

ORDINANCE NO. \_\_\_\_\_

An ordinance amending section 4.48.080 of the Metropolitan Code to address procedures for the procurement of real estate brokerage services.

WHEREAS, the Metropolitan Government of Nashville and Davidson County (“Metro”) has the need for the services of licensed real estate brokers to assist Metro in identifying available properties for lease that are suitable for Metro departments, boards and commissions; and,

WHEREAS, section 4.48.080(A) of the Metropolitan Code provides: “It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a metropolitan government contract upon an agreement or understanding for a contingent commission, percentage, or brokerage fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business”; and,

WHEREAS, it is desirable to amend the provisions of section 4.48.080 of the Metropolitan Code to address procedures for the procurement of real estate brokerage services.

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

Section 1. Section 4.48.080(A) of the Metropolitan Code is hereby amended by deleting the following language:

A. Contingent Fees. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a metropolitan government contract upon an agreement or understanding for a contingent commission, percentage, or brokerage fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

And substituting in lieu thereof the following language:

A. Contingent Fees. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a metropolitan government contract upon an agreement or understanding for a contingent commission, percentage, or brokerage fee. Notwithstanding the foregoing, it is not a breach of ethical standards to retain bona fide employees or bona fide established commercial selling agencies for the purpose of securing business. In addition, upon approval of the director of finance and the director of law, the purchasing agent is authorized to procure the services of licensed real estate brokers to assist the metropolitan government in real property lease transactions. Such real estate brokers may be compensated on a commercially reasonable commission basis, including options for payment of brokerage fees by the metropolitan government or the lessor of the property.

Section 2. This ordinance shall take effect from and after its final passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

RECOMMENDED BY:

INTRODUCED BY:

DocuSigned by:  
*Michelle A. Hernandez-Lane*  
Michelle Hernandez-Lane  
Purchasing Agent

*Bob Mendes*

Member(s) of Council

RECOMMENDED BY:

DocuSigned by:  
*Talia Lomas O'neal*  
Talia Lomas O'neal  
Director  
Public Property Administration

APPROVED AS TO AVAILABILITY OF FUNDS:

DocuSigned by:  
*Kevin Gamba*  
Kevin Gamba, Director  
Department of Finance

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:  
*Nicki Elu*  
Assistant Metropolitan Attorney

# ORIGINAL

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***METROPOLITAN COUNTY COUNCIL***

**Bill No.** \_\_\_\_\_

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*Introduced* \_\_\_\_\_

*Amended* \_\_\_\_\_

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*Adopted* \_\_\_\_\_

*Approved* \_\_\_\_\_

*By* \_\_\_\_\_

*Metropolitan Mayor*

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