

REQUEST FOR PROPOSAL

LOGAN CITY REDEVELOPMENT AGENCY



City Block Redevelopment Site

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Background

Logan City owns 3.9 acres of prime Main Street frontage property between 200 N. and 300 N. on the East side of the “City Block.” Currently, the land contains a parking lot, the Logan City Light and Power Administrative Building, the Logan City Library, and police department cell towers. The Light and Power Building will be demolished in the Spring of 2016, the City is looking for a new location for the library, and the cell towers can be moved to facilitate development. In addition, the City is willing to close 300 N. at Main Street to provide additional development area and/or parking, but property accesses for surrounding properties will need to be managed.

RFP Purpose

The Logan City Redevelopment Agency (“RDA”) is requesting Proposals (“Proposals”) from qualified respondents (“Respondents”) for development of the City-owned property into a mixed-use project that may include residential, retail, other commercial and/or civic elements (the “Project”).

It is the intent of this Request for Proposal (“RFP”) to set forth the minimum acceptable requirements for proposals.

Project Location

The Project includes public zoned land located on the eastern half of the City block bounded by 300 N to the North, Main Street to the East, 200 N to the South, and 100 W to the West. The proposed Project site is currently zoned Public, but it is anticipated that it will be re-zoned to Town Center which encourages a mix of complementary uses in a pedestrian-friendly development. The site is shown on the map on the next page.



Economic Development Goals

The City-owned land at this site is, perhaps, the most valuable undeveloped area in downtown Logan City and is a key to enhancing the vitality of the downtown commercial district. As such, the primary objective of the City is to develop the property in a manner that will have a significant impact in bringing people into the downtown area. Financial and/or infrastructure incentives may be available to projects that are deemed likely to achieve the City's development objective.

The Project is intended to be a walkable mixed-use project that may include residential, retail, other commercial, and/or civic elements. Property types are to be integrated so as to allow easy access between uses and throughout the Project. Such uses should be sited so as to provide retail with access and exposure to N Main St and 200 N.

With respect to possible project elements, the project should be designed to (1) attract businesses suitable for Class A office space that provide high-skill, high-paying jobs to the City, (2) retail tenants with high sales per square foot ratios, including restaurants and/or (3) market rate residential units designed for occupants who will expand and strengthen the City's workforce and utilize downtown services.

Respondents will be asked to explore, determine viability, and provide a professional recommendation for development strategies primarily intended to: facilitate sustained economic development within the City, attract businesses suitable for a mixed-use development, and create a balanced site plan with appropriate building footprints, and one which fosters a walkable urban environment.

RFP Requirements: Proposed Project

Responses must include two components:

- (1) A Phase I plan for immediate development of approximately 1.2 acres on the Southeast Corner of the property (see Phase I site diagram). This corner is at the intersection of two of the most used roads in Cache Valley. The plan should include a site map and proposed uses and must identify adequate parking. The proposed use for the corner property will be a key factor in selecting a respondent. This property must be developed with a use that will significantly affect downtown Logan.
- (2) A Phase II plan for future development of the remaining approximately 2.7 acres (see Phase II Site diagram). The plan should also include a suggested site map that proposes uses and parking. Before the Phase II can be implemented, it will be necessary for the City to relocate the City Library currently on the site. However, the respondent must demonstrate that the Phase I and Phase II plans are mutually compatible with respect to parking, necessary infrastructure, types of uses, and other factors.

Selection of a Phase I respondent does not guarantee selection to develop Phase II, but that respondent will be given preference for Phase II development.

RFP Requirements: Development Team

Respondents should identify key players on the Development Team and their experience in the development of similar projects. Responses should clearly identify the person who will serve as the principal point of contact and is authorized to speak on behalf of the Development Team.

Respondents should provide the following with respect to the development team:

- Resumes for key personnel and a project team organizational chart.
- A description of the type and location of projects within the last five years, scope of each team member's involvement, current status, project management responsibilities, dollar value of the development, financing sources, and extent of public-private partnership agreements. Experience with projects of a similar scale in Utah and experience in working with public entities should be highlighted. Include contact information, phone numbers, web site addresses, and mailing addresses of the cities or agencies involved.
- A list of references pertaining to the Development Team's performance in performing services of a similar type, scale, and complexity. Respondents must submit at least three references. The Respondent's risk of nonperformance or poor performance will be evaluated based, in part, on reference checks.

The qualifications of the developer and each member of the Development Team are important criteria in the selection process. All Respondents must state the roles and responsibilities of the members of their team. The completed description must be returned with the Response to the RFP.

Evaluation and Selection Criteria

Response to this RFP is at the Respondent's sole risk and expense. The RDA anticipates selecting one or more of the Respondents, but there is no guarantee that any Respondent will be selected.

The RDA will take into account the information provided in the proposal, references, and any other information about the Respondent's performance available to the RDA. In addition to evaluating Respondents on the extent to which they achieve the program objectives as described in the Economic Development Goals, the RDA will evaluate each proposal according to the criteria listed below, with special attention given to the first two criteria.

- Responsiveness to Economic Development Goals - The responsiveness of the proposal to Logan City's economic development objective of using this site to revitalize the downtown area, which may include estimates of annual visitors to the area and an estimated number of jobs and tax revenues that can potentially be created by the project. The Phase I plan will be especially important.
- Resume - The track record and experience of the Respondent, as demonstrated by his/her participation and success in the financing, tenant recruiting, landlord services, development, construction, and marketing of similar types of projects, particularly walkable mixed-use projects.
- Quality of Submittal - The quality of the Response, as evidenced, for example, by the responsiveness to the submittal criteria, clarity, readability, and brevity of the proposal.
- Approach - The process or approach contemplated by the Respondent to achieve the objectives set forth by the RDA. This could include an evaluation of the Respondent's proposed phasing/build out schedule, the flexibility of the proposed approach in responding to changing market conditions, and assurances that the entire project will be completed.
- Team Management - The strength of the Respondent, with high emphasis on a strong organizational structure and a highly qualified senior management.
- Timeliness - Capability to complete the project in a timely manner.

The RDA may take any of the following actions after reviewing the submitted materials:

- Contact Respondents and request additional materials or supporting information.
- Contact Respondents for an in-person interview.
- Enter into direct negotiation with a Respondent.

- Re-advertise and/or reissue the original RFP or an amended RFP.

The RDA reserves the right to reject any and all responses and reserves the right to amend, modify, or waive any requirement set forth in this RFP.

Proposals Prepared at Developer's Expense

This RFP is not a contract or a commitment of any kind by the RDA and does not commit the RDA to award an exclusive development option or to pay any cost incurred in the submission of a response. All costs associated with preparing and submitting a response to this RFP shall be the sole responsibility of each Respondent. The RDA, at its sole discretion, reserves the right to accept or reject in whole or in part, submittals received in response to this request, to negotiate with any qualified source, or to cancel in whole or in part this RFP. Failure to provide any of the requested data within the specified submission period may cause the RDA, at its sole discretion, to reject the submittal or require the data to be submitted forthwith.

Respondent acknowledges and agrees that the RDA or any other entity affiliated with or otherwise engaged by the RDA will not be liable for any costs, expenses, losses, damages (including damages for loss of anticipated profit) or liabilities incurred as a result of, or arising out of, submitting a proposal, negotiating changes to such proposal, or due to the RDA's acceptance or non-acceptance of the proposal.

Original Work

All Responses submitted must be the original work product of the Respondent. The copying, paraphrasing, or other use of substantial portions of the work product of another Respondent is not permitted unless legally enforceable permission has been secured from that other party. Failure to adhere to this instruction will cause the RDA to reject the Response.

Period of Validity

All submitted materials in response to the RFP shall remain valid for a period of six months from the date of submission. All proposals will become the property of the RDA and will become public documents.

Clarification Requests & Other Communication

Except for written responses provided by the contact person described below, the RDA has not authorized anyone to make any representations regarding the subject matter of this RFP. All requests for clarification or additional information regarding this RFP must be submitted in writing to the contact person described below no later than January 22, 2016. The contact person will endeavor to respond to such request for clarification or additional information and if the contact person deems, in his sole and absolute discretion, that such response is of general applicability, his response, if any, will be posted on the RDA's website (which constitutes a written response). Firms responding to this RFP are encouraged to review such website frequently.

Respondents, team members and its consultants are prohibited from communicating in any manner about this project with any of the members of the RDA staff, Mayor, the City Council, or other elected official or RDA related party during this process, notwithstanding the foregoing procedure. All questions during this period should be submitted in writing to or e-mail to Kirk Jensen to the address below, or to kirk.jensen@loganutah.org. Any other means of communications between Respondents, their consultants, the RDA, or Logan City elected officials and employees, notwithstanding the foregoing procedure, may disqualify the respondent.

Accuracy of RFP

All facts and opinions stated within this RFP and in all supporting documents and data, are based on the best available information from a variety of sources at this time. No representation or warranty is made with respect thereto. The selected developer will be responsible for accepting or verifying the accuracy for all information presented herein and conducting all feasibility analyses required to undertaking the development.

The RDA makes no representation about the conditions of the site, including utilities, soils, hazardous materials, or other surface or subsurface conditions. The respondent shall make its own conclusions concerning such conditions. Information provided in this RFP, made available on the web site, or otherwise attached, or provided by RDA staff or consultants, is provided for the convenience of respondents only. The accuracy or completeness of this information is not warranted by the RDA. The use of any of this information in the preparation of a Response to the RFP is at the sole risk of the respondent.

Waiver

The RDA reserves the right to select a limited number of candidates for interviews or to select a developer without conducting interviews. Competing responses will not be released to the public until the RDA recommends selection of a Development Team. The RDA reserves the right to disqualify any submission that does not completely comply with the submission requirements outlined in this document. The RDA further reserves the right to reject any and all submissions at its sole and absolute discretion. The RDA may amend or terminate selection procedures at any time in its sole discretion.

By submitting a response to the RFP, each Respondent expressly waives any and all rights that it may have to object to, or judicially challenge the following:

1. The site inspection;
2. The solicitation, including, but not limited to the conditions of the request and selection procedure sections of the RFP; and,
3. The RFP, evaluation, and award process, including, but not limited to, the qualifications of the developer, evaluation of initial proposals, selection of finalists, evaluation of responses to the RFP, or other aspects of the Development Team selection and award.

Accordingly, the developer must complete and sign the liability waiver in Appendix I.

Non-Collusive Affidavit

The Respondent shall not collude in any manner or engage in any practices with any other Respondent(s), which may restrict or eliminate competition or otherwise restrain trade. Violation of this instruction will cause the RDA to reject the Respondent's submittal. This prohibition is not intended to preclude joint ventures or subcontracts.

Accordingly, in the interest of a fair, equitable selection process, developers shall sign the non-collusive affidavit attached hereto as Appendix II.

Compliance with Existing Legal Commitments

Submitted Proposals must comply with all existing legal commitments to third parties, which have previously been entered into by the RDA and/or other party with rights to the Project.

Liability and Insurance Requirements

The selected developer will be required to maintain General Liability, Worker's Compensation, Automobile Liability, Professional Liability, and other form of insurance with firms authorized to do business in the State of Utah, during the duration of performance of activities pursuant to this RFP. Endorsements naming the RDA as additional insured and waiving rights of subrogation against RDA will be required. All policies, endorsements, certificates and/or binders shall be subject to approval by the RDA as to form and content. The developer will also be required to indemnify the RDA against claims and obligations due to actions and activities of the Development Team. Terms of required insurance and indemnification will be included in the development agreement.

Public Information

Responses will be placed in the public domain and become public records subject to examination and review by any interested parties in accordance with the Government Record Access Management Act (Utah Code Ann. §63G-2-101, et seq.). All materials submitted in response to this RFP will become the property of the RDA and will be managed in accordance with the Government Record Access Management Act.

Any proposal that contains language purporting to render all or significant portions of the Proposal "Confidential", "Trade Secret" or "Proprietary", or fails to provide the exemption information required as described below, will automatically be considered as public records in its entirety and shall be subject to disclosure to the requesting party without further consideration or notice.

Do not mark your entire proposal as "Confidential".

The RDA will not disclose any part of any Proposal before it announces a recommendation for selection on the grounds that there is a substantial public interest in not disclosing Proposals during the evaluation process. After the announcement of a recommended award, all Proposals will be subject to public disclosure. If the Respondent believes that there are portions of the Proposal that are exempt from disclosure under the Government Record Access Management Act, the Respondent must mark it as such and state the specific provision in the Government Record Access Management Act that provides the exemption as well as the factual basis for claiming the exemption. For example, if the Respondent submits trade secret information, the Respondent must plainly mark the information as "Trade Secret" and refer to the appropriate section of the Government Record Access Management Act that provides the exemption as well as the factual basis for claiming the exemption.

Although the Government Record Access Management Act recognizes that certain confidential trade secret information may be protected from disclosure, the RDA may not be in a position to establish that the information that a Respondent submits is a trade secret. If a request is made for information marked "Confidential", "Trade Secret" or "Proprietary", the RDA will provide Respondents who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction.

Timeline

Respondents' submission is due no later than 5:00 pm, Mountain Standard Time, February 1, 2016. No additional submittals will be allowed after this submittal date. The RDA reserves, however, the right to issue written notice to all participants of any changes in the proposal submission schedule or other schedules, should the RDA determine, at its sole and absolute discretion, if such changes are necessary.

Respondents will be contacted after the RDA has adequate time to review all proposals.

Contact Person & Submission

Any requests for clarification should be directed to the contact person below. Interested firms should submit two (2) bound copies and one (1) electronic copy in PDF format of their Response to:

Kirk Jensen
Economic Development Director
City of Logan
290 North 100 West
Logan, UT 84321
(435)716-9015
kirk.jensen@loganutah.org

Responses must be limited to 30 pages and in 8 ½ by 11 format. Any materials that are larger than this size should be folded to fit into the 8½ by 11 format. The outside of the package should be clearly marked with the following: RFP City Block Redevelopment Site. The subject line of email submissions should be the same.

The deadline for receipt of two hard copies and one electronic copy of responses to this RFP is 5:00 p.m. Mountain Standard Time on February 1, 2016. It is the responsibility of the Respondent to ensure that the response is received by the RDA prior to the deadline.

Appendix I: Liability Waiver

The information in this Request for Proposal (RFP) is intended to provide general information regarding the development opportunity with the Logan City Redevelopment Agency. This information is not intended or warranted to be a complete statement of potential development issues and/or procedures to which the developer may be subject, nor is this information intended to be a complete statement of all of the information the developer might be required to ultimately submit.

All facts and opinions stated herein and in any additional information provided by the Logan City Redevelopment Agency, its officers, officials, employees, attorneys, agents, representatives, or its consultants (hereinafter collectively "RDA"), including but not limited to surveys, statistical and economic data and projections, are based on available information and no representation or warranty is made with respect thereto.

This RFP does not commit the RDA to pay any costs incurred in the preparation of a response. The RDA reserves the right to accept or reject any proposal in part or in its entirety. The RDA further reserves the right to request and obtain, at no cost to the RDA, from one or more of the developers who submit proposals, supplementary information as may be necessary for the RDA staff and/or its consultants to analyze the submitted responses to this RFP.

The RDA reserves the right to issue written notice to all participants of any changes in the proposal submission schedule or other schedules, should the RDA determine, at its sole and absolute discretion, that such changes are necessary. However, given the uncertainty of Public Record Law, the undersigned hereby waives all rights, releases and holds harmless, the RDA in case of disclosure, required, accidental, or otherwise. The proposing entity, by submitting a response to this RFP, waives all rights to protest or seek any legal remedies whatsoever regarding any aspect of this RFP.

Signature

Name of Business

Name and Title

City/State/Zip Code

Phone

Appendix II: Non-Collusive Affidavit

NON-COLLUSIVE AFFIDAVIT

STATE OF _____

COUNTY OF _____

_____, being first duly sworn, deposes and says:

THAT he/she is owner or manager of _____, "developer" herein, the party making a proposal for development of the Project, that such proposal is genuine and not collusive or a sham; that developer has not colluded, conspired, connived or agreed, directly or indirectly, with any person to put in a sham proposal or to refrain from proposing, and has not in any manner, directly or indirectly, sought by agreement or collusion or communication or conference, with any person, to fix any term of the proposal or that of any other proposer on the Project to secure any advantage against the Logan City Redevelopment Agency, and that all statements and information in the proposal are true.

FURTHER, developer hereby certifies under penalty of perjury that neither he/she nor any other person associated therewith in the capacity of owner, partner, director, officer or manager has been indicted, convicted or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 5 years.

Signature

Title

Subscribed and sworn to this
_____ day of _____, 2016

Notary Public
Commission Expires _____