



City of Tulare

REQUEST FOR PROPOSALS FOR DEVELOPMENT OF CITY-OWNED PROPERTY

The City of Tulare, (the “City”) is seeking proposals from interested parties for the purchase and development of the City-owned property identified as Tulare County Assessor’s Parcel No. 174-040-005 (the “Site”). The Site is commonly described as a portion of 2600 W. Paige Avenue, Tulare, California 93274, comprised of approximately sixty acres (60 acres).

A Final Certified Environmental Impact Report (the “EIR”) dated August, 2008 exists relative to the Site for the development of a 195,000sf beef harvesting and processing plant, a 220,000sf cold storage and freezer plant, and an 8-acre cogeneration plant that will convert animal biogas into heat and electrical energy. Cost of the EIR is anticipated to be included in the purchase price to be paid by Developer. The extent of the project conforming to the certified EIR will be the basis for the amount of recovery of the respective EIR costs.

The Site is fully entitled by the City and carries a current “M-2 Industrial” zone designation. The nature of the proposed development(s) submitted by responding parties will determine whether subsequent or supplemental environmental review will be necessary.

Enclosed is a summary of the development opportunity, inclusive of the developer selection process.

Development Summary

- Development Project: The City of Tulare, (the “City”) is seeking proposals from interested parties for the purchase and development of the City-owned property identified as Tulare County Assessor’s Parcel No. 174-040-005 (the “Site”). The Site is commonly described as a portion of 2600 W. Paige Avenue, Tulare, California 93274, comprised of fifty-nine and seventy-six one hundredth net acres (59.76 net acres).
- Land Use: Current General Plan designation: Industrial
Current Zone designation: M-2
- Selection Process:
1. Proposal Submittal
 2. Evaluation of Proposals by City Staff
 3. Staff Recommendation to City Council
 4. Developer Selection
 5. Approval of Exclusive Right to Negotiate Agreement (ERN)
 6. Approval of Disposition and Development Agreement (DDA)
- Question Cut-off Date: Questions regarding the RFP will be accepted until 4:00pm on July 22nd, 2011 by e-mail and phone.
- Proposals Due: Received **by 4:30 p.m. (PST) on July 29th, 2011** at City Hall, located at 411 East Kern Avenue, City of Tulare, CA, 93274
- City Contact: Bob Nance, Redevelopment & Economic Development Manager
Telephone: (559) 684-4233
bnance@ci.tulare.ca.us

Project Readiness

Interested parties must demonstrate the experience, financial capacity and readiness of the Developer and Developer Team to complete the proposed development(s). A realistic schedule for securing sources of funding should also be considered and demonstrated in the proposal.

Selection Process & Timeline

The City Council of the City of Tulare is the sole and final decision-maker regarding developer selection. The City reserves the right to reject any and all proposals. Written proposals will be reviewed and evaluated based on the evaluation criteria outlined in the following section. At its discretion, the City may request additional information, conduct interviews, contact references,

investigate previous projects, and take any other information into account in its evaluation of Developer responses.

During the final phase of the review process, a Developer or Developer Team may be selected by the City for exclusive negotiations under an Exclusive Right to Negotiate Agreement (ERN), leading to a Development and Disposition Agreement (DDA) with the City. Under the ERN, the selected Developer or Developer Team will be required to prepare more refined conceptual plans as part of seeking City approval of a DDA. **Prospective Developers are strongly encouraged to carefully review the draft ERN, since timely and full compliance with each of the terms and conditions is a precondition for being invited to enter into a Development and Disposition Agreement with the City.**

RFP Issued: June 17th, 2011

Responses Received by City: **July 29th, 2011 No Later than 4:30 p.m. (PST)**

Proposal Review Period: 30 days

Developer Selection City Council: TBD

Exclusive Right to Negotiate Agreement TBD
Approval by City:

ERN Period: 180 days

DDA Period: TBD

Proposal Evaluation Criteria

In the selection process, emphasis will be placed on the nature of the intended development, ability to secure sources of financing, and the Developer's directly relevant qualifications and financial capacity. Submittals will be evaluated based upon the following criteria:

- The development concept for the Site.
- Experience of the Developer and the Developer Team in the successful construction of similar projects.
- Demonstrated ability to finance development projects.
- Developer's overall acceptance of terms, completeness of submissions and compliance with the submission requirements of the RFP.
- Ability of the Developer to implement high quality development projects within budget and with timely project delivery, including a limitation on claims or delays that may affect project timeliness.
- Other factors as appropriate.

Submittal Requirements

Each responding Developer must submit two (2) signed original proposals and one (1) electronic copy of the set of information requested below. Submittals shall adhere to the requirements herein, be concise, to the point, and at least 12 point typeface. Submit two proposals on paper with at least 50% recycled content and binding that is easily removed (i.e. clips, staples, 3-ring binders; no adhesives or plastic binding strips/spirals).

1. Development Entity and Experience

- a. Describe the development entity and identify the members, with names, addresses, and phone numbers of key representatives. Provide relevant qualifications and project specific experience of the principals of the Developer(s). Identify the person or persons with the authority to represent and make legally binding commitments on behalf of the development entity. Identify the contractual relationship among the any multiple developers, if applicable.
- b. Identify the known Team members (e.g. environmental consultants, architects, engineers, and legal representatives, real estate brokers/marketing representatives, retail consultants, and contractor).
- c. Describe the Developer's relevant project experience, with a particular focus on projects similar to that which is desired. Provide examples that demonstrate successful projects, including the address, completion date, total budget, and sources of financing.

2. Project Proposal and Business Terms

- a. Provide a project description including a thorough narrative of the development concept with a description of the Developer's approach to urban design and architecture that will meet the goals of this RFP.
- b. Provide a schedule for the proposed project that addresses all phases of the project including acquisition, entitlements, design, construction, marketing, and tenant selection(s).
- c. Provide a preliminary site plan, including the number of buildings, height (stories), total number of units and parking spaces. (Note: Once the Developer and the City have executed an ERN, the City will require that these plans be refined and evolved to meet the requirements for submission to the City's Planning Commission.)
- d. Provide a table summarizing the types and sizes of the building units, affordability (if applicable), and number of parking spaces, if applicable.
- e. Provide a complete proforma, including a summary of sources and uses, and additional sources of subsidy that will be pursued for the project.

Proposals must be received by **JULY 29, 2011 at 4:30 p.m.** (PST) to:

City Clerk
City of Tulare
Attn: Paige Avenue Industrial Proposed Project
411 E. Kern Avenue
Tulare, CA 93274

Waiver

Each respondent to this RFP agrees that the preparation of all materials for submittal to the City and all presentations are at the respondent's sole cost and expense, and neither the Agency nor the City of Tulare shall, under any circumstances, be responsible for any costs or expenses incurred by a respondent. In addition, each respondent agrees that all documentation and materials submitted with a proposal shall remain the property of the City. Submittals will be public records subject to disclosure under the Public Records Act.

Summary of the Development Process

RFP Stage. This Request for Proposals represents the initial step in the development of the Site. Responses to this RFP should demonstrate the Developer's 1) understanding of City's goals; and 2) specific expertise and financial capability to undertake the proposed development.

ERN Stage. Once the City selects a Developer and directs the City to negotiate, an Exclusive Right to Negotiate Agreement (ERN) will be negotiated. A sample ERN specific to this site containing key requirements, is attached to this RFP as **Exhibit A – Sample Exclusive Right to Negotiate Agreement**. The ERN is not transferable and not assignable without the prior written approval of the City. The term of the ERN will be six (6) months from the date of approval by the City. The ERN may be extended by the City at its discretion. Once the City approves an ERN, the City will not accept competing proposals for the project site unless the Developer's ERN has concluded. Prospective Developers are strongly encouraged to review carefully each of the terms and conditions of the draft ERN, since timely and full compliance with them is a precondition for being invited to enter into a Development and Disposition Agreement with the City.

During the term of the ERN the Development Team will be required to comply with the following:

1. Within thirty (30) days after approval of the ERN, the Developer Team will be required to submit executed agreements for any of the identified service components of the proposed Developer Team (i.e. architect, consultant, etc.).
2. Within ninety (90) days after approval of the ERN the Developer Team will be required to prepare a development proposal for consideration by the City. The development proposal shall include the following items:
 - a. Preliminary Design Concept
 - b. Preliminary Building Program

- c. Estimated Development Costs
- d. Development and Operating Proforma
- e. Preliminary Design Plans
- f. Preliminary Financing Plan

Leading up to submission of plans to the City for building permits, the selected Developer will be responsible for obtaining all required reviews of the project by the City. The City will assist the selected Developer in its coordination with all City departments and applicable City commissions. This RFP and the selection process shall in no way be deemed to create a binding contract or agreement of any kind between the City and any respondent.

DDA Stage. Once the ERN has been negotiated and approved by the City, a Disposition and Development Agreement (DDA) will be negotiated between the parties and presented to the City for approval. All legal rights and obligations between the selected Developer(s), if any, and the City will come into existence only when a DDA is fully executed by the parties and then approved by the City Council. The legal rights and obligations of each party shall be only those rights and obligations which are set forth in the DDA and any other documents specifically referred to in that DDA and executed by the parties.

Construction Stage. Once all the DDA conditions precedent to property transfer have been met, the City will transfer the site to the Developer, and construction will begin within a short time thereafter, as mutually agreed upon by the City and the Developer.

PROJECT SITE

