

**REQUEST FOR PROPOSAL  
FOR  
ONLINE AUCTIONEER SERVICES**

**Issue Date: May 8, 2020  
Proposal Due Date: June 30, 2020**

***BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT  
COMPLIANCE***

**The Beason-Hammon Alabama Taxpayer and Citizen Protection Act (§§31-13-1 et seq, Code of Alabama, 1975 as amended by Act 2012-491) regulates illegal immigration in the State of Alabama. All contracts with the State or a political subdivision thereof must comply with that law.**

**For the purposes of this RFP and any responding Proposal, the following sections of that law impose specific requirements:** Section 9 (a) of the Act provides “As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or a state-funded entity to a business entity or employer that employs one or more employees, the business entity or employer shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama.”

Section 9(b) of the Act requires “As a condition for the award of any contract, grant, or incentive by the state, any political subdivision thereof, or a state-funded entity to a business entity or employer that employs one or more employees within the State of Alabama, the business entity or employer shall provide documentation establishing that the business entity or employer is enrolled in the E-Verify program.”

As provided in the Act a “**business entity**” is *any person or group of persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit* and an “**employer**” is defined as *any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.*

A Proposal must include a statement that the Proposer has knowledge of this law and is in compliance. Before a contract is signed, the Contractor awarded the contract must submit a Certificate of Compliance using the form at Exhibit D to this RFP and, unless exempt because it has no employees in the State of Alabama, a complete copy of the Memorandum of Understanding issued by the United State Department of Homeland Security upon enrollment in the E-Verify Program. E-Verify enrollment can be accomplished at the website of the United States Department of Homeland Security at <http://www.uscis.gov>.

See Section 10 for additional language required by Section 9(k) of the Act to be included in the contract.

*Rev.5-14-13*

### **1. Purpose.**

Alabama State Treasurer John McMillan (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 interest 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 or other tangible 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, authenticity or value 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](http://www.treasury.alabama.gov).

### **3. Scope of Services.**

The Firm shall provide auctioneer services that support all aspects of the ongoing and overlapping online auction process and events that include, but are not limited to: transportation/shipping of tangible property, 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 evaluations and appraisals of items necessary to determine authenticity of items and minimum starting 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. The firm has a continuing obligation to disclose information throughout the RFP process should

any qualifications or situations change that might render the firm as an unqualified candidate.

- 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.alabama.gov](http://www.sos.alabama.gov) 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 have 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 assure 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. Company will comply with *The Beason-Hammon Alabama Taxpayer and Citizen Protection Act*.

## 5. Fees

Please complete Exhibit B detailing the fees charged for the services detailed in Exhibit A.

## 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:

- **Cover Page**
- **Exhibit A**; Qualifications and Experience
- **Exhibit B**; Statement of Fees
- **Exhibit C**; Minimum Qualifications
- **Exhibit D**; Certificate of Compliance (ACT 2011-535)
- **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 <http://ago.alabama.gov/Page-Vendor-Disclosure-Statement-Information-and-Instructions>

## **7. Submission of Proposals.**

Issuing Office:

Office of State Treasurer John McMillan  
ATTN: Chad Wright/Unclaimed Property Division  
600 Dexter Avenue, Room S-106  
Montgomery, Alabama 36104

**Submission Deadline.** It is the responsibility of the Respondent to ensure that its proposal is delivered and received in the Treasurer's Office on or before 3:00 p.m. on June 30, 2020. Provide an original proposal response, two 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 Respondent. The response may be emailed to [alatreas@treasury.alabama.gov](mailto:alatreas@treasury.alabama.gov) 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 Chad Wright. Any questions or inquiries should be emailed to [Chad.wright@treasury.alabama.gov](mailto:Chad.wright@treasury.alabama.gov). All written questions should be submitted by May 30, 2020. Written responses to written questions and inquiries shall be posted on the Treasurer's website. Any oral communications shall be considered unofficial and non-binding 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 in person or by phone. 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 and all related information will be posted on the Treasury website [www.treasury.alabama.gov](http://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 selected Respondent and the Treasurer. The contract will incorporate reference to the requirements of the RFP and the response. It is expected that the successful proposal will result in a contract to provide these services for two years, with an option to extend the contract two additional years.

In compliance with the Beason-Hammon Alabama Taxpayer and Citizen Protection Act (§31-13-9(k), Code of Alabama, 1975, as amended), the contract will include the following language:

*“By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.”*

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**

### **Qualifications and Experience**

#### **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. If your firm is selected as the vendor, the firm will be required to provide proof of insurance adequate to cover the safekeeping property while in your possession.
3. Provide information on all "related" or "affiliated" firms that will provide services described in this RFP.
4. Provide any restrictions, regulatory action, consent orders, past or pending litigation relating to your firm, principals, or individual personnel within the past three years;
5. Provide details of any legal action taken against your firm or any of its owners, principals, or personnel, during the preceding three calendar years.
6. 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.
7. 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
  - f. Services provided
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. Operating & Management Procedures, Processes, & Onsite Facilities**

The Treasurer's Unclaimed Property Program is physically located in Montgomery, Alabama. Safe deposit box contents inventoried, catalogued and identified as auctionable will be maintained onsite with Treasury in accordance with internal operating procedures. At the time determined by Treasury, these items will be transferred to the Auction Company for online auctioning. As part of the RFP requirement, provide a descriptive and accurate response to the following questions:

1. Describe your external audit processes and the nature of your internal control procedures. Considering your firm currently operates an online auction; provide some detail regarding any third-party partners or services used in your operation. This should include vendor services ranging from the transport, receipt, inventory, appraisal, sale, payment, delivery and reconciling for auction events.
2. Do you schedule and pay for shipping of items from Treasury to your location? What options are recommended for shipping, and in what quantities?
3. Provide detailed information regarding the procedures for receiving, handling and safekeeping tangible items.
4. Provide details regarding the physical facility for storing, safekeeping and processing tangible items. Have items ever been misplaced or missing?
5. Provide information regarding your firm's procedures for inventorying and creating lots for auctionable items.
6. Describe your process for determining when items are appraised. Provide general information on the firms used for appraisals, and your due diligence process in selecting them. Are appraisal costs incurred by your firm?
7. Describe your ability and procedures for identifying and notifying Treasurer regarding items received for auction that may be found to be counterfeit, reproductions, high value items, etc. Describe your process to determine when items need additional authentication or verification services, and how these services are paid.. Describe your due diligence on recommended companies to perform authentication or verification services, and a listing of those companies.
8. Provide sample reports regarding the sale, accounting, reconciling and reporting of items sold;
9. Explain the online auction process, to include duration of online events, posting items, number of items in an online event.

10. Discuss your firm's ability to provide ongoing continuous and/or overlapping auction events.
11. Discuss how your firm currently conducts online events; to include advertising, determining the number of lots in each auction event, and promotion/advertising of online events.
12. Discuss your firm's ability to accept and sell firearms. Provide your firm's detailed instructions/procedures for shipping firearms to your firm, and the process specific to your firm's receiving and conducting online sale of firearms.
13. Provide your firm's advertising plan specific to this RFP. Please include; method of advertising, target/recipients of advertising campaign, and frequency/duration of advertising events.
14. Discuss and provide visual examples of your firm's ability to present similar tangible property online; to include quality images with effective property descriptions.
15. Discuss and provide visual examples of your firm's ability to display and represent, to the public, the Treasurer's Office in each online event.
16. Provide information regarding policies and procedures for resolving online auction disputes and complaints.
17. List and provide some detail regarding any other services your firm provides that may be beneficial to the scope of this RFP. Typical safekeeping contents held by Treasury will include; coins, currency, jewelry, small collectable items such as baseball cards, pocketknives and silverware, etc.
18. Provide some explanation as to what a buyer may expect if participating in your online auction event; include associated costs, time and process for receiving purchased items.

#### **Part IV. 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.

The “Statement of Fees” should detail all services to be provided and, identify and itemize those services not provided, but components of the overall auction process. If your firm proposes to be reimbursed for any services considered components of the overall auction/identification process, include these costs.

**EXHIBIT C****MINIMUM QUALIFICATIONS and MISCELLANEOUS INFORMATION**

1. My company will be compliant 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 transact/conduct business in Alabama in accordance with Code of Alabama, §10A-1-7.01, et al, where applicable, if selected.  
Yes            No
3. My company has been providing similar online auction services for at least three (3) years.  
Yes            No
4. At the submittal of a response to this RFP, 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.  
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
9. 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.
10. My company will comply with *The Beason-Hammon Alabama Taxpayer and Citizen Protection Act*.  
Yes            No

## EXHIBIT D

**CERTIFICATE OF COMPLIANCE WITH THE BEASON-HAMMON ALABAMA  
TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535, as amended by Act  
2012-491)**

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**RE Contract/Grant/Incentive (*describe by number or subject*):**

\_\_\_\_\_ **by and**  
**between** \_\_\_\_\_  
**(Contractor/Grantee) and** \_\_\_\_\_ **(State Agency or**  
**Department or other Public Entity)**

The undersigned hereby certifies to the State of Alabama as follows:

1. The undersigned holds the position of \_\_\_\_\_ with the Contractor/Grantee named above, is authorized to provide the representations that are set out in this Certificate as the official and binding act of that entity, and has knowledge of the provisions of THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535 of the Alabama Legislature, as amended by Act 2012-491) which is described herein as "the Act".

2. Applying the following definitions from the Section 3 of the Act, the Contractor/Grantee business structure is as indicated by my initials.

**BUSINESS ENTITY.** Any person or group of persons employing one or more persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit. "Business entity" shall include, but not be limited to the following:

- a. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, foreign limited liability companies authorized to transact business in this state, business trusts, and any business entity that registers with the Secretary of State.
- b. Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, and any business entity that is operating unlawfully without a business license.

**EMPLOYER.** Any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

- \_\_\_\_\_ a. The Contractor/Grantee is a business entity or employer as those terms are defined in Section 3 of the Act.
- \_\_\_\_\_ b. The Contractor/Grantee is not a business entity or employer as those terms are defined in Section 3 of the Act.

3. As of the date of this Certificate, Contractor/Grantee does not knowingly employ an unauthorized alien, as that term is defined in Section 3 of the Act, within the State of Alabama and hereafter it will not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama.

*{Alien is any person who is not a citizen or national of the United States, as described in 8 U.S.C. § 1101, et seq., and any amendments thereto.}*

*{Unauthorized Alien is an alien who is not authorized to work in the United States as defined in 8 U.S.C. § 1324a(h)(3).}*

4. Contractor/Grantee is enrolled in E-Verify unless *{initial the following selections which apply}*:

- \_\_\_\_\_ (a) it is not eligible to enroll because of the rules of that program or other factors beyond its control.

\_\_\_\_\_ (b) it is excused from the requirement of enrollment in E-Verify because it does not have an employee in the State of Alabama.

Certified this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_ Name of Contractor/Grantee/Recipient

By:

\_\_\_\_\_

Its

\_\_\_\_\_

The above Certification was signed in my presence by the person whose name appears above, on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

WITNESS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Print Name of Witness