



**Request for Bids:
Conservation Easement Project Management Services**

Date Issued: 3/3/2023
Proposals Due: 3/24/2023

1. Statement of Need

The Minnesota Land Trust (the “Land Trust”) is seeking one or more private contractors (Contractor(s)) to provide real estate project management services to the Land Trust for purposes of completing conservation easement projects across Minnesota.

2. Background

The Land Trust is a private, non-profit corporation that protects and restores Minnesota’s most vital natural lands in order to provide wildlife habitat, clean water, outdoor experiences and scenic beauty for generations to come. The conservation easements held by the Land Trust are perpetual interests in real property that impose restrictions on the use and development of the property to protect wildlife habitat, water resources, and/or scenic heritage.

The Land Trust currently holds over 672 conservation easements protecting more than 76,000 acres and over 465 miles of shoreline habitat. The Land Trust conducts land protection work within 11 conservation program areas across Minnesota and completes conservation projects in these areas using funding in large part awarded through the State of Minnesota’s Outdoor Heritage Fund and Environment and Natural Resources Trust Fund. The Land Trust is seeking individuals or businesses with experience developing, negotiating, and completing conservation easements to advance these initiatives and meet grant deliverables.

3. Scope of Services

Land Trust Geographic Areas of Work

The selected Contractor(s) will assist the Land Trust in identifying and completing conservation easement projects across Minnesota. These projects may occur in a number of geographies in Minnesota, including:

- Southeast Minnesota Blufflands
- Twin Cities Metro Area
- Sauk River Watershed
- Hardwood Hills of Central Minnesota
- West-Central Minnesota’s Prairie Pothole Region
- Anoka Sand Plain Ecoregion
- Prairie Coteau and Minnesota River Valley of Southwest Minnesota
- Mississippi Headwaters Region
- St. Croix River Watershed
- Northeast Minnesota
- And potentially other areas

Contract Duration

The duration of this contract will be one year from signing. The Land Trust expects that most projects initiated at the onset of this contract will be completed during that timeframe; however, the Land Trust also recognizes that some aspects (e.g., certain land protection projects) will not progress to closing and that timelines for some projects will be longer.

Roles and Responsibilities

There are two elements to this Request for Proposals (RFP). Interested parties may submit applications for one or both functions.

1. Landowner Outreach and Engagement

Building a base of interested landowners is core to the success of our conservation easement work across Minnesota. To that end, the Land Trust often has need to reach out to and encourage landowners meeting established criteria for a given program to submit applications for participation.

The Contractor(s) will work with Land Trust staff to identify and deliver an outreach strategy to private landowners that amplifies the Land Trust's land protection work in our varied program areas, as needed. Delivery of such a strategy may entail a combination of program-specific mailings, newspaper articles, direct face-to-face meetings, telephone conversations, presentations, and social media outreach to private landowners meeting the project criteria for a given program.

2. Conservation Easement Project Management

The Contractor(s) will work closely with private landowners, guiding them through a complex real estate transaction in coordination with Land Trust land protection staff. The Contractor(s) will be expected to execute or coordinate completion of components of a Minnesota Land Trust conservation easement transaction utilizing the expertise of the Land Trust's legal and land protection staff. Due to the complexities of the conservation easement process, the Contractor will need to work closely with Land Trust staff to ensure legal and grant compliance. The responsibilities are generally described below and summarized in Exhibit A, including but not limited to the following:

- Conduct an initial site and landowner visit and follow-up site visits as necessary to identify and document the property's conservation values, identify environmental concerns, etc.
- In accordance with Land Trust best practices, draft and negotiate conservation easement terms that will protect the identified conservation values of the land.
- Work with Land Trust staff, contractors, and private landowners to gather property information and ownership documentation information to be used by Legal staff in ordering title work for a property; request the delivery of original abstracts and copies of deeds by the landowner to the designated title company.

- Review the title commitment, title review memo, and have a general understanding of any significant title issues or requirements.
- Work in conjunction with Land Trust’s legal staff to engage landowner in any necessary title requirements or corrective matters.
- Work with the Land Trust’s GIS contractor to develop accurate property maps; ground truth and correct the maps as needed.
- Jointly, with the pertinent Land Trust Program Manager, present the project for Due Diligence Review to the Director of Land Protection, Director of Stewardship, and Senior Staff Attorney.
- Coordinate the preparation and writing of the property Baseline Documentation Report with Land Trust staff; review the Baseline Documentation Report for accuracy. Participate in the Baseline Documentation Report site visit as needed.
- Coordinate the preparation of Habitat Management Plans for properties with Land Trust staff, landowners and other contractors.
- Assemble and maintain all files according to Land Trust record keeping protocols.
- Document all contract activities in accordance with Land Trust procedures and ensure a complete and accurate record of a landowner’s contact information. Submit all invoices in line with State of Minnesota contracting guidelines.

Training

The Land Trust will familiarize the Contractor(s) with its conservation easement process and will provide all forms, templates and materials necessary for completion of these transactions. The Land Trust will provide information clearly defining accountability and responsibility for each task required in completing a conservation easement. The Land Trust offers ongoing training to its staff in the realm of conservation easement transactions; Contractors may participate in these training events but will not be reimbursed for their time or travel costs.

Qualifications

1. Landowner Outreach and Engagement:

Minimum qualifications for the outreach and engagement portion of this RFP must include:

- Direct and demonstrated experience successfully scoping, designing and delivering effective outreach strategies designed to build landowner interest in conservation easements.
- Strong oral and written communication skills; ability to work effectively with Land Trust staff and private landowners.
- Familiarity with land conservation, real estate or conservation easement transactions.
- Reliable transportation and a valid driver’s license (MLT will reimburse for mileage at the federal rate).
- General liability insurance.

- Internet connection, computer, and proficiency with MS Word, MS Excel, Adobe Acrobat, and cloud-based file storage and database systems.

2. Conservation Easement Project Management

Minimum qualifications for the project management portion of this RFP include:

- Direct and demonstrated experience successfully managing projects, especially land conservation, real estate, or conservation easements projects.
- Direct, demonstrated and effective experience leading private landowners through complex conservation, real estate or other similar transactions.
- Strong oral and written communication skills; ability to work effectively with Land Trust staff, contractors, and private landowners.
- Knowledge and understanding of Minnesota's natural resources and geographic data, and state conservation plans.
- Reliable transportation and a valid driver's license (MLT will reimburse for mileage at the federal rate).
- General liability insurance.
- Internet connection, computer, and proficiency with MS Word, MS Excel, Adobe Acrobat, and cloud-based file storage and database systems.

3. Additional desired skillsets for both roles include:

- Experience utilizing public funding for real estate transactions.

4. Time & Effort

This contract will be a reimbursable time and materials contract. The Land Trust expects to select one or more Contractors by March 31, 2023, and all Contractors will be notified at that time. The final contract scope, award amount and duration will be based on grant funding available. The duration will be for one year from contract signing. Any extension will be subject to the approval of the Land Trust, will require an amendment to the contract, and will depend on necessity, availability of grant funding and quality of work exhibited by the Contractor. Invoices will be accepted monthly.

5. Submission of Proposals

Contractors interested in providing these services should submit a proposal via email to:

Minnesota Land Trust

Attn: Wayne Ostlie, Director of Land Protection

wostlie@mnland.org

Proposals must be delivered no later than 5:00 pm on March 24, 2023.

Proposals should include sufficient information regarding the Contractor's experience, skill sets, and ability to perform the activities outlined in the Scope of Services to enable the Land Trust to make a judgment about the Contractor's abilities. Failure to do so is likely to result in a lower scored or disqualified bid. Bids must include the following:

- 1) Cost: Provide an hourly cost of services rate.
- 2) Qualifications: Provide a solid overview describing relevant experience; include a resume or curricula vitae, particularly referencing education or experience related to conservation easements, management of real estate transactions, managing projects using state or other public funds, familiarity with IRC 170(h), and natural resource evaluations.
- 3) Capacity: Provide an estimate of the number of projects you are willing to take on during coming year or at a given time (i.e., your desired workload).
- 4) Location/Travel: Provide a statement as to your preferred work locations and any travel restrictions you may have (i.e., duration, distance, etc.).
- 5) License and Insurance: Provide a copy of a valid driver's license and proof of general or professional liability insurance coverage.
- 6) References: Include three relevant professional references.

6. Diversity, Equity, Inclusion, and Justice (DEIJ)

The Minnesota Land Trust values DEIJ and implements its current DEIJ plan and goals in its work. Selected Contractor(s) will familiarize themselves with the current DEIJ plan.

7. Evaluation Criteria

Proposals will be reviewed by Land Trust land protection and legal staff. The Land Trust will consider all information provided in the bid when making its decision and may consider relevant information from other sources. Specifically, the Land Trust will evaluate:

- 1) Relevant experience and qualifications
- 2) Hourly cost of services rate
- 3) Information provided by professional references
- 4) Experience with public funding or government grants and related requirements and procedures
- 5) Capacity and locational limitations

The Land Trust, at its sole discretion, will select a Contractor(s) whose qualifications, bid and proposal is a) most advantageous to the organization in fulfilling its mission of permanent land protection in Minnesota and b) most effective and efficient in the use of dedicated funding provided for this purpose by the State of Minnesota, as well as other sources.

The Land Trust reserves the right to reject any or all proposals, the right to waive immaterial project requirements, and the right to issue subsequent Request for Proposals; in addition, it reserves the right to cancel the entire Request for Bids process. The Land Trust also reserves the right to contact any respondent for clarification after responses are opened and/or to negotiate further with any respondent; however, we intend to evaluate bids without further discussion with Contractors. As such, a respondent's initial bid should contain the respondent's best terms. Minnesota Land Trust reserves the right to negotiate with any, all, or none of the respondents.

EXHIBIT B: MINNESOTA LAND TRUST EASEMENT CHECKLIST

PROJECT TASK	Who is responsible?	
	Primary	Secondary
Landowner Questionnaire and/or Application Completed	PM	
1. Due Diligence:		
A. Initial Site Visit	Contractor	PM
B. Project Concept	Contractor	PM
C. Environmental Review		
Phase 1 Contract	Contractor	PM
Landowner Disclosure Form	Contractor	PM
Determination of Landowner willingness to remove trash/structures	Contractor	PM
D. Title Examination - Part 1		
Gather Requisite Material; Submit to Legal	Contractor	
Title Work Ordered	PL	Contractor
Preliminary Review of Title Work	SA	
Review of Legal Access	SA	
Discuss Title Issues with LO; Confirm LO will work to resolve issues	Contractor	PM
D. Landowner Readiness & Setting Expectations:		
Draft Detailed CE Terms Sheet	Contractor	PM
i. Easement Restoration anticipated?	PM	DR
ii. Working Lands Easement?	PM	DR
Landowner Finances	Contractor	
i. Financial Terms Acceptable?	Contractor	
ii. Sufficient Equity in Land?	PM	
Consensus of the Parties on all Major Terms of the Conservation Easement?	Contractor	
Landowner Commitment to Completing Conservation Easement?	Contractor	
Confirmation of Project Timeline	Contractor	
D. Due Diligence Review	DLP	DS, SA, PM, Contractor
E. Landowner Engagement Letter w/ Accurate Terms Sheet and Fact Sheets	Contractor	SA
F. Dead Project Close-Out	Contractor	
2. Project Implementation		
A. Draft Conservation Easement and Access Easement (if Necessary)	PM	DLP, SA, Contractor
i. Compose Initial Draft CE	PM	
ii. Review Draft CE	DLP; SA	
iii. Negotiate CE Terms with Landowner	Contractor	
iv. Compose subsequent Drafts and Final CE	SSA/SA	DLP, Contractor, PM
v. Negotiate Access Easement	Contractor	SSA/SA
vi. Draft and Finalize Access Easement	PL, SSA/SA	Contractor
B. Landowner Engagement Letter Sent to and Signed by Landowner	Contractor	PL
C. Maps-Order, Review, Groundtruth, Update with Final Survey	Contractor	
D. Appraisal		
i. Contract	Bev Rinke	Contractor
II. Conduct appraisal review	Bev Rinke	PM

E. Option drafted by SA and signed by Landowner	SA	Contractor
F. Title Examination; Title Memos; Title Objection Letters, resolution of title issues	SA, PL, Landowner	Contractor
G. Contract ALTA Survey,	LPM - AS	Contractor
H. Review survey and conservation easement and finalize both working with legal	LPM - AS, PL, SA	Contractor
I. Baseline	LPC	Contractor
J. Habitat Management Plan	Contracting: LPC or PM.	Contractor; Approval: ED
K. Action Plans (if necessary)	Contracting: PM	DLP, DR, Contractor
L. If Restoration Agreement of Letter of Intent re: Restoration or Restoration Agreement and Access Easement	DR, Attorney	Contractor, PM
M. Board Approval		
<i>i. Project Summary Drafted</i>	PM, DLP	
<i>ii. Board Resolution Drafted</i>	PM, SA	
<i>iii. Conservation Committee of the Board - Project Review</i>	PM	Board
3. Closing		
A. Schedule Closing	PL	SA/SSA, Contractor
B. Option Exercised	SA, ED	Contractor
C. All Documents Finalized and Any Remaining Issues Resolved	SA	Contractor
D. State Acquisition Package to DNR (15 Days in Advance)	PM	Contractor
E. Closing through Title Company	SA	Contractor
4. Post Closing		
A. Filing and Project Closeout	Contractor	CISA, PM

CISA = Conservation Information Systems Associate
 DR = Director of Restoration
 DLP = Director of Land Protection
 PM = Program Managers
 ED = Executive Director
 LPC = Land Protection Coordinator
 LPA = Land Protection Associate
 LPM - AS = Land Protection Manager - Appraisals & Surveys
 PL = Paralegal
 SA = Staff Attorney
 SSA = Senior Staff Attorney