
- Intended User** The Retail/ Business Recruitment Plan and going real estate services will be prepared by Colliers, and to be used solely by the City/FPRA, which is the Intended User. Any other intended users should be specified prior to proceeding. No other users are presently intended.
- Intended Use** The report to be performed under this Agreement ("Retail/ Business Recruitment Plan") is intended for marketing purposes. The report is not intended for any other use.



Purpose	<p>Phase I - A comprehensive market and retail feasibility study.</p> <p>Phase II – The development of a Retail Strategy Plan for the Fort Pierce Redevelopment Area and other commercial properties along major corridors.</p> <p>Phase III - The implementation of the approved Retail Strategy Plan to include specific and targeted retail recruitment on behalf of the City of Fort Pierce.</p>
Type of Report	<p>Colliers will produce an PDF file of the Retail/ Business Recruitment Plan reflective of the preferred branding and style of the City of Fort Pierce (aligned with the City’s Strategic Plan).</p>
Scope of Work	<p><u>Phase I: A comprehensive market and retail feasibility study.</u></p> <p>Colliers will research the relevant market data to the extent necessary to produce the Comprehensive Market Overview. Based on our discussions with City officials, the Client has requested the following scope of services:</p> <p>Conduct Market Research</p> <ul style="list-style-type: none">a) Market & Retail GAP Analysis- Our Market and Retail GAP Analysis will be updated with real time information on store closures/re-opening’s.b) Consumer Attitude & Behavior Analysis- Colliers will expand on its evaluation of Consumer Attitudes and Behaviors, to include how spending patterns have changed during the pandemic as well as a forecast of what we can expect in the “new normal” for bricks and mortar retail stores.c) Peer Identification & Analysis- Identification and analysis of comparable cities to Fort Pierce with similar market drivers to understand and maximize retail opportunities.d) Catalog Available Properties & Development Opportunities- Our list of Available Properties will include any new opportunities as space may return to the market due to store closures. <p><u>Phase II – The development of a Retail Strategy & Economic Development Plan and for the Community Redevelopment Area and other commercial properties along major corridors.</u></p> <ul style="list-style-type: none">• Colliers will include an analysis of growing retail trends post-Covid19 (Such as: retailers shifting to the suburbs for more affordable rents, ghost kitchens, repurposed retail spaces, when to expect a future rebirth of mom and pop stores, etc.)• These trends will be used to help formulate a list of target retail prospects• Colliers will work with City staff to:<ul style="list-style-type: none">• Identify existing barriers to the development of recommended retail strategy in the Community Redevelopment Area and key commercial corridors• Establish realistic incentive programs based on strategic priority, city’s capacity to fund, and desired public benefit goals tied to said incentives.• Colliers will advise on assistance and incentive programs to retain and support existing businesses and attract those that are suffering in other more expensive markets and unable to afford sky high rents. <p>Develop Retail Recruitment/Retention & Economic Development Plan</p> <ul style="list-style-type: none">a) Identification of Target Retail Prospects/Industries & recruitment strategies

- The backbone of any strategic retail and recruitment plan concentrates on how to increase market awareness and how to generate prospects, as such our approach is two-fold:

#1. Market Awareness: A comprehensive step-by-step strategy that will provide the broadest exposure for the City. Colliers will present the City with:

- An optimal tenant mix strategy with a list of stores in demand but missing from area.
- A roadmap to recruiting the targeted retailers.
- A rank order of opportunities and actions, in order of those that meet the City goals.

#2. Retail Prospect Generation: Colliers will outline a targeted prospect generation program to guide the City in its approach and prospecting efforts based on the findings of the Market and Retail Feasibility Study, utilizing our existing databases, contacts, and market insights in to expanding retailers.

- Identification of the optimal mix of tenants.
- Development of a targeted list of retail prospects.

b) Real estate developer Accelerator/incentive program

- Using the tenant mix strategy as a guide, Colliers will identify strategic locations for which the City should target. Based on the location, Colliers will develop an incentive offering strategy that aligns with:
 - City Priority investment areas
 - Land use and zoning
 - Public benefit policies
 - Net Economic Benefit

c) Strategic City Investments

- The most effective economic development strategies implement disciplined and focused investments by area, establishing critical mass and thereby spurring private investment and visible redevelopment. Colliers will work with the city to establish priority areas and tie those areas to a well-defined list of incentives that can be offered, marketed, and leveraged.

d) Relocation Assistance program

- Colliers will work with the City to develop a Relocation Assistance program (if deemed to be beneficial) based on funding capacity and location. If the City does not have a Relocation Assistance program/Guideline, Colliers will assist in developing program policies and procedures for consideration.

e) Merchant Assistance program

- Colliers will work with the City to develop an appropriate Merchant Assistance program (if deemed to be beneficial) based on funding capacity, commercial rental market data, and target industry. If the City does not have a Merchant Assistance program/Guideline, Colliers will assist in developing program policies and procedures for consideration



f) Beneficial land use/zoning policies

- Colliers will evaluate the current land use and zoning for the priority areas, to determine if there are any barriers to development, or beneficial policies that should be considered in order to encourage quality investment.

Phase III - The development of a Strategic Retail Prospect List to include retail recruitment on behalf of the City of Fort Pierce.

Implementation of Retail Recruiting Plan

- a) Prepare Marketing materials to include brochure, website and “offering memorandum” to highlight the benefits/opportunities within Fort Pierce
- b) Proactive Recruitment of Retail Prospects
- c) Representation of City at ICSC Regional and National Conferences
- d) Monthly Updates of Prospects List & Updates to Market Research as new data becomes available (at least twice per year)

Outlook/Vision for Future Growth – Post COVID-19

- a) City Initiatives
- b) Opportunities for future growth and investment

A.

Delivery

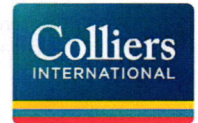
Phase I – Market & Feasibility Study will be delivered electronically, both initially in draft form, followed with a final copy, within twelve (12) weeks from the date of the executed contract, receipt of retainer deposit, and the data/input necessary from the Client to commence work. A client review/consulting call is offered within one-week of delivery and final edits will be made within two weeks.

Based on the scope of the work outlined above, Colliers anticipates sixteen (16) weeks to complete the report. **Should the scope expand beyond the defined scope presented above, then we would revisit timing and costs based on the extent of scope modification.**

Phase II - Retail/ Business Recruitment & Strategy Plan will be delivered electronically, both initially in draft form, followed with a final copy, within eight (8) weeks from the completion of Phase I report, receipt of retainer deposit, and the data/input necessary from the Client to commence work. A client review/consulting call is offered within one-week of delivery and final edits will be made within two weeks.

Based on the scope of the work outlined above, Colliers anticipates twelve (12) weeks to complete the report. **Should the scope expand beyond the defined scope presented above, then we would revisit timing and costs based on the extent of scope modification.**

Phase III – The Implementation of the Strategic Retail Recruitment Strategy will begin within two (2) weeks of the Finalized Strategy Plan (Phase II) and shall be ongoing.



Professional Fees Phase I - A comprehensive market and retail feasibility study: \$12,500 (twelve thousand five hundred dollars)

Phase II – The development of a Retail Strategy & Economic Development Plan for the Community Redevelopment Area and other commercial properties along major corridors: \$10,500 (ten thousand five hundred dollars)

Phase III - The Implementation of the Strategic Retail Recruitment Strategy to include retail recruitment on behalf of the City of Fort Pierce: \$5,000 (five thousand dollars)

The fee above includes client calls and emails as needed discussing report status and data collection, followed by a one-week post-delivery comment period for modifications/clarifications on materials presented within the scope described above.

- Fees for advisory services will be discussed and agreed to on a per project basis.
- Colliers is available to the City of Fort Pierce on a per diem basis for presentations and/or advisory services at a rate of \$200 per hour per analyst and/or \$350 per hour per director.

No. of Reports One (1) Electronic Final Report (PDF)

Payment Terms Phase I & II: The total professional service fee for the services selected will include all research, data collection, formatting, and report packaging into a final printable PDF file. The fee shall be paid as follows:

- Fifty percent (50%) of the total professional fees for services selected as a deposit retainer to commence work.
- Final payment of the balance of fees is due and payable within thirty (30) business days upon delivery of the final electronic copy of the Plan.
- Phase III payment shall be due and payable upon the commencement of the Implementation Plan.

Acceptance Date These specifications are subject to modification if this Agreement is not accepted within ten (10) business days from the date of this letter.

Terms and Conditions

The attached Terms and Conditions are deemed a part of this Agreement as though set forth in full herein. To meet the timeline described herein, please sign and return an executed copy of this agreement.

If you have questions regarding the enclosed, please feel free to contact me. Colliers appreciates this opportunity to be of service to you on this assignment and looks forward to serving you.

I, Nicholas Mimms, City of Fort Pierce, agree to the above stated terms and authorize Colliers International Florida, LLC to prepare the above referenced project.

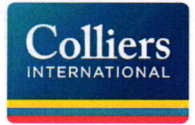
Date: _____
Linda Hudson, Chairwoman, Fort Pierce Redevelopment Agency



Colliers International
Florida, LLC

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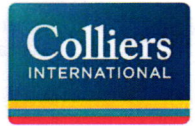
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Respectfully,

Ken Krasnow, Vice Chairman, Institutional Investor Services

Colliers International Florida, LLC



TERMS AND CONDITIONS

"T&C"

- 1) The Retail/ Business Recruitment Plan will be subject to Colliers International Florida LLC's ("Colliers") Assumptions and Limiting Conditions that are incorporated into each report.
- 2) All statements of fact in the Retail/ Business Recruitment Plan which are used as the basis of the Colliers' analyses, opinions, and conclusions will be true and correct to the best of the Colliers' knowledge and belief. Colliers does not make any representation or warranty, express or implied, as to the accuracy or completeness of the information or the situation of the Property furnished to Colliers by Client.
- 3) Colliers shall have no responsibility for legal matters, questions of survey or title, soil or subsoil conditions, engineering, or other similar technical matters.
- 4) Client shall provide Colliers with such materials with respect to the Retail/ Business Recruitment Plan as requested by Colliers and which are in the possession or under the control of Client.
- 5) The underlying data gathered during the Retail/ Business Recruitment Plan (except data furnished by Client) and the Retail/ Business Recruitment Plan prepared pursuant to the Agreement are, and will remain, the property of Colliers. With respect to data provided by Client, such data shall be confidential, and Colliers shall not disclose any information identified as confidential furnished to Colliers.
- 6) Client acknowledges that Colliers is being retained hereunder as an independent contractor to perform the services described herein and nothing in the Agreement shall be deemed to create any other relationship between Client and Colliers. The Agreement shall be deemed concluded and the services hereunder completed upon delivery to Client of the Retail/ Business Recruitment Plan discussed herein.
- 7) The Retail/ Business Recruitment Plan and the name Colliers International may not be used in any marketing or investment material or offering memoranda without Colliers prior written consent.