

**ORDINANCE NO. BL2018-1188**

**An ordinance amending Title 2 of the Metropolitan Code of Laws by inserting a new Subsection in Chapter 2.24 to establish procedures for high-value real property transactions.**

WHEREAS, Request for Quotation (RFQ) awards for high-value real property are determined following evaluation by an RFQ committee and recommendation to the purchasing agent of the procurement division of metropolitan government; and

WHEREAS, RFQ committee membership selection and RFQ evaluation criteria are at the discretion of the procurement division and vary between RFQs; and

WHEREAS, defined parameters for both RFQ committee member selection and RFQ evaluation criteria will minimize real and perceived conflicts of interest, maintain the credibility, transparency, and integrity of committee recommendations, and enable the metropolitan council to render informed and consistent decisions regarding RFQ awards; and

WHEREAS, this committee approach would be beneficial not just for RFQ evaluation and awards, but also for all high-value real property transactions including the sale, lease, and exchange of property owned by the Metropolitan Government; and

WHEREAS, it is in the best interests of metropolitan government and the citizens of Nashville and Davidson County to establish parameters for committee membership selection and evaluation criteria to assess RFQ awards and sales, leases, and exchanges of Metro property.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Chapter 2.24 of the Metropolitan Code of Laws shall be and is hereby amended by adding new subsection 2.24.260 as follows:

2.24.260 – Request for Quotation Awards for High-Value Real Property

- A. Purpose. The purpose of this section is to establish a formal process whereby the mayor and metropolitan council may collaborate in making high-value Request for Quotation (RFQ) awards and leases, sales and exchanges of property owned by the metropolitan government, enabling the council to receive the broadest, most relevant perspective prior to the approval of high-value property transactions.
- B. Application. This section shall apply to all RFQ awards, leases, sales and exchanges of property owned by the metropolitan government where more than two million dollars (\$2,000,000) in property owned by the metropolitan government is involved and approval of the metropolitan council is required.
- C. High-Value Real Property Determination and Evaluation Committee Creation. The director of public property, in conjunction with the procurement division and the department of finance, shall determine the need for an RFQ, lease, sale, or exchange for any real property with a value greater than two million dollars (\$2,000,000) and cause the evaluation committee to be created. The director of finance shall

determine whether the property has a value greater than two million dollars (\$2,000,000) in consultation with private appraisers and/or the office of the assessor of property for Davidson County.

D. Evaluation Committee Selection.

1. No employee of metropolitan government may be a voting member of the evaluation committee. The director of finance or his/her designee may serve as an *ex-officio* member to facilitate the committee's work.
2. The evaluation committee shall be comprised of one member each from the metropolitan planning commission, the metropolitan historical commission, and the metropolitan board of parks and recreation department, as selected by the chairpersons of these commissions.
3. The mayor shall select one member who is a licensed architect or landscape architect in good standing and in active practice for more than ten (10) years.
4. The mayor shall select one member who is a business and finance professional in good standing, is actively engaged in business and finance with more than ten (10) years' experience, and who possesses an undergraduate or graduate degree in business or a certification in either accountancy or real estate appraisal.
5. No architect/landscape architect or business professional selected for this committee shall have any active business relationship with any of the applicants being evaluated during the five (5) years previous to the award being made. No architect/landscape architect or business professional may serve on this committee who also has received a consulting fee, retainer or payment from the metropolitan government for a period of five (5) years prior to the making of this award. Notwithstanding the above, the chairperson or the director of the Nashville Civic Design Center is eligible to be the architect/landscape architect member on the committee.

E. Committee Recommendations.

1. The committee is to submit a recommendation to the metropolitan council regarding the appropriate recipient(s) for the RFQ award, lease, sale or exchange. When indicated, the committee's recommendation may be one of no recommendation.
2. A positive recommendation by the evaluation committee shall be referred to the metropolitan council for final approval of the transaction by ordinance. The metropolitan council may refer any positive recommendation from the evaluation committee to the planning commission, the historical commission and/or to the metropolitan board of parks and recreation department as deemed relevant or necessary by the council. The metropolitan council may not recommend approval of any transaction unless approval has been recommended by the evaluation committee.
3. The criteria used to evaluate an applicant's proposal shall be determined by the committee and shall include a specific valuation of the total financial compensation offered under each proposal, and the valuation of that total

compensation shall be based on the fair market value and be clearly stated by the committee in its final recommendation to the council.

4. The committee's work shall be made public to the fullest extent permissible under applicable law.

Section 2. That this Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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John Cooper

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Tanaka Vercher  
Members of Council