

**REQUEST FOR PROPOSALS
FOR
ONLINE AUCTIONEER SERVICES**

**Issue Date: August 1, 2011
Proposal Due Date: August 31, 2011**

1. Purpose.

State Treasurer Young Boozer (hereinafter "Treasurer") solicits proposals from qualified professional firms interested in providing online auctioneer services (hereinafter "Firm") to the Alabama Unclaimed Property Program.

This Request for Proposals (hereinafter "RFP") is issued in accordance with the requirements of Section 41-16-72(4), Code of Alabama (1975). This RFP is not an offer to contract but seeks the submission of proposals from interested firms that may form the basis for negotiation of a Professional Services Agreement. *The Treasurer reserves the right to reject any or all proposals and to solicit additional proposals if that is determined to be in the best interests of the State of Alabama.*

2. Background

The Treasurer administers the Unclaimed Property program pursuant to Section 35-12-70 through 35-12-96, Code of Alabama (1975) (the "Code"). Businesses and financial institutions that are holding safe deposit box items and are unable to locate the rightful owners of that property within statutorily defined periods, are required to report and deliver such property to the State Treasurer. Within three years after the receipt of the property and after attempting to find the rightful owner, the Treasurer is authorized to sell unclaimed tangible property to the highest bidder at a public sale. The property includes firearms, jewelry, coins, silverware, baseball cards, and similar items.

Pursuant to Section 35-12-80(d) of the Code, the purchaser of unclaimed property through an auction conducted by the Treasurer shall receive the property free of all claims, and will assume ownership of unclaimed property at the completion of the sale transaction. All property is to be sold "as is" and "where is". The Treasurer does not make any warranty of any kind expressed or implied, as to the condition of the articles offered for sale. All sales are final. All transactions are between bidder and Auctioneer and will not involve the Treasurer or staff of the Office of Treasurer.

Additional information about the Unclaimed Property Program is available on the Treasurer's website www.treasury.alabama.gov.

It is the intent of the Treasurer to do business with Alabama firms that pay Alabama taxes and employ Alabama citizens. When all factors are equal, corporations located in Alabama will be given preference.

3. Scope of Services.

The Firm shall provide auctioneer services that support all aspects of the ongoing online auction process which include, but are not limited to: maintaining sufficient secured space to safely store and manage inventory, creating photographs and descriptive text, initiating and maintaining an online auction website, accepting payments from and shipping items to successful bidders, designing and placing all promotional advertising, determining the legal status of the sale of firearms, performing appraisals of items when necessary to determine minimum bids and providing regular electronic reporting to the Treasurer listing gross/net sale prices, detailed charges for each property item and any other information required by the Treasurer

4. Minimum Qualifications.

In order to be considered for selection, Exhibit C must be included in the response as documented proof that the following minimum qualifications listed below are met.

- (a) The Firm will be compliant with all state and federal laws applicable to the taxation of any fees paid pursuant to the contract, if selected.
- (b) The Firm will register to transact business in Alabama in accordance with Code of Alabama, §10A-1-7.01, et al, if applicable. For more information, visit the Secretary of State website at www.sos.state.al.us and click Corporations.
- (c) The Firm has been providing similar online auction services for at least three (3) years.
- (d) The Firm and its personnel has all authorizations, permits, licenses, and certifications as may be required under federal, state or local law to perform the services specified in this RFP.
- (e) The Firm carries, or will carry, errors and omissions insurance or a comparable instrument to cover the firm's negligent acts or omissions.
- (f) The Firm maintains sufficient procedures and redundancy capabilities to insure continued processing in an emergency.
- (g) The Firm has a company policy and practice of equal employment opportunity and non-discrimination based on race, creed or gender.
- (h) The Firm agrees to uphold all applicable laws pertaining to implementation of the duties described herein to include the confidentiality of unclaimed property information as described in the Alabama Unclaimed Property Law, Section 35-12-94.
- (i) The Firm attests that all workers providing the services described in this RFP are either citizens of the United States or are in proper and legal immigration status that authorizes them to be employed for pay within the United States.

5. Fees

Please complete Exhibit B detailing the fees charged for the services detailed in Exhibit A. It is expected that the successful proposal will result in a contract to provide these services for two years.

6. Proposal Required Information.

Proposals should be as thorough and detailed as possible so that your capabilities to provide the required services can be properly evaluated.

To be considered, responses to this RFP must include:

1. Cover Page
2. Exhibit A, Company Background
3. Exhibit B, Statement of Fees
4. Exhibit C, Minimum Qualifications
5. Disclosure Statement. All proposals submitted in response to this RFP must include one original and completed Disclosure Statement as required by Section 41-16-80, et seq., Code of Alabama (1975). Copies of the Disclosure Statement, and information, may be downloaded from the Alabama Attorney General's web site at www.ago.state.al.us/ag_items.cfm

7. Submission of Proposals.

Issuing Office:

Office of State Treasurer Young Boozer
ATTN: Ralph Ainsworth/Unclaimed Property Division
100 North Union Street, Suite 636
Montgomery, Alabama 36104

Submission Deadline. It is the responsibility of the Respondent to insure that its proposal is timely delivered and received in the Treasurer's Office on or before 5:00 p.m. on August 31, 2011. Provide an original proposal response, three copies, and an electronic version. The Treasurer will not consider proposals received after the date and time specified herein. The Treasurer assumes no responsibility for late delivery by the U.S. Mail, the State's Central Mail Facility, a commercial courier service, or any other method of delivery selected by the Manager. The response may be emailed by the submission deadline with the paper documents delivered within two business days.

Questions and Inquiries. The sole point of contact for purposes of this RFP is Ralph Ainsworth. Any questions or inquiries should be emailed to ralph.ainsworth@treasury.alabama.gov. All written questions should be submitted by August 19, 2011. Written responses to written questions and inquiries shall be posted on the Treasurer's website. Any oral communications shall be considered unofficial and nonbinding on the State of Alabama Treasurer's Office.

8. Evaluation and Selection.

Review and/or Presentations. After the review and evaluation of the proposals, the Treasurer may conduct interviews. Finalists chosen for interviews will be notified. The Treasurer reserves the right, in his sole discretion, to award one or more contracts based upon the written proposals received without prior discussion or negotiations.

Selection. The Treasurer will select the Firm he determines, in his sole discretion, to be fully qualified and best suited among those submitting proposals to fulfill the purposes of the RFP in a cost effective manner.

The RFP will be posted on the treasury website www.treasury.alabama.gov. Interested parties may monitor the progress and status of this RFP process on the website.

9. Efforts to Influence Selection Process Prohibited

The integrity of the Request for Proposals process is of primary importance and will not be compromised. Any written or oral communications beyond the RFP response made by responders, or others on their behalf, whether paid or unpaid, to influence the selection process, from the time the RFP is issued through its conclusion, made directly or indirectly to the Treasurer or Treasury staff will be grounds for immediate elimination from the selection process.

10. Agreement.

All duties of the Firm shall be set forth in a contract agreement between the Firm and the Treasurer. The contract will incorporate reference to the requirements of the RFP and the response.

State law prohibits the Treasurer from agreeing to (1) indemnify the Firm; (2) waive the right for jury trial; (3) grant a security interest; or (4) binding arbitration. Additionally, it is mandatory that Alabama laws apply to the performance of the contract and that jurisdiction and venue be in Montgomery, Alabama for state and federal courts.

11. Public Information

All responses received will be subject to the Alabama Open Records Act, §36-12-40, Code of Alabama and may be subject to public disclosure upon request. The Open Records Act is remedial and should therefore be liberally construed in favor of the public. The Alabama Trade Secrets Act is §8-27-1 through §8-27-6, Code of Alabama. Responders are cautioned to be familiar with these statutes. The burden is on the one asserting the trade secret to show that the information sought to be protected meets the definition of a Trade Secret as defined in the Act.

Any RFP response submitted that contains confidential, trade secrets or proprietary commercial information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as such. Identification of the entire bid proposal as confidential is not acceptable unless the Firm enumerates the specific grounds or applicable laws which support treatment of the entire material as protected from disclosure according to the foregoing statutes or other applicable Alabama law.

The owner of the confidential information shall indemnify and hold the State of Alabama, the State Treasurer, and Treasury staff harmless from all costs or expenses, including but not limited to attorney fees and expenses related to litigation concerning disclosure of said information and documents.

Exhibit A

Company Background

Note: Do NOT attach pre-printed marketing/informational brochures, etc. in answer to any of the following questions unless specifically allowed in the question.

Part I. Organization

1. Provide an overview of your firm, including corporate profile, ownership structure, financial condition, overall business objectives, services/products offered, and strategic plans for growth.
2. Provide details of your insurance coverage and risk mitigation efforts, errors and omissions coverage and any other fiduciary insurance relevant to the scope of this RFP.
3. Describe your external audit processes and the nature of your internal control procedures. Include a copy of your SAS 70 Report. If a SAS 70 is not prepared, please provide explanation and a copy of a similar type report.
4. Provide information on all “related” or “affiliated” firms that will provide services described in this RFP.
5. Provide any restrictions, regulatory action, consent orders, past or pending litigation relating to your firm, principals, or individual personnel within the past three years;
6. Provide details of any legal action taken against your firm or any of its owners, principals, or personnel, during the preceding three calendar years.
7. Provide details of any claims, disputes, litigation or other legal proceedings where your firm is or has been involved with the State of Alabama or any of its agencies within the past three calendar years.
8. Describe factors or reasons we should consider your firm more favorably than your competitors.

Part II. Program Management

1. Provide the following information on at least 3 Clients (including contact persons) for whom similar services as described in this RFP are provided:
 - a. Company
 - b. Address
 - c. Contact
 - d. Telephone Number

e. Length of Relationship in Years

2. Provide an organizational chart and biographies of the person/persons/or team members who will be assigned to this program, including years of service and detailed experience relevant to this type program.
3. If you perform similar services for other states, are all states charged the same fee or is the fee negotiable?

The Firm may provide additional detail for this section if needed.

Part III. Creative Solutions and Alternative Suggestions

Firms are encouraged to be as creative as possible in responding to this RFP. Based on your review of the background information, specific needs and requirements, discuss any creative approaches to this service which have not been specifically requested or would enhance efficiency and/or reduce costs. Include any other services that you can provide to Treasury.

EXHIBIT B

Statement of Fees

The selected Firm shall receive all sale proceeds from successful bidders and will be responsible for deducting the applicable auction sales commission (“netting fees”). All costs associated with providing the required services must be included in the stated price proposal. The Firm shall process final payment along with an accounting report to the Treasurer within five (5) business days following the close of the auction.

Provide your proposed fees for online auction services described in this RFP as a percentage of the gross proceeds received from the sale of the auctioned items. The Firm may elect to charge a Buyer’s Premium in addition to or in lieu of the stated percentage of the gross proceeds. All fees must be clearly stated in the proposal as this will be the sole basis for compensation paid to the selected Firm.

EXHIBIT C

MINIMUM QUALIFICATIONS and MISCELLANEOUS INFORMATION

1. My company will comply with all state and federal laws applicable to the taxation of any fees paid pursuant to the contract, if selected.
Yes No
2. My company will be qualified with the Secretary of State to conduct business in the State of Alabama, if selected.
Yes No
3. My company has been providing similar Auctioneer services for at least three (3) years.
Yes No
4. My company and its personnel has all authorizations, permits, licenses, and certifications as may be required under federal, state or local law to perform the services specified in this RFP at the time it submits a response to the RFP.
Yes No
5. My company carries errors and omissions insurance or a comparable instrument to cover the firm's negligent acts or omissions.
Yes No
6. My company maintains sufficient procedures and redundancy capabilities to assure continued processing in an emergency.
Yes No
7. My company has a company policy and practice of equal employment opportunity and non-discrimination based on race, creed or gender.
Yes No
8. Are or will all workers providing the services described in this RFP be either citizens of the United States or are in proper and legal immigration status that authorizes them to be employed for pay within the United States.
Yes No
9. The Firm agrees to preserve the integrity of the State Treasurer's Office's security and confidentiality. Firm shall uphold all applicable laws pertaining to implementation of the duties described herein to include the confidentiality of unclaimed property information as described in the Alabama Unclaimed Property Law, Section 35-12-94.
10. Provide comments, if any, regarding the language and content of the sample contract.

