

CITY OF CARTERSVILLE, GEORGIA
REQUEST FOR PROPOSAL FOR PURCHASE AND DEVELOPMENT
OF CITY - OWNED PROPERTY

LOCATED AT 178 W. MAIN STREET, CARTERSVILLE, GA 30120

RFP DATE: OCTOBER 11, 2021



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SECTION 1

GENERAL INFORMATION, BACKGROUND AND INSTRUCTIONS

General

The opportunity presented in this Request for Proposal ("RFP") is generally described in the Scope of Services, and proposals must be submitted in accordance with the specifications in this RFP. Any proposal that does not conform fully to these instructions may be rejected, at the sole discretion of the City of Cartersville ("City").

City of Cartersville Organizational Structure

The City of Cartersville is seeking responses from qualified firms/teams ("Proposers") for proposals concerning the purchase and development of the Property identified in the "Procurement Objective" below.

All new development in the City of Cartersville must conform to the City's overall Development Regulations which were updated in May 2010. These regulations can be found online at:

https://library.municode.com/ga/cartersville/codes/code_of_ordinances?nodeId=COOR_CH7.5DERE

The City reserves the right to award the right to purchase and redevelop/develop the Property (as defined hereinafter) to one Proposer. Individual firms and teams responding to this RFP must demonstrate the capability and resources to consummate the financial closing on, as well as the timely redevelopment/development of the Property awarded to them.

Procurement Objective

The City of Cartersville is seeking high quality proposals for the purchase and/or trade for property located in the City Limits of the City of Cartersville and development of a City-owned parcel of land roughly bounded by Main Street, South Bartow Street, Leake Street and adjoining property owners in the blue outline shown below. This parcel is heretofore referred to in this RFP as the "Property".



It is anticipated that any development or redevelopment activity taking place on this Property will be consistent with the City of Cartersville's Development Regulations.

Goals for the Property

- Increase residential density, vitality, and diversity of Downtown Cartersville;
- Increase retail/commercial units along the streetscape; and
- Maximize the financial return to the City for the sale of the Property.

Our vision for the Project

- A project that is residentially-focused, providing market-rate rental apartments, condominiums and/or townhomes that can appeal to those currently living and/or working in the City of Cartersville, and possibly one that provides commercial space fronting along Main Street;
- A project with a design that is consistent with this area of Downtown;
- A pedestrian-friendly project that relates well to the street, adjacent properties, and other public improvements;
- A project that will help encourage and precipitate revitalization of the area and positively impact surrounding properties and Downtown overall; and
- A project focused on a hotel, is also acceptable.

Proposals must include a proposed parking plan that incorporates into the project design on-site parking. Please note the amount of parking provided for the project must adhere to the standards outlined in Article XVII of the City's Zoning Ordinance.

Potential Public Incentives Available (But Not Guaranteed) for This Property – The Property could be designated as a Tax Allocation District.

Property Description

The Property is comprised of one parcel totaling approximately 1.6 (+/-) acres with frontage located along West Main Street. A legal description is attached hereto as Exhibit A.

Currently this Property is zoned Downtown Business District (DBD). The proposed project design should be reflective of the Downtown Business District, with massing and density consistent with zoning in the Development Regulations, and Historic Preservation Commission Guidelines.

Information and Inquiries

Prospective proposers are strongly encouraged to attend a pre-submittal meeting and site tour that will be held at **9:00 A.M. on Wednesday, October 27, 2021** in the Court Room located in the facility at 178 W. Main Street, Cartersville, Georgia. Requests for information must be made in writing, and unwritten questions and any verbal responses and/or comments will not be binding. All written inquiries must be received by the City by **2:00 p.m., on Tuesday, November 2, 2021**.

Should any prospective Proposer be in doubt as to the true meaning of any portion of this RFP, or should the prospective Proposer find any ambiguity, inconsistency, or omission herein, such person or entity shall make a written request for an official interpretation or correction. All questions concerning the solicitation and specifications shall be submitted in writing via e-mail or fax to the City representative named below. You are encouraged to submit your questions via email.

The City's staff will make such interpretations or corrections, as well as provide any supplemental or amendatory RFP provisions which the City may decide to include, but only as a RFP addendum or as officially published responses available to all potential Proposers as provided in this RFP. Staff will mail or deliver (including electronic delivery or web posting) addenda to each

prospective Proposer recorded as having received a copy of the RFP. Any addendum issued by the City shall become a part of the RFP. Proposers should consider issued addenda in preparing his or her proposal.

The City will provide all written questions and responses to interested Proposers by **5:00 p.m. on Friday, November 5, 2021**, via electronic delivery or web posting.

Inquiries regarding this RFP should be directed by email, writing or fax to:

Freddy Morgan, Assistant City Manager

Email: fmorgan@cityofcartersville.org

Proposers must strictly limit their contact to this person when seeking information on matters related to the Property transaction or the selection process. Written questions or comments are the only permitted method of communication, and City responses will be disclosed to all Proposers by posting same on the City website, unless they are clearly of a proprietary nature (as determined by City). Improper contact may result in disqualification from this procurement process and all subsequent phases of the Project. See also Terms and Conditions.

Reference Information Documents

In addition to the above, the City of Cartersville ordinance requirements for planning, zoning, building, and parking can be accessed via the website located at: https://library.municode.com/ga/cartersville/codes/code_of_ordinances or requested from the City's Planning & Development Department located at 10 N. Public Square, Cartersville, GA, whose general number is (770) 387-5600.

The Reference Information Documents (RID) packet will be made available to requesting potential Proposers by the City by operation of a limited access web site or file sharing location. Link will be provided upon request and will be shared at the pre-proposal meeting.

The City does not warrant or guarantee the accuracy of the Reference Information Documents provided under or otherwise described in this RFP. Rather, it is providing the related documents and information for background purposes only and not for any other purpose. Potential Proposers are not relieved of their responsibility – and are encouraged – to make personal investigations of the Property and all such Reference Information Documents, and shall determine to its own satisfaction the conditions to be encountered, the nature of the ground, the difficulties involved, and all other factors affecting the propriety of purchasing the Property, planning, designing and financing its development or redevelopment, as the case may be, and undertaking any other development or redevelopment activities contemplated by this RFP or incidental to any other private development activity. In addition, the City cannot and will not guarantee the timing or completion of all or any portion of current public infrastructure projects underway or planned. Potential Proposers will assume all risk associated with the ownership of the Property, as and to the extent such is transferred to one or more of them as contemplated in this RFP. As and to the extent awarded, and contingent on execution of, and subject to the terms and conditions of, definitive documents and the related conveyance of title or interests therein to the winning Proposer, the Property will be conveyed "As is, where is" with all faults, latent or patent, and without warranty, express or implied.

Overview of Proposal Selection Process

The City intends at this time to use the following process for awarding the Property (or interests therein) to one or more Proposer(s). The first step will consist of an evaluation of all Statements of Qualifications (“SOQs”) (setting forth the Proposer's experience with similar projects and catalytic undertakings) and selection of a short list of Proposers for interviews. For purposes of clarification, the SOQ forms an integral part of the RFP, and the SOQs will be evaluated and scored prior to the evaluation of any other components of the Proposals. The second step will consist of an extensive interview of the most qualified Proposers with the designated interview panel consisting of City staff and others. The Proposer(s) selected for interviews will submit a proposal and make a short presentation to the interview panel outlining the Proposers' approach to the development of similar projects, as well as other relevant experience. Negotiations on pricing and scope allocation may then be conducted with one or more Proposers at the City’s discretion.

The City reserves the right to award the Property to the Proposer or team of Proposers whom it deems the most responsible and most likely to develop the Property in a manner which is in the best overall interest of the advancement and attainment of the public policy and other objectives of the Downtown Business District, and not necessarily to the Proposer or team of Proposers offering to pay the highest price for the Property. The City further reserves the right to modify the procurement process in a manner that serves the interests of the City, including but not limited to: extending submission dates; extending timeline for selection, re-sequencing, deleting, or adding steps in the process; rejecting all SOQs; or re-advertising. Under no circumstances shall the City be liable for any cost or expense incurred by any Proposer or member of a Proposer team in connection with the procurement process.

Proposed RFP and Evaluation Schedule

RFP Issued	Monday, 10/11/2021
Pre-Proposal Meeting & Site Tour (<i>attendance strongly encouraged</i>) at 9:00 A.M.	Wednesday, 10/27/2021
Deadline for Submittal of Questions by Potential Proposers (by 2:00 P.M.)	Tuesday, 11/2/2021
City’s Response to Inquiries Publication Date	Friday, 11/5/2021
RFP Proposals & Separate Sealed Acquisition Price Proposal Due Date (by 4:30 P.M. EST)	Tuesday, 11/16/2021
RFP Interviews by Evaluation Committee, week of	December 1-3, 2021

The above schedule is subject to change at the absolute and unfettered discretion of The City.

Proposal Submissions and Clarifications; Open Government Laws

Proposals must be submitted in the proposal format required. Sealed Proposals with their **separately sealed** “Acquisition Price Proposal” will be accepted by the City, located at **1 N. Erwin**

Street, Cartersville, GA 30120 on or before 4:30 p.m. on Tuesday, November 16, 2021. Each Proposal must be enclosed in a sealed envelope, endorsed across one end as follows: **RFP – 178 W. Main Street.** Proposals received after the deadline will be deemed unacceptable for further consideration. Regardless of the delivery method the Proposer is responsible for the actual delivery of the Proposals to the City's office as of the deadline. Each Proposer must agree to honor their Proposal for a period of one hundred twenty (120) days from the Proposal due date. All Proposals become the property of the City after the deadline whether awarded or rejected.

One (1) original and six (6) copies of the Proposal and an electronic version of the Proposal in Adobe Acrobat format shall be submitted, **with the Acquisition Price Proposal submitted separately in a sealed and marked envelope.** The information included therein should be as concise as possible. To be considered, each Proposer must submit a complete response to this RFP using the format found in Section 3 of this RFP. No other distribution of the Proposals is to be made by the submitting Proposer. Each Proposal must be signed by an official authorized to bind the Proposer to its Proposal provisions.

All Proposers should obtain and thoroughly familiarize themselves with the Georgia Open Records Act (O.C.G.A. § 50-18-70, *et seq.*) and the Georgia Open Meetings Act (O.C.G.A. § 50-14-1, *et seq.*) (collectively, the "Open Government Laws") applicable to the issues of confidentiality and public information. The City will not advise a Proposer as to the nature or content of documents entitled to protection from disclosure under the Open Government Laws, as to whether or to what extent documents submitted with their Proposal are or may be exempt from the Open Government Laws, as to the interpretation of such laws, or as to the definition of "proprietary." Each Proposer shall be solely responsible for determining the application and requirements of Open Government Laws. All written correspondence, exhibits, photographs, reports, printed material, tapes, electronic discs, and other graphic and visual aids submitted to the City during this procurement process are the property of the City, may not be returned to the submitting parties, and are subject to the Open Government Laws.

Georgia law also recognizes a protection from public disclosure for information which is determined to be a "trade secret." Each Proposer shall be responsible for clearly identifying and labeling any document contained in its Proposal Plan as "Proprietary" or "Trade Secret" that the Proposer has reasonably determined meets the definition of "proprietary" under Section 32-2-80(a)(4) of the Official Code of Georgia Annotated (the "Code"), a "trade secret" under Article 27 of Chapter 1 of Title 10 of the Code, or which is otherwise exempt from disclosure under Section 50-18-72 of the Code or any other applicable law. In addition, and as it relates to "trade secrets," any Proposer submitting and wishing to keep records containing trade secrets confidential **shall** submit and attach to all such records an affidavit affirmatively declaring that specific information in the records constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10 of the Code. Proposers are advised that the designation of "proprietary" or "trade secret" with respect to any documents or other information submitted shall not be binding on the City or determinative of any issue relating to confidentiality. Further, blanket "proprietary" or "trade secret" designations by a Proposer shall be considered non-responsive. In no event shall the City or any of its agents, representatives, consultants, directors, officers or employees be liable to a Proposer or Proposer team member for the disclosure of all or a portion of a Proposal response submitted under this RFQ.

If the City receives a request for public disclosure of all or any portion of the materials identified as confidential (that is, materials which are propriety or include an asserted trade secret) in a

Proposal, the City will endeavor to notify the applicable Proposer of the request; but in all cases, the City will follow the requirements placed upon it under the Open Government Laws. The Proposer may seek, at its own cost and expense, a protective order, injunction or other appropriate remedy. If the City determines in good faith that the materials identified as "proprietary" or as a "trade secret" are not exempt from the Open Government Laws, unless otherwise ordered by a court of competent jurisdiction, the City will release the requested information. By submitting documents to the City, each Proposer agrees and affirms that the City shall have the unqualified right to make the final determination regarding whether the requested information is to be disclosed or withheld."

It should be noted that, other than private financial information and the Acquisition Price Proposal, submission contents will not be deemed proprietary information or trade secret protected.

The City accepts no financial responsibility for costs incurred by any Proposer in responding to this RFP. By responding to this RFP, the Proposer agrees to hold the City harmless in connection with the release of any information contained in its Proposal.

Independent Price/Cost Determination

1. By submission of a Proposal, the submitter certifies in connection with its Proposal:
 - (a) It has arrived at the proposed purchase price (the "Acquisition Price Proposal") and projected costs to be borne by it in connection with the development or redevelopment activities described in the Proposal independently, without consultation, communication, or agreement for the purpose of restricting competition as to any matter relating to such fees with any other Proposer or with any competitor;
 - (b) Unless otherwise required by law, the costs which have been quoted in the Proposal have not been knowingly disclosed by the submitter and will not knowingly be disclosed by the submitter prior to Award directly or indirectly to any other prospective Proposer or to any competitor; and
 - (c) No attempt has been made or shall be made by the Proposer to induce any other person or firm to submit or not submit a Proposal for the purpose of restricting competition.
2. Each person signing the Proposal certifies that he/she is the person in the Proposer's organization responsible within that organization for the decision as to the Acquisition Price Proposal being offered in the Proposal and has not participated (and will not participate) in any action contrary to 1(a)-(c) above.
3. A Proposal will not be considered for Award if it includes any statements or assumptions, or if the Acquisition Price Proposal is dependent upon such altered statements or assumptions, which serve to defeat, delete, amend or otherwise modify the certifications required to be made by the Proposer in 1(a) or 1(c) above. If certification 1(b) has been modified or deleted, the Proposal will not be considered for Award unless the Proposer furnishes with the Proposal a signed statement, which sets forth in detail the circumstances

of the disclosure, and the City determines, in its sole discretion, that such disclosure was not made for the purpose of restricting competition.

Special Stipulations

1. In the event that a Proposal includes a property swap, an appraisal or commitment to an appraisal shall need to be included in the Proposal. Additionally, the Proposer must commit to pay in cash the difference, if any between their Appraisal of the proposed property to be swapped or traded and an Appraisal to be conducted be provided by the City for its Property. The value of any proposed property to be swapped or traded, plus additional cash if necessary, must be equal to or greater than the value of the City Property as determined by the Appraiser retained by the City.
2. Upon receipt of the Appraisal from the other party, and after review thereof, the City reserves the right to have a separate Appraisal conducted to determine the value of the property to be swapped, in its sole discretion. In the event the City chooses to have a separate Appraisal done, that Appraisal shall become the value of the Property proposed to be swapped or traded to the City.
3. For all bidders, the successful bidder shall agree to a deed covenant that unless the property is developed within three years from the date of closing, the City has the right to buy the property back at the acquisition cost, regardless of any improvements made to the property.

Selection Process

The Selection Committee for this RFP, at a minimum, will consist of representatives of the City. The City reserves the right to include non-staff as members of the Selection Committee.

The Selection Committee will initially evaluate responses to the RFP to decide which Proposer(s), if any, they will interview. For the initial evaluation, the Selection Committee **must** not consider Acquisition Price Proposals. For this reason, the Acquisition Price Proposal **must** be separately submitted in a sealed and marked envelope. Before the interview(s), the Acquisition Price Proposal(s) of the Proposers(s) selected for interview will be opened and reviewed.

The Selection Committee then may schedule the interviews with the selected Proposers. The selected Proposer(s) will be given the opportunity to discuss in more detail their qualifications, past experience, proposed development plan and Acquisition Price Proposal during the interview process. The interview shall consist of a presentation of approximately thirty (30) minutes by the Proposer, including the person who will be the project manager on this Contract, followed by approximately thirty (30) minutes of questions and answers. Audiovisual aids may be used during the oral interviews. Following the presentation, the Selection Committee may request additional financial or project information.

Interviewed Proposers will be re-evaluated after the interview and ranked. The highest-ranked qualified Proposer(s), will be recommended by the Selection Committee to the City's Mayor and City Council for the award of the sale of the Property (the "Award"), contingent upon negotiation, execution and delivery of definitive agreements related to the purchase, sale and proposed development/redevelopment of the Property deemed satisfactory to the City, in its sole discretion.

After the Award, the City will proceed with negotiations of a mutually acceptable Purchase and Sale Agreement and/or Option Agreement, with the highest ranked Proposer(s). Notwithstanding the foregoing, the final terms and conditions relating to the acquisition and sale of the Property may be subject to financing, development commencement, title or other conditions or contingencies, as reasonably determined by the City. The Purchase and Sale Agreement and/or Option Agreement, as the case may be, will not contain any assurances of any rezoning or site plan approvals necessary to complete the proposed project. The City will provide for a reasonable time in which to obtain such approvals before closing. The Selected Proposer must secure and pay for all plan review fees necessary for the prosecution of its proposal. If a Purchase and Sale Agreement and/or Option Agreement is not successfully negotiated, executed and delivered by the City and the highest ranked Proposer(s), the City, at its sole option, may choose to initiate negotiations with any other qualified Proposer, or reopen the entire process. The City reserves the right to not consider any Proposal that it determines to be unresponsive and/or deficient in any of the information requested for evaluation. A Proposal with all the requested information does not guarantee the proposing firm or person to be a candidate for an interview. The Selection Committee may contact references to verify material submitted by the Proposers.

Earnest Money Deposit/Option Price

As a good-faith commitment to proceed, a **Ten Thousand Dollar (\$10,000)** nonrefundable earnest money deposit or option price, as applicable, will be required upon the execution of a Purchase and Sale Agreement and/or Option Agreement with the City. The non-refundable deposit or option price, while non-refundable, will be applied to the purchase price upon closing on the sale of the Property.

Reservation of Rights

The City expressly reserves the right to accept any Proposal, to reject any or all Proposals, to waive irregularities and/or informalities in any Proposal, and to make the Award in any manner which it believes to be in its best interest.

SECTION 2

PROPOSAL SCOPE OF PROJECT

Site Development Goals for the Property

The City wishes to advance a number of important goals of the Downtown Strategic Plan in the sale, development, and use of the Property. The required elements for any Proposal should include:

1. An innovative development which builds upon Downtown Cartersville's character, contributes to the sense of place, and serves as a model for future (re)development in Cartersville's downtown.
2. If a market-rate rental apartment community, it should include ground floor retail (office okay on 2nd floor but we want retail on ground floor), or if hotel, with or without retail.
3. A proposed parking plan that incorporates into the project design a combination of on-site parking and street parking. Please note the amount of parking provided for the project must adhere to the standards outlined in Article XVII of the City's Zoning Ordinance.
4. Project design must be approved by the City of Cartersville Historic Preservation Commission.
5. Pedestrian-friendly design of all street frontages in keeping with the existing street frontage design and should be consistent with that of public investments on adjacent properties in that area.
6. A maximal financial return to the City for the sale of the Property, as well as the future property and sales taxes generated by the development of the Property.
7. A project design and use of the site to help activate the area and contribute to Downtown's residential and mixed-use trend.
8. The use of quality materials and finishings in the construction.
9. Commitment to job creation and local hiring where applicable.
10. Maximized connectivity to adjacent developments/uses.

Scope of Project

1. The Proposal must include a detailed plan for development, including but not limited to an impact study of the development of this site on surrounding property and a detailed work plan listing all elements necessary to accomplish redevelopment of the site. The work plan shall include a time line schedule depicting the sequence and duration of plan components showing how the work will be organized and executed. Any additional project elements suggested by the Proposer are to be included in the work plan and identified as Proposer suggested elements. Also include in the work plan proposed steps, if any, to expedite completion of the individual components within the project. This will be given due consideration during evaluation of proposals.
2. The Proposal must include a statement that the Proposer agrees to defend, indemnify and hold harmless the City, its officers, employees and agents from and against all claims, lawsuits, losses and expenses including attorney's fees arising out of or resulting from the performance of this Award.
3. The Proposal must include the time period by which the proposed project will be initiated and completed. Failure to perform, initiate, and complete project components within an acceptable time period will trigger the City's ability to reclaim title on the property or exercise other remedies as will be provided in the Purchase and Sale Agreement or Option Agreement, as the case may be.
4. The Proposal must indicate how the Proposer will address the project development goals established for the Property.
5. The Proposer must commit to providing a quarterly report of progress being made, key timeline dates, and estimated completion of the project.

SECTION 3

INFORMATION REQUIRED FROM ALL PROPOSERS

Format

Proposals should be submitted using the following format:

- Section 1: Proposal Letter (format attached – **Exhibit A**)
- Section 2: Project Description: This section should provide a narrative summary description of the proposed project. Proposed uses, number and type of residential units, square footage of commercial offered, parking provisions, circulation, concept and building design objectives shall be addressed.
- Section 3: Target Population: This section should describe the targeted residents of the units as well as estimated numbers, kinds of tenants for the commercial elements of the building, and anticipated rental rates.
- Section 4: Plans: This section should provide a schematic plan including site plan data and schematic floor plans for each level, plus elevations. Plans shall be no larger than 11 inches x 17 inches in size.
- Section 5: Project Schedule: This section should include a project completion schedule including start and completion dates and other key dates as identified for action. Proposal must include the time period by which this project will be initiated and completed.
- Section 6: Construction Team: This section should identify the professionals who will provide the following components of the project: design team, construction oversight, and construction. Include the name of executive and professional personnel by skill and qualification that will be employed in the work. Identify where these personnel will be physically located during the time they are engaged in the work. Indicate which of these individuals you consider key to the successful completion of the project. Identify individuals who will do the work on this project by name and title, and what percentage of the work you expect these individuals to perform. Resumes or qualifications of proposed project personnel must be submitted as an appendix. Provide an estimate of the number of total jobs to be created and the average wage rate associated with said construction and permanent positions.
- Section 7: Overview of the Organization and its services – This section should give a summary of the Proposer's history, including years in business, locations, size, growth, services and financial ability. Include information regarding any pending or recent lawsuits against the organization, its officers or employees. If the proposal is submitted by a lead organization on behalf of several partners, provide similar information for each partner.

- Section 8: Professional Qualifications: This section should include the full name and address of your organization and, if applicable, the branch office or other subordinate element that will perform, or assist in performing, the work hereunder. Indicate whether it operates as an individual, partnership, limited liability company or corporation. This information shall be provided for all organizations participating in the development of the Property. If the Proposal is submitted by a lead organization on behalf of several partners/members, list all key partners/members and their respective roles in the proposal. Identify the technical expertise, which make the organization(s) qualified for this work.
- Section 9: Prior Experience with Urban Infill Projects: This section should provide a description of other infill downtown projects completed, including those with mixed-use and residential components. Include names, title and phone numbers of contact persons from units of government where these projects are located. Include supporting documents to demonstrate capacity.
- Section 10: Financial Capacity: This section should provide a description of the financial capacity of the Proposer, including appropriate documentation and banking references. If available, provide 3 years of audited or certified financial statements.
- Section 11: Project Financing: This section should include a development budget and a ten-year pro forma (operating budget) analysis and other financial information for the project. Include the anticipated time schedule to assemble needed financial commitments, types of financing expected and letters of interest from banks or other sources. Financial partnerships (e.g., public/private; nonprofit/profit) must be identified.
- Section 12: Acquisition Price Proposal (must be separately submitted in sealed and marked envelope): This section should include the amount offered for purchase of the Property, in whole or in part; and, any purchase contingencies proposed. Any financial contingencies must also be identified.

Proposals shall not exceed twenty (20) double-sided pages in length, including maps and plans. Each section of the Proposal must be clearly identified with the appropriate headings. Up to ten (10) additional pages of financial information and/or personnel resumes may be attached as appendices. To be considered responsive to this RFP, a prospective Proposer must provide all of the information requested. The specifications within the RFP represent the minimum performance necessary for a response.

References

Each Proposer shall submit a list of at least four (4) references for recent projects. At least one reference from a governmental or other public corporation is recommended, but not required. Each reference must include a point of contact (POC), an email address, and a telephone number where the POC can be contacted. The reference list shall also include the dates when these projects were constructed and any special provisions or participation by the governmental or other public corporation, whether as a direct contribution or as indirect support.

Each Proposer shall also submit at least two (2) financial references from banks or other financial institutions attesting to the Proposer's financial capacity and the ability to finance a project as proposed.

SECTION 4

ADDITIONAL ADMINISTRATIVE DETAILS

General Administrative Matters

1. The final Award of the right to enter into one or more Purchase and Sale Agreements or Option Agreements contemplated under this RFP is contingent upon approval by the Mayor and City Council.

Terms and Conditions

1. All submittals and supporting materials (exclusive of trade secrets), as well as correspondence relating to this RFP, will become the property of the City when received. Subject to the Open Government Laws provisions above, any proprietary or trade secret information contained in the submittal should be so indicated. However, a general indication that the entire contents, or a major portion, of the proposal is proprietary or trade secret protected will not be honored.
2. All applicable State of Georgia and Federal Laws, City and County ordinances, licenses and regulations of all agencies having jurisdiction shall apply to the Proposers and their redevelopment activities and are expressly incorporated herein. The definitive agreement with the selected Proposer or Proposers, and all questions concerning the execution, validity or invalidity, capability of the parties, and the performance of the definitive Agreement, shall be interpreted in all respects in accordance with the laws of the State of Georgia.
3. Appropriate professionals for any professional services, licensed in the State of Georgia, shall be responsible for those portions of the work as may be required by law.
4. No submittal shall be considered, if received from, and no contract will be awarded to, any person, firm, or corporation that is in arrears to the City, upon debt or contract that is a defaulter, as surety or otherwise, upon any obligation to the City that is deemed irresponsible or unreliable by the City. Each Proposer shall be required to submit satisfactory evidence that they have the necessary financial resources to purchase and redevelopment the Land, or portion thereof, which is awarded by the City.
6. Proposer Joint Ventures may be formally created at any time prior to contract execution.
7. The City Policy on Communications and Contact. Proposers are required to conduct the preparation of Proposals and participation in the interview and negotiation process, if selected, with professional integrity and without lobbying activities. Proposers and their respective agents and consultants are not permitted to contact or communicate with, directly or indirectly, the Mayor or any member of the City Council regarding the subject matter of this RFP after the issuance date of this RFP, except as specifically permitted herein or approved in advance by the City. Any confirmed allegation that a Proposer or Proposer team member or an agent or consultant of the foregoing has made such contact or attempted to influence the evaluation, ranking, and/or selection of Proposers is cause for the City to disqualify the Proposer and its team members from further consideration of such Proposer/Proposer team.

EXHIBIT A – LEGAL DESCRIPTION

ALL that tract or parcel of land lying and being in the City of Cartersville, In Land Lot 483 of the 4th District, 3rd Section, Bartow County, Georgia and more particularly described as follows:

BEGINNING at an iron pin at the intersection of the bank of sidewalks at the southeast corner of the intersection of West Main Street (old 65' right-of-way) and South Bartow Street (old 40' right-of-way):

THENCE North 69 degrees 56 minutes 45 seconds East for a distance of 10.00 feet along the back of the Main Street sidewalk to THE TRUE POINT OF BEGINNING;

THENCE North 69 degrees 56 minutes 45 seconds East for a distance of 186.25 feet along the bank of Main Street sidewalk to an iron pin;

THENCE South 19 degrees 01 minutes 45 seconds East for a distance of 296.3 feet to a 21/2 steel fence post;

THENCE South 20 degrees 19 minutes 00 seconds East for a distance of 162.24 feet to an iron pin on the north right-of-way of Leake Street;

THENCE South 71 degrees 08 minutes 00 seconds West for a distance of 89.29 feet along the north right-of-way (back of sidewalk) of Leake Street to an iron pin;

THENCE North 19 degrees 47 minutes 00 seconds West a distance of 156.97 feet to an iron pin;

THENCE South 67 degrees 26 minutes 00 seconds West for a distance of 104.35 feet to an iron pin at the back of the sidewalk on the east side of South Bartow Street;

THENCE North 19 degrees 51 minutes 00 seconds West for a distance of 300.25 feet along the bank of the sidewalk on Bartow Street to a point;

THENCE North 69 degrees 59 minutes 45 seconds East for a distance of 10.00 feet to a point;

THENCE North 19 degrees 51 minutes 00 seconds West for a distance of 4.00 feet to the TRUE POINT OF BEGINNING.

Said property containing 1.661 acres.

EXHIBIT B - PROPOSAL LETTER

(PROVIDE ON PROPOSER LETTERHEAD)

City of Cartersville

Xxxxxx

Ladies and Gentlemen:

The undersigned declares that this Proposal is made in good faith, without fraud or collusion with any person or persons submitting a proposal on the same transaction; that the undersigned has carefully read and examined the "Request for Proposal" documents, including the Reference Information Documents, and the Information and Instructions, Scope of Project, Information Required, all Addenda (if any), and understands them. The undersigned declares that it is fully informed as to the nature of and the conditions relating to the terms of sale of the Property. Further, the undersigned declares that it has extensive experience in successfully implementing the development and/or redevelopment activities required under the specifications of this Request for Proposal.

The undersigned acknowledges that it has not received or relied upon any representations or warranties of any nature whatsoever from the City, or their respective agents or employees, and that this Proposal is based solely upon the undersigned's own independent investigation, due diligence and business judgment.

If the City accepts this Proposal and the undersigned fails to enter into a definitive contract, furnish the required earnest money deposit or option payment, or provide any requisite insurance documentation at the time of execution of the contemplated Purchase and Sale Agreement or Option Agreement, then the undersigned shall be considered to have abandoned the Award. In submitting this Proposal, it is understood that the right is reserved by the City to accept any Proposal, to reject any or all Proposals, to waive irregularities and/or informalities in any Proposal, and to make the Award in any manner the City believes to be in its best interest.

COMPANY NAME*: _____

STREET/P. O. BOX: _____

CITY, STATE, AND ZIP CODE: _____

DATE: _____ TELEPHONE: _____

FAX: _____

AUTHORIZED SIGNATURE: _____

PRINTED NAME OF SIGNER: _____

TITLE OF SIGNER: _____

* NOTE: If the PROPOSER is a corporation, the legal name of the corporation shall be set forth above together with the signature of authorized officer or agents. If PROPOSER is a partnership, the true name of the firm shall be set forth with the signature of the partners authorized to sign contracts on behalf of the partnership. If PROPOSER is an individual, his signature shall be placed above.