

**Columbus Consolidated Government
Council Meeting Agenda Item**

TO:	Mayor and Councilors
AGENDA SUBJECT:	G. Legal Representation in Real Estate Matters for the Columbus Consolidated Government (Annual Contract) – RFP No. 23-0018
INITIATED BY:	Finance Department

It is requested that Council authorize the execution of annual contracts with Page, Scrantom, Sprouse, Tucker & Ford, P.C. (Columbus, GA), RS Johnson Legal (Fayetteville, GA), Jarrard & Davis LLP (Cumming, GA), Greenberg Traurig LLP (Atlanta, GA), Parker, Poe, Adams & Bernstein LLP (Atlanta, GA), and Nicolson, Ray & Turner, LLC (Columbus, GA) to provide professional legal services involving land acquisition and disposition, leases, easements, in addition to other general real estate matters required of the Columbus Consolidated Government on a “non-exclusive” and “as needed basis”. This award is in the best interest of the City as it will provide the City with a wide group of firms that the City can potentially use in the event of any conflict of interest or other unforeseen situation. The department budgets approximately \$54,000.00 each year for these services.

The initial term of the contract will be for two years with the option to renew for three additional twelve-month periods. Contract renewal will be contingent upon the mutual agreement of the City and the Contractor.

Annual Contract History:

This is a new contract. However, it is a combination of two previous annual contracts: Legal Counsel of Record for the Department of Community Reinvestment, and Legal Services for Real Estate Closings and HOME Program.

RFP Advertisement and Receipt of Qualifications:

On February 16, 2023, RFP specifications were posted on the web page of the Purchasing Division, the Georgia Procurement Registry and DemandStar. This RFP has been advertised, opened and evaluated. Six proposals were received on March 10, 2023, from the following firms:

- Page, Scrantom, Sprouse, Tucker & Ford, P.C. (Columbus, GA)**
- RS Johnson Legal (Fayetteville, GA)**
- Jarrard & Davis LLP (Cumming, GA)**
- Greenberg Traurig LLP (Atlanta, GA)**
- Parker, Poe, Adams & Bernstein LLP (Atlanta, GA)**
- Nicolson, Ray & Turner, LLC (Columbus, GA)**

The following events took place after receipt of the proposals:

RFP MEETINGS/EVENTS		
Description	Date	Agenda/Action
Pre-Evaluation Meeting	04/25/23	The Purchasing Manager advised evaluation committee members of the RFP rules and process, and the project

		manager provided an overview. Proposals were distributed to each committee member to review.
1 st Evaluation Meeting	05/12/23	The Evaluation Committee discussed each submission and determined clarifications were not required.
Evaluation Forms Sent	05/17/23	Evaluation forms were forwarded to the voting committee members.
Evaluation Forms Returned	05/26/23	The last set of evaluation forms were completed and returned to Purchasing for compilation of results.
Evaluation Results	06/20/23	Evaluation results were forwarded to the committee.
2 nd Evaluation Meeting	07/06/23	The Evaluation Committee discussed evaluation results and Voters stated they were prepared to vote.
Award Recommendation	07/06/23	The Voters found all bidders to be responsive and unanimously recommended award to all six (6) vendors.

Evaluation Committee:

The proposals were reviewed by members of the Evaluation Committee, which consisted of two voting members from the Planning Department, and one voting member from Community Reinvestment Department.

One representative from the Community Reinvestment Department and one representative from the Planning Department served as alternate voters.

One representative from the Community Reinvestment Department, one representative from the Planning Department, one representative from the Chief Administrator Department, and one representative from the Legal Department served as non-voting advisors.

Award Recommendation:

The voting committee unanimously recommended award to all six responding vendors. All bidders were found to be responsive to the RFP and will be eligible to receive City work.

Vendor Qualifications/Experience:

- ***Page, Scrantom, Sprouse, Tucker & Ford, P.C.***
 - Page, Scrantom, Sprouse, Tucker & Ford, P.C. has extensive experience with Municipal, County, State and Federal Law as it pertains to real estate in Georgia. Attorneys are capable of handling all areas of real estate and are experts in the field of Georgia and Federal real estate law, specifically residential real estate closings and structured financed matters with values up to \$1.4 billion.
 - Page, Scrantom, Sprouse, Tucker & Ford, P.C. is familiar with City, State and Federal Guidelines concerning Community Economic Development issues and has experience in representing the interests of the Development Authority of Columbus and the Columbus Economic Development Corp. regarding real estate and economic development matters. They also have previously assisted the Housing Authority of Columbus with implementing the Community Development Block Grant (CDBG) funds and related issues.
 - Page, Scrantom, Sprouse, Tucker & Ford, P.C. is familiar with condemnation issues, particularly on behalf of the Columbus Consolidated Government. Attorneys have advised the City regarding the enforcement of liens and legality of condemnation actions filed by the State of Georgia through the Georgia Department of Transportation, and also advised regarding condemnations as relating to enforcement of tax liens, demolition liens, easements and other rights. This has resulted in the vendor developing familiarity with Georgia condemnation law.

- Page, Scrantom, Sprouse, Tucker & Ford, P.C. have extensive resources including 34 attorneys of various levels of experience, numerous paralegals, title searchers, and associates to assist on real estate matters. The vendor's office is fully outfitted with updated computer equipment, printers, fax machines and scanning equipment and maintains full-time IT support ensuring the protection of all client data. They also maintain both extensive physical and virtual libraries, and have the ability to conference via Zoom or Microsoft Teams if needed.
- Below are clients serviced by Page, Scrantom, Sprouse, Tucker & Ford, P.C.:
 - *W. C. Bradley Co. (Columbus, GA) – 1990-Present; Real Estate Legal Services*
 - *Development Authority of Columbus Georgia (Columbus, GA) – 1990-Present; Bond Issues, Real Estate Transactions*
 - *Housing Authority of Columbus Georgia (Columbus, GA) – 1938-Present; Full Service Real Estate*
 - *Leary & Brown Inc. (Columbus, GA) – 2000-Present; Development Work, Closings, etc.*
 - *Ray M. Wright, Inc. (Columbus, GA) – 2000-Present; Real Estate Closings, Development, and Zoning*
- **RS Johnson Legal, PC**
 - Amil C. Johnson has been practicing for twenty years in various areas of law including two years as an Assistant County Attorney to the DeKalb County Attorney and three years as an Assistant County Attorney to the Fulton County Attorney. In this role, Mr. Johnson developed the following skills and knowledge:
 - Provided legal resolutions serving the interests of the County through communication with county commissioners, counsel department heads, and lead municipal staff.
 - Evaluated legality of claims using County Policies and Procedures as well as State and Federal law.
 - Developed risk management strategies for department leaders and personnel.
 - Negotiated, drafted, and reviewed RFPs for County government officials, as well as a variety of agreements including government construction and service agreements, confidentiality agreements, and subcontractor agreements.
 - Litigated various civil matters, argued mandamus and certiorari hearings, and mediated County matters.
 - Amil C. Johnson served as outside counsel to the Fulton County Attorney's Office, the Fulton County City of Atlanta Land Bank Authority, and the Clayton County Attorney's Office. In this role, Mr. Johnson provided the following services:
 - Litigation services regarding foreclosure rights.
 - Litigation cases regarding commercial and residential tax appeal through arbitration, mediation, negotiation and trial.
 - Employment litigation before the Civil Service Board regarding wrong employee termination claim.
 - RS Johnson Legal, PC serves as the preferred Closing Agent for the Clayton County government. The firm manages approximately 300 residential and commercial closings annually which involves the review of contracts, title examinations, etc., and both develops and prepares real estate documents for purchase and sale agreements, easement agreements, leases, lien-related documents, promissory notes and security deeds.
 - RS Johnson Legal, PC complies with lenders' financial and title standards. The firm clears and remediates title issues of record, records all conveyance instruments onto the real estate record, and

issue title policies in accordance with the Georgia Title Compliance Standards through their underwriter.

- Below are clients serviced by RS Johnson Legal, PC:
 - *The Atlanta Development Authority d/b/a Invest Atlanta (Atlanta, GA) – September 2021-Present; Legal review of proposed grant awards made under the guidelines of the Federal Resurgence Grant Fund.*
 - *Clayton County Board of Commissioners (Jonesboro, GA) – 01/10/2022 (as needed); Preparing or reviewing all Closing Documents and handling closings for purchase transactions, as well as, examining titles of properties purchased by the County.*
 - *City of Atlanta / Fulton County Land Bank Authority (Atlanta, GA) – 01/04/2009-12/20/2011; Litigation services pertaining to foreclosure right of redemption related to tax sales, engaged in discovery to draft and respond to dispositive motions.*
 - *Fulton County: County Attorney’s Office (Atlanta, GA) – 03/01/2011-05/01/2013; Tax Appeal litigation services.*
 - *Clayton County Attorney’s Office (Jonesboro, GA) – 05/01/2018-09/01/2018; Served as outside counsel to provide short-term legal counsel and defense against a wrongful termination claim made against the county.*
- **Jarrard & Davis, LLP**
 - Jarrard & Davis, LLP was formed in 2001 to provide exclusive service to local government clients. The firm’s attorneys are experts in local government contracts, property acquisition and disposal, SPLOST, stormwater, transportation projects, condemnation/eminent domain, zoning and land use, civil rights, ethics, 42 USC § 1983 litigation, open government (Open Meetings/Records Act), human resources and personnel, Federal employment statutes, elections, Service Delivery Strategy, ordinances, and general civil litigation in the local government context.
 - Jarrard & Davis LLP has many years of statewide experience with municipal, county, state and federal law impacting all levels of local government, including all manner of community and economic development issues.
 - Jarrard & Davis, LLP has partners, associates and paralegals with over 60 years of combined experience. The firm is a fully functioning office with ample clerical and support staff, research capabilities, state-of-the-art office equipment and technology.
 - Jarrard & Davis, LLP has practice groups designated for each of the principal local government law needs which allows the firm to call upon a team of lawyers with particularized experience in the applicable subject matter. This provides a streamlined and efficient representation for the client which also translates to cost savings for the client.
 - Below are clients serviced by Jarrard & Davis, LLP:
 - *Forsyth County, GA (Cumming, GA) – March 2001-Present; Manage all real estate acquisition and disposal requirements for the County.*
 - *City of Milton, GA (Milton, GA) – February 2007-Present; Manage all real estate acquisition and disposal requirements for the City.*
 - *Dawson County, GA (Dawsonville, GA) – December 2018-Present; Manage all real estate acquisition and disposal requirements for the County.*
 - *City of Alpharetta, GA (Alpharetta, GA) – May 2022-Present; Manage all real estate acquisition and disposal requirements for the City.*
 - *Jackson County, GA (Jefferson, GA) – August 2013-Present; Manage all real estate acquisition and disposal requirements for the County.*

- **Greenberg Traurig, LLP**
 - Greenberg Traurig, LLP has extensive experience with Municipal, County, State and Federal Law as it pertains to real estate in Georgia. The firm's lead attorney for Community and Economic Development issues was an attorney for the U.S. Department of Housing and Urban Development of General Counsel. Her experience in this role includes, but is not limited to:
 - Advising on legal issues related to and implementation of federal housing programs and administration by state, county and municipal agencies;
 - Working with state, county and municipal agencies for representation of private sector companies in real estate acquisitions, dispositions and financings subject to economic incentive programs, such as Georgia's bond-for-title programs;
 - Responding to condemnation offers on behalf of landowners, both government and private sector;
 - Representing debt funds and institutional, alternative and construction lenders in the origination and syndication of mortgage and mezzanine financing secured by multi-family, office, hotel, retail shopping centers and malls and industrial properties;
 - Numerous aspects of real estate work, such as the negotiation of portfolio purchase agreements, multi-property borrower representation, resolution of property owners' association and reciprocal agreement issues, and the negotiation of office leases; and,
 - Representing investment funds and REITs in project and portfolio acquisitions and dispositions.
 - Greenberg Traurig, LLP has 2,650 attorneys and 4,600 employees total. The Atlanta, Georgia, office of the firm has 121 attorneys and 240 employees total. Additionally, as a global law firm, the firm has significant technological resources available to its attorneys and staff.
 - Below are clients serviced by Greenberg Traurig, LLP:
 - *Invesco Real Estate s.r.o.; Representation of Invesco Real Estate, a global real estate investment manager and longtime client, the acquisition of Edison Windward, a project of newly built office buildings in the desirable Atlanta real estate submarket of Alpharetta.*
 - *Flank Architects; (1) Representation of Flank Architects, in its \$20 million acquisition of an apartment building in Savannah, Georgia, renovated utilizing historic tax credits. (2) Representation of Flank in its \$124M construction loan obtained from Cerberus in connection with the construction and development of Flank's multi use project located on Ann Street in Savannah, Georgia.*
 - *R&R (US) LP; Representation of R&R REIT in the \$35 million acquisition of a 9-property portfolio of economy extended-stay hotels located in the Kentucky, Georgia, Mississippi, Arkansas, Louisiana, Alabama, Illinois and South Carolina and comprising a total of 1,020 rooms.*
 - *RBH Group; Representation of RBH Group as construction counsel, undertaking development of multiple "teacher village" developments, including pursuit of developments in Newark, NJ, Atlanta, GA, and Chicago, IL.*
 - *U.S. Bank National Association; Representation of U.S. Bank National Association, as arranger and lead lender, in the documentation and closing of a construction loan to finance, in part, the construction of a subterranean parking garage/podium platform and 12-story office building in Atlanta, Georgia.*
- **Parker Poe Adams & Bernstein LLP**
 - Parker Poe has served as counsel to governments and municipalities since the 1950s. The firm's attorneys serve as town attorneys for several municipalities providing assistance to city, town and county attorneys throughout the Southeast.

- Parker Poe provides representation to local governments and municipalities with experience in real estate transactions, acquisitions and dispositions; pre-condemnation compliance, eminent domain and condemnation litigation; structuring economic and community development projects; representing cities and counties on the issuance of municipal bonds; negotiating and drafting annexation agreements, interlocal agreements, and development agreements; negotiating sports facility deals; negotiating federal, state, and local tax credits; trying property tax appeals throughout the United States; defending cities and counties against alleged police misconduct and other high-stakes litigation at the trial and appellate levels; drafting and revising land use codes and sign ordinances; advising on construction, contracting, and related litigation; advising on and structuring public-private partnerships (P3); developing administrative enforcement procedures and code enforcement; advising on procurement, purchasing, and public bidding requirements; handling zoning, subdivision, and other planning matters; assisting in incorporation efforts; advising on utility and municipal service provisions; counseling on environmental issues; conducting internal investigations and counseling on employment matters and related litigation; handling motions and trials for local governments on land use and zoning, open meetings, and other key issues.
- Parker Poe provides many other comprehensive real estate services such as all facets of: property acquisitions and dispositions; deeds and resolution of deed matters; negotiation, drafting and implementation of easements, right of way negotiations, documentation and implementation; advising on procedures of abandonment and disposition of public roads and procedures for disposition of park properties; development agreements; assembling and subdividing real estate, annexation and de-annexation procedures; advising on permitting, setbacks, environmental issues, wetland restrictions and stream restoration matters; real estate licenses, rights of entry; leasing of property; facility rentals; Georgia Public Works Construction Law; Construction; SPLOST Elections, Referendum, Balloting and Implementation Guidance; real estate financing, property taxation, public-private partnership projects; funding options; real estate litigation; zoning and land use; Tax Allocation Districts (TADs); and intergovernmental agreements, joint use and maintenance agreements.
- Below are clients serviced by Parker Poe Adams & Bernstein LLP:
 - *Fulton County School District (Atlanta, GA) – 2007-Present; Representation in all real estate matters of every kind and nature, including without limitation deeds, titles, surveys, property acquisitions, dispositions, leases, easements, construction, SPLOST, real estate litigation, condemnation, subdivisions, IGAs, TADS, etc.*
 - *City of Stockbridge, GA (Stockbridge, GA) – 2021-Present; Representation in real property matters; and pre-condemnation, condemnation/eminent domain.*
 - *Atlanta Public Schools (Atlanta, GA) – 2011-Present; Representation in all real estate matters of every kind and nature, including without limitation deeds, titles, surveys, property acquisitions, dispositions, leases, easements, construction, SPLOST, real estate litigation, condemnation, subdivisions, IGAs, TADS, etc.*
 - *MARTA (Atlanta, GA) – February 1, 2021-February 1, 2026; Real Property; Construction Matters; Public Transit Issues*
 - *City of Forest Park, GA (Forest Park, GA) – 2021-Present; Pre-condemnation, eminent domain/condemnation matters.*
- ***Nicolson, Ray & Turner, LLC***
 - Nicolson, Ray & Turner, LLC was formed on January 1, 2011.
 - The firm was formerly known as Hudson, Nicolson & Ray, LLC, and their predecessor firm of Thompson, Redmond, Nicolson & Ray. It represented Columbus, Georgia in the acquisition of various parcels of real estate, and in relation to many right of way projects throughout Muscogee County.

- Nicolson, Ray & Turner, LLC concentrates on the areas of residential and commercial real estate law, wills, probate, estates, and guardianships. The firm has experience with title examinations; preparation of warranty deeds, security deeds, promissory notes, settlement statements; closings, condemnation and issuance of title insurance policies. Further, the firm has extensive experience in real estate law regarding residential and commercial title examinations and closings.
- Nicolson, Ray & Turner, LLC is familiar with Georgia law governing real estate closings, as well as Federal law governing real estate transactions.
- Below are clients serviced by Nicolson, Ray & Turner, LLC:
 - *Columbus Consolidated Government (Columbus, GA) – 1986-Present; Closing right of way acquisitions, title examination, deed preparation.*
 - *CHB Acquisition Services, LLC (Warrenton, GA) – 2019-2021; Closing right of way acquisitions, title examination, deed preparation.*
 - *Linda Twiggs, Real Estate Agent (Columbus, GA) – 2000-Present; Closing real estate transactions where she was agent.*
 - *Steven Register, Real Estate Agent (Columbus, GA) – 2000-Present; Closing real estate transactions where he was agent.*
 - *Sandi Green, Real Estate Agent (Columbus, GA) – 2000-Present; Closing real estate transactions where she was agent.*

The City's Procurement Ordinance, Article 3-110 (Competitive Sealed Proposals (Negotiations) governs the RFP Process. During the RFP process, there is no formal opening due to the possibility of negotiated components of the proposal. In the event City Council does not approve the recommended offeror, no proposal responses or any negotiated components are made public until after the award of the contract. Therefore, the evaluation results and cost information have been submitted to the City Manager in a separate memo for informational purposes.

Funds are budgeted each fiscal year for this ongoing expense: General Fund – Community Reinvestment – Real Estate – Legal Services; 0101-245-2400-REAL-6312 Legal Services. Community Development Block Grant – Various Accounts; Right-of-Way Acquisition, 1999 SPLOST – Various Accounts, Capital Improvement Projects; HOME Program – Various Accounts – General Fund – Real Estate.

A RESOLUTION

NO. _____

A RESOLUTION AUTHORIZING AN AGREEMENT WITH PAGE, SCRANTOM, SPROUSE, TUCKER & FORD, P.C. (COLUMBUS, GA), RS JOHNSON LEGAL (FAYETTEVILLE, GA), JARRARD & DAVIS LLP (CUMMING, GA), GREENBERG TRAURIG LLP (ATLANTA, GA), PARKER, POE, ADAMS & BERNSTEIN LLP (ATLANTA, GA), AND NICOLSON, RAY & TURNER, LLC (COLUMBUS, GA) TO PROVIDE PROFESSIONAL LEGAL SERVICES INVOLVING LAND ACQUISITION AND DISPOSITION, LEASES, EASEMENTS, IN ADDITION TO OTHER GENERAL REAL ESTATE MATTERS REQUIRED FOR THE COLUMBUS CONSOLIDATED GOVERNMENT ON A “NON-EXCLUSIVE” AND “AS NEEDED” BASIS. THIS AWARD IS IN THE BEST INTEREST OF THE CITY AS IT WILL PROVIDE THE CITY WITH A WIDE GROUP OF FIRMS THAT THE CITY CAN POTENTIALLY USE IN THE EVENT OF ANY CONFLICT OF INTEREST OR OTHER UNFORESEEN SITUATION. THE DEPARTMENT BUDGETS APPROXIMATELY \$54,000.00 EACH YEAR FOR THESE SERVICES.

WHEREAS, the initial term of the contract will be for two years, with an option to renew for an additional three (3) twelve-month periods.

WHEREAS, an RFP was administered (RFP No. 23-0018), and six (6) proposals were received; and,

WHEREAS, all proposals submitted met all proposal requirements, and all bidders were deemed responsive to the RFP.

NOW, THEREFORE, THE COUNCIL OF COLUMBUS, GEORGIA, HEREBY RESOLVES AS FOLLOWS:

That the City Manager is hereby authorized to enter into an agreements with Page, Scrantom, Sprouse, Tucker & Ford, P.C. (Columbus, GA), RS Johnson Legal (Fayetteville, GA), Jarrard & Davis LLP (Cumming, GA), Greenberg Traurig LLP (Atlanta, GA), Parker, Poe, Adams & Bernstein LLP (Atlanta, GA), and Nicolson, Ray & Turner, LLC (Columbus, GA) to provide professional legal services involving land acquisition and disposition, leases, easements, in addition to other general real estate matters required of the Columbus Consolidated Government on a “non-exclusive” and “as needed basis”. This award is in the best interest of the City as it will provide the City with a wide group of firms that the City can potentially use in the event of any conflict of interest or other unforeseen situation. Funds are budgeted each fiscal year for this ongoing expense: General Fund – Community Reinvestment – Real Estate – Legal Services; 0101-245-2400-REAL-6312 Legal Services. Community Development Block Grant – Various Accounts; Right-of-Way Acquisition, 1999 SPLOST – Various Accounts, Capital Improvement Projects; HOME Program – Various Accounts – General Fund – Real Estate.

Introduced at a regular meeting of the Council of Columbus, Georgia, held the _____ day of _____, 2023 and adopted at said meeting by the affirmative vote of _____ members of said Council.

Councilor Allen voting _____.

Councilor Barnes voting _____.
Councilor Begly voting _____.
Councilor Cogle voting _____.
Councilor Crabb voting _____.
Councilor Davis voting _____.
Councilor Garrett voting _____.
Councilor Huff voting _____.
Councilor Thomas voting _____.
Councilor Tucker voting _____.

Sandra T. Davis, Clerk of Council

B.H. "Skip" Henderson III, Mayor