REQUEST FOR PROPOSALS

CENTRAL BUSINESS DISTRICT REDEVELOPMENT PROJECT – Block 419 Lots 1, 2, 3,6.01, 6.02, 7, 8, 9 & 10

Borough of Emerson
Bergen County, New Jersey

Prepared by:
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ISSUE DATE: Friday, January 8, 2016

DUE DATE: Tuesday, February 23, 2016 – 4 p.m. Prevailing Time

Issued by:
Borough of Emerson
1 Municipal Place
Emerson, New Jersey 07630

Honorable Louis J. Lamatina, Mayor

Honorable Chris Knoller, Council President

Honorable Danielle DiPaola, Councilwoman

Honorable Brian Downing, Councilman

Honorable John Lazar, Councilman

Honorable Vincent Tripodi, Councilman & Land Use Liaison

Honorable Richard Worthington, Councilman

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SECTION ONE: INTRODUCTION AND GENERAL INFORMATION

1.1 Project Description

1.1.1 Executive Summary

The Emerson Borough Council initiated the redevelopment process for the Borough's Kinderkamack Road business corridor (also known as the Central Business District) in 2004. The Borough Council passed a Resolution on September 7, 2004 declaring the Central Business District as an "Area in Need of Redevelopment" pursuant to the New Jersey Local Redevelopment and Housing Law. The Council then authorized the preparation of the Borough of Emerson Redevelopment Plan. The attached Borough of Emerson Redevelopment Plan (Plan) was then prepared, adopted by the Planning Board on March 31, 2006, and adopted by the Borough Council on July 11, 2006. In August of 2008 the Borough Planner prepared a supplement to the redevelopment designation study. In this study the area was updated to address recent judicial decisions and increased in scope to include approximately thirty four (34) acres and eighty four (84) tax lots. This revised redevelopment plan was recommended by the Municipal Land Use Board and adopted by the Governing Body on May 4, 2010.

The area applicable to this RFP includes nine tax lots and approximately 1.9 acres of land, excluding rights-of-way. The area's boundary generally encompasses lots fronting Kinderkamack Road between Locust Avenue to the north and Linwood Avenue to the south, as well as the first property on Linwood Avenue east of the railroad tracks. The subject parcels are identified as Block 419, Lots 1, 2, 3, 6.01, 6.02, 7, 8, 9, and 10 and are zoned CBD-E within the Redevelopment Plan.

As part of the application, any proposed redeveloper will be required to establish a plan to address the existing businesses for the purpose of limiting any disturbance to their ongoing business.

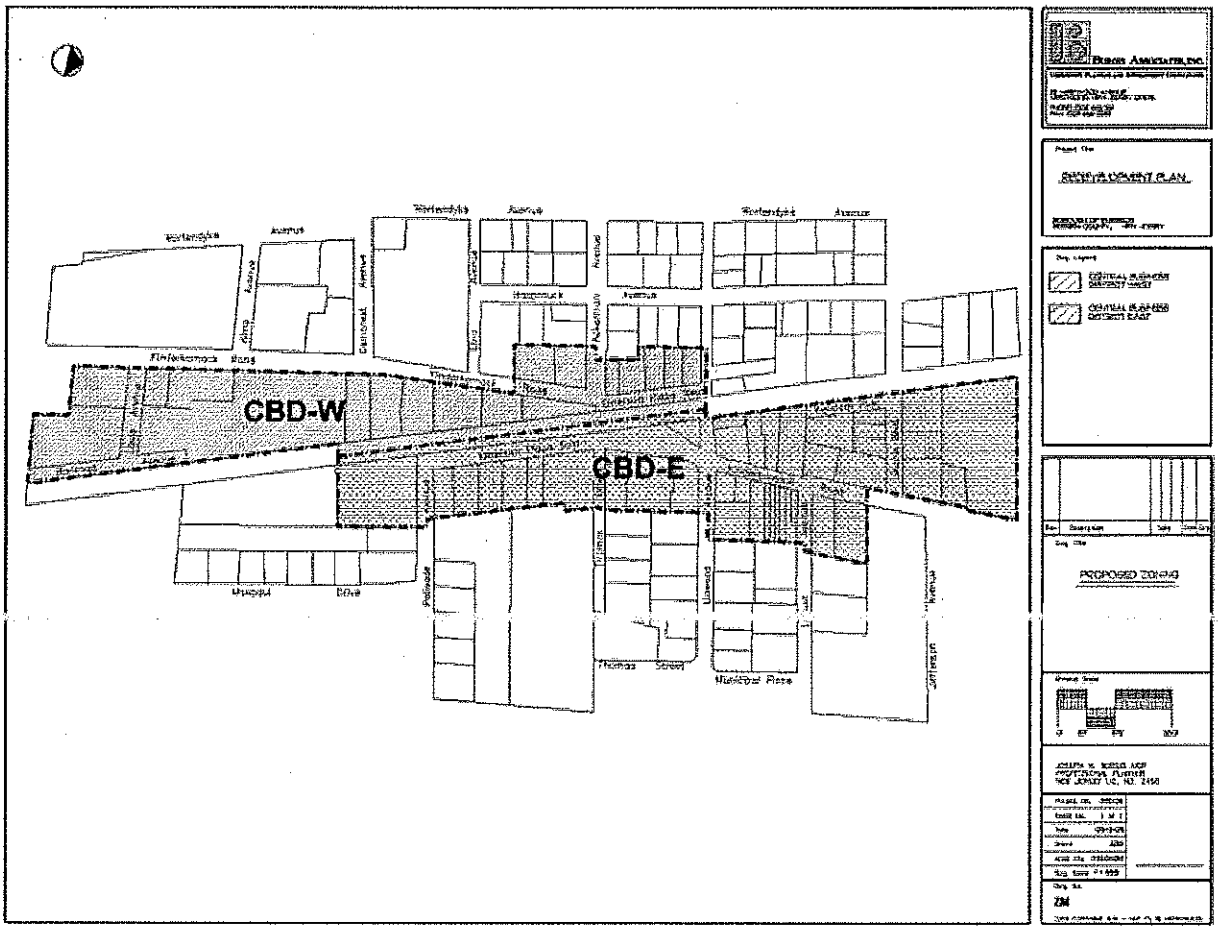
The Borough of Emerson Redevelopment Plan is designed to revitalize the commercial core of the community by enhancing the local shopping experience, improve vehicular and pedestrian circulation, increase parking, and improve the aesthetic character of the area. The Borough is interested in redevelopment of the Central Business District in a way that promotes a pedestrian-friendly mix of local retail establishments and residential units above these stores. It is the intention of this RFP to actively pursue a Redeveloper Agreement that will set forth a practical redevelopment strategy consistent with the intent of the Borough of Emerson Redevelopment Plan.

The Plan calls for the Redevelopment Area to be developed within the context of a coordinated planned development approach, utilizing complementary design components that are set forth in the Plan. The Plan seeks to encourage redevelopment to occur through a more comprehensive approach through the designation of a redeveloper or redevelopers.

Respondents are encouraged to submit a proposal for redevelopment for the portion of the redevelopment area that has been identified by block and lots above. The Borough also recognizes that, in order to facilitate the redevelopment of the area, the use of the Borough's powers of eminent domain, as provided for in the New Jersey Local Redevelopment and Housing Law, may be necessary, and shall be utilized if determined necessary but only as a last resort.

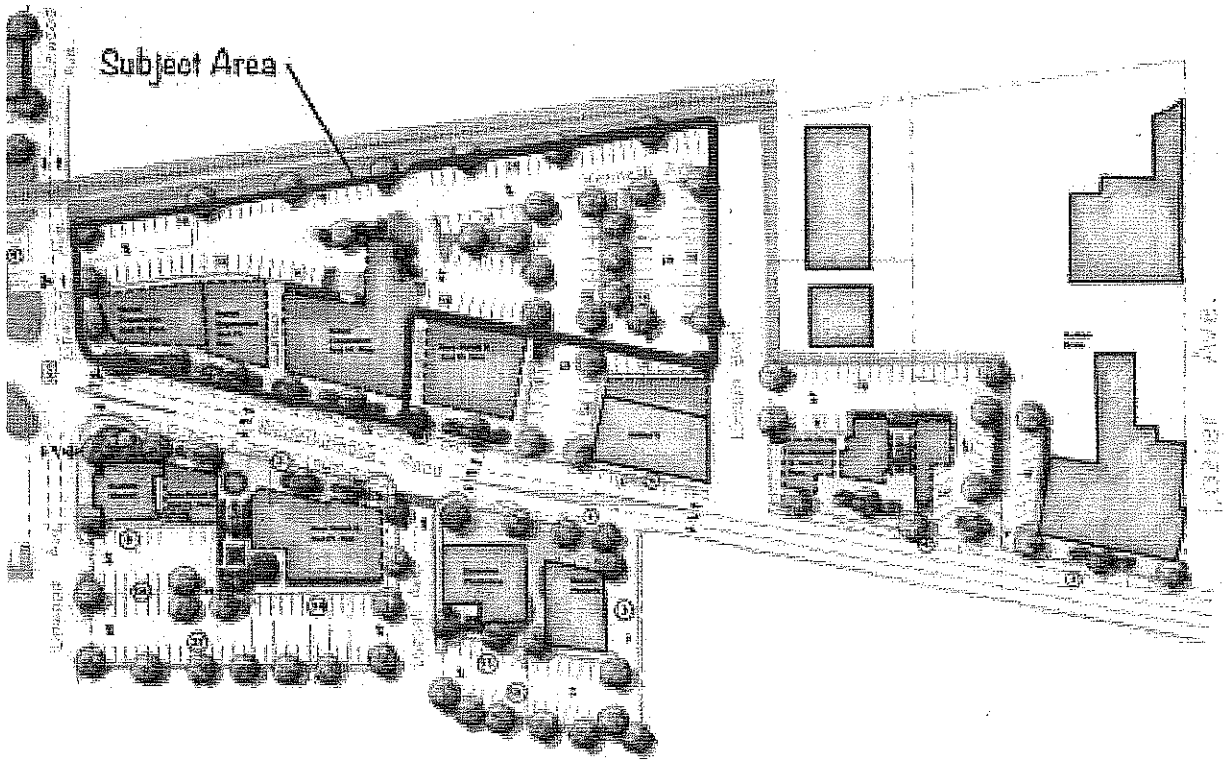
It should be noted that the Redeveloper will be responsible for the replacement of a storm water line running through the development area and will make a to be determined contribution to the Kinderkamack Road improvement project.

Exhibit 1

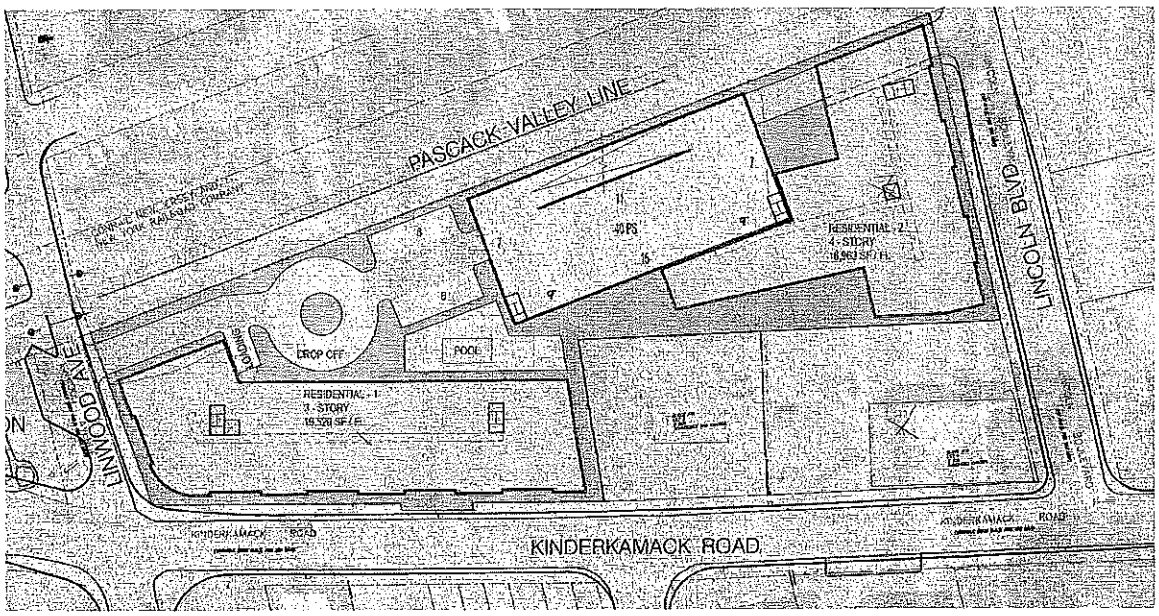


***It should be noted that subsequent to the redevelopment plan, CBD-E has been renamed CBD-10 and CBD-W has been renamed CBD-15. The new zones CBD-10 and CBD-15 still maintain all the area and bulk regulations and well as permitted uses as identified in the redevelopment plan.

The plan on the following page details the study area and the approved concept plan for the Central Business District.



These current regulations may be modified to facilitate a comprehensive design that takes into account current economic conditions. Some of the contemplated revisions include increasing the building height permitted, and allowing for shared parking and a parking structure. The following concept plan details some of the design and planning ideas that may be considered for amendments to the redevelopment plan.



1.1.2 Redevelopment Plan Details. The contemplated redevelopment plan should consider approximately 120,000 square feet of residential floor area, 19,000 square feet of retail floor area, and a minimum of 55 parking spaces shall be dedicated for commuters.

1.1.3 Redevelopment Goals and Objectives

The Borough of Emerson Redevelopment Plan sets forth particular goals and objectives. The Respondent to this RFP should ensure that the development plan set forth in a formal Response is consistent with, and wholly promotes, the goals and objectives articulated in the Redevelopment Plan:

A. Encourage new developments that utilize architectural and other site design elements that will establish a distinctive neo-traditional developed character to replace the district's current strip commercial sprawl imagery.

B. Encourage mixed-use developments and reduced setback lines to foster a continuous frontage of buildings and unify the streetscape.

C. Support developments that are pedestrian-scaled and reinforce retail activity in the district.

D. Enhance the physical appearance of the Business District through comprehensive and integrated streetscape improvements, building renovations, and related physical improvements.

1.1.4 Redevelopment Affordable Housing Requirements. As a result of Mount Laurel litigation entitled " Community Developers & Management, LLC v Borough of Emerson et al. the AHO Affordable Housing Overlay Zone was created. The Respondent should be familiar with the requirements of this zone.

1.2 Financing & Other Public Incentives

1.2.1 General

The Borough reserves the right to determine whether certain financial incentives, including tax and/or financing incentives, should be offered to the successful Respondent(s). If invited to enter into future discussions, the Respondent(s) will be required to detail the structure of their financing proposal identifying any private and/or public financing sources.

Project Participants

Emerson Borough Council - Honorable Vincent Tripodi, Council Liaison

Mayor: Honorable Louis J. Lamatina, (201) 262-6086 Extension 201

Borough Planner: Brigette Bogart, P.P., AICP, Brigette Bogart Planning & Design Professionals, LLC.: (201) 485-3365

Borough Administrator: Robert S. Hoffmann (201) 262-5077

Borough Attorney: Wendy Rubinstein, Esq. (201) 907-5282

Borough Address: Emerson Borough Hall
1 Municipal Place
Emerson, New Jersey 07630

1.3 RFP Documents

Each Respondent should inspect its copy of the RFP to ensure that a complete set of the documents, (including any Appendices) are included. All required items set forth in Section 3 of this RFP shall be submitted. If a Respondent discovers that its copy of the RFP is incomplete, they should immediately contact Robert S. Hoffmann, the Emerson Borough Administrator, at the above address. The Borough will make appropriate and reasonable arrangements with the Respondent to provide any missing items. A Respondent must prepare its Response using a complete RFP, including any addenda issued by the Borough prior to the date established for submission of the RFP. Neither the Borough, nor its agents or employees shall be responsible for errors, omissions, incomplete submissions or misinterpretations resulting from the Respondent's use of an incomplete RFP in preparing or submitting its Response.

The RFP has been made available only for the purpose of soliciting Responses related to the development of the Project as generally described in this RFP. No license or grant is conferred or implied to the Respondent or to any other person for any purpose.

SECTION TWO: PROJECT AREA DESCRIPTION

2.1 Redevelopment Plan Area Background

The 59 tax lots comprising the central business district redevelopment area are located primarily along the Kinderkamack Road business corridor. The area contains a variety of uses. The area is developed primarily with a variety of commercial uses including personal services, retail stores, eating and drinking establishments, as well as other approved uses. Over of one-third of the area is developed commercially. Automotive and office uses comprise the bulk of the remaining land in the area. A small portion of the area is used for detached residential, apartment, industrial, and public uses.

The nine (9) lots subject to this RFP are in the Phase 1 and Phase 2 portions of the Redevelopment Plan. Zoned as CBD-10 (CBD-E in the Redevelopment plan), a variety of uses are permitted, including but not limited to: retail stores, personal service businesses, eating and drinking establishments, offices, and multi-family residential dwellings above at-grade retail.

It should also be noted that the 2003 Central Business District (CBD) Plan, prepared pursuant to the reexamination report's recommendations, notes a number of concerns relating to the character of the CBD and its need for enhancement. Specifically, the plan notes that the CBD is lacking an appropriate number of parking spaces serving the business district, a linkage between existing development in the area, an integrated design, architectural uniformity, and landscape and pedestrian amenities. The need for circulation improvements was also highlighted, as was the need to enhance the character of a number of sites in the district. In response, the plan provided a comprehensive, integrated design for an upgraded and enhanced CBD.

The Borough of Emerson Redevelopment Plan, incorporating the recommendations of the Borough's CBD Plan, seeks to enable the coordinated redevelopment of the Kinderkamack Road corridor through the physical redevelopment of existing structures, the area's redevelopment with a variety of retail and service commercial uses and residential uses, the redesign of the existing circulation and parking designs, and the provision of new streetscape elements.

2.1.1 Land Uses

The Borough of Emerson Redevelopment Plan (see Appendix A) sets forth two alternative redevelopment strategies recommended for the Central Business District redevelopment area.

2.1.2 Buildings & Improvements - Conditions And Arrangement

The Respondent to this RFP should become thoroughly familiar with property conditions throughout the CBD area, and should be prepared to provide a formal Response that sets forth a comprehensive strategy for redevelopment, with the Borough of Emerson Redevelopment Plan functioning as the project's touchstone. The area of the CBD that is the subject of a Response shall be referred to as the "Project Area."

2.13. Sections of Development Plan.

The Redevelopment Area has been divided into two zones and three phases. Only the nine (9) parcels previously identified are considered part of this proposal, though integration with the overall plan is encouraged.

The Borough also recognizes that, in order to facilitate the redevelopment of the area that the use of the borough's powers of eminent domain, as provided for in the New Jersey Local Redevelopment and Housing Law, may be necessary, and shall be utilized if determined necessary.

SECTION THREE: INSTRUCTIONS FOR PREPARATION AND SUBMISSION OF RESPONSES

3.1 Submission of Responses: Time and Place

Responses shall be submitted to the Borough by or **before 4:00 PM on February 23, 2016** and shall include a $200 (two hundred dollars) non-refundable application fee. Responses shall be enclosed in an opaque, sealed envelope, marked with the name and address of the Respondent, directed to:

Robert S. Hoffmann
Borough Administrator
Emerson Borough Hall
1 Municipal Place
Emerson, New Jersey 07630

One (1) original and eleven (11) copies of the Response shall be submitted and received **BY HAND DELIVERY, CERTIFIED MAIL/RETURN RECEIPT REQUESTED OR OVERNIGHT COURIER** on or prior to the above-referenced time. One of the copies shall be unbound.

All Responses submitted will remain unopened until the time and date established for the Response opening. Any Response or portions thereof that are submitted and received after the specified deadline will be marked "received late" and will be returned unopened to the firm submitting same.

The delivery of the Response to the Borough on the above date and prior to the time specified herein is solely and strictly the responsibility of the Respondent. The Borough shall not under any circumstances be responsible for the loss of, delay or non-delivery of any Response sent or delivered, by mail or otherwise, prior to the Response opening.

3.2 Questions/Clarifications Request

Questions pertaining to the RFP should be directed in writing and received no later than **Friday, February 12, 2016** to:

Brigette Bogart, PP, AICP
Brigette Bogart Planning & Design Professionals
201-485-3365
bbogart@bogartplanning.com

During the period provided for the preparation of Responses, the Borough may issue addenda or amendments to the RFP. These addenda will be numbered consecutively and will be distributed to each of the firms that have requested, in writing, to receive a copy of the RFP. Each Respondent is required to acknowledge receipt of all addenda at the time of submission of the Response by submitting an executed acknowledgement. All Responses to the RFP shall be prepared with full consideration of the addenda issued prior to the Response submittal date.

3.3 Cost of Preparation

Each Response and all required information pursuant to the RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the Borough, its staff, or its consultants for reimbursement for the payment of costs or expenses incurred in the preparation of the Response or other information related in any way to the RFP.

3.4 Project Familiarity

It is the responsibility of each Respondent before submitting a Response to (a) examine the RFP thoroughly, (b) become familiar with and consider all federal, state, and local laws, regulations, ordinances, permits, approvals and orders that may affect the cost, performance or furnishing of the proposed Project, and (c) inspect the Project Area and any surrounding premises, at it deems necessary and fully inform itself to any material or relevant factors, including ecological, environmental, topographic, subsurface, geological, ground water or other legal, economic, sociological, or regulatory facts or circumstances relative to the Project Area and its proposal; and (d) notify the Borough of all conflicts, errors or discrepancies in the RFP, or any other factors it deems material to its proposal or to the development of the Project Area.

Before submitting a Response, each Respondent, at their own expense, shall make or request or obtain any additional inspections, examinations, or studies and obtain any additional data and information that may affect its cost, progress, performance or furnishing of the services that the Respondent deems necessary to compile its Response. The failure or omission of the Respondent to receive and examine any form, instrument or document, or to make required inquiries, shall not relieve the Respondent from any obligations and responsibilities relating to the development of the Project Area.

The submission of a Response will constitute a conclusive and binding representation by a Respondent that such Respondent has agreed to, and complied with, every requirement of the RFP. As part of a Respondent's response to the RFP, a Letter of Intent, fully executed by the Respondent's principals, must be included, in the form of the **Letter of Intent set forth in Appendix B of this RFP.**

3.5 Disclosure of Information

If the Respondent chooses to include material of a proprietary nature in the Response, the Borough will use reasonable efforts to keep such material confidential to the extent permitted by applicable law. The Respondent must specifically identify each page of its Response that contains such information by properly marking the applicable pages. Preferably, any sections that contain material of a proprietary nature shall be severable or removable from the Response to assist the Borough in protecting this information. The Respondent also shall include the following notice in the introduction of the relevant Response:

> *"The data on pages ___ identified by _____ and labeled "Proprietary Information", contain information that is a trade secret and/or which, if disclosed, would cause substantial injury to (Respondent's) competitive position. (Respondent) requests that such data be used only for the evaluation of the Response, and understands that disclosure will be limited only to the extent that the Borough determines it proper or to the extent that the Borough deems disclosure necessary according to law."*

The Borough assumes no liability for any loss, damage, or injury that may result from any disclosure or use of marked data or any disclosure of this or other information.

The Borough reserves the right to place any Responses on public display and/or make Responses available for public review.

3.6 Withdrawal

A Respondent may request withdrawal of its Response prior to the date and time set for the opening of the Responses provided that a written request to withdraw the Response is hand delivered to the Borough, by or on behalf of, an accredited representative of the Respondent, or the request is delivered by certified U.S. Mail. The request to withdraw the Response must be received by the Borough prior to commencement of Response opening. While Borough will seek to honor such withdrawal request, the Borough shall incur no liability for failure to do so.

3.7 Response Acceptance or Rejection

The Borough reserves all rights set forth in Section 4.4 hereof.

3.8 Disposal of Responses

All responses are the property of the Borough and will not be returned. At the conclusion of the selection process, the Borough may dispose of any and all copies of responses received in whatever manner it deems appropriate. However, prior to such disposal, the Borough will use reasonable efforts to **prevent the unauthorized disclosure of proprietary information,** provided it is properly identified in accordance herein. In no event will the Borough assume liability of any loss, damage or injury that may result from any disclosure or use of marked data.

3.9 Submission Requirements

All Responses must be submitted complete with all requested information and are to be in conformance with the instructions set forth herein and as required by subsequent addenda, if and as applicable. **The Response and all related information must be bound and must be signed and acknowledged by the Respondent in accordance with the directions herein.**

The Respondent(s) are referred to the following sections hereof, which summarize the documents and required information pursuant to this RFP.

3.9.1 Completeness

Each of the instructions set forth in Section 3 must be followed in order for a Response to be deemed responsive to the RFP. In all cases, the Borough reserves the right to determine, in its sole discretion, whether any aspect of the Response meets the submission requirements of the RFP. The Borough reserves the right to reject any Response that, in its sole judgment, does not comply with the submission guidelines set forth in this RFP.

3.9.2 Number of Copies

One (1) copy of the response must be clearly marked as the original and must contain the original documents. The remaining eleven (11) copies may be reproductions. Respondents shall number each set of documents sequentially (numbers 1-12, with number 1 being the original) on the upper right hand corner of each cover.

3.9.3 Form

The Respondent shall provide the appropriate information required for each Section in accordance with the following content and format requirements.

- Each volume and all related information shall be bound as a single document. One of the copies shall be unbound. If this is impractical, an Exhibit document accompanying the volume may be submitted.
- The responses shall be concise, clear, factual, and complete with a minimum of extraneous material.
- The response shall be indexed and sectioned and shall be prefaced with a table of contents.
- The response documents shall be typed or printed on 8-1/2" x 11" paper.
- Maps and drawings should be included.

3.9.4 Organization

Responses submitted in response to the RFP shall consist of the following:

Section I:	*Executive Summary, Letter of Intent, Acknowledgment of Addenda (pursuant to Section 3.9.5)*
Section II:	*General Information/Administrative (pursuant to Section 3.9.6 and 3.9.7)*
Section III:	*Financial Qualifications (pursuant to Section 3.9.8)*
Section IV:	*Technical Qualifications (pursuant to Section 3.9.9)*
Section V	*Proposed Development Plan (pursuant to Section 3.9.10)*
Section VI:	*Supplemental Information (pursuant to Section 3.9.11)*

3.9.5 Executive Summary; Letter of Intent; Acknowledgment of Addenda

Section I of the response shall contain the Respondent's Executive Summary, Letter of Intent (See Appendix B of this RFP) and Acknowledgment of Addenda (on the Respondent's official letterhead). The Executive Summary shall include a summary of all key points of the Response including Respondent's Proposed Development Plan.

3.9.6 General Information

Section II of the response shall contain the following information set forth in the following order:

A. The name, address and telephone number of the Respondent's primary business office. If the Respondent's primary business office is located outside of the State, give the address and telephone number of the New Jersey location, if any, which will be responsible for participating in this selection process and the project.

B. Identify the parent company and any subsidiary or affiliated companies of the Respondent, giving the names, addresses and telephone numbers of each company.

C. Key Personnel – Provide resumes of all key personnel, and any other information that would describe the strength and depth of your organization.

D. Optional (if known at this time) – Whether the Respondent intends to joint venture, partner or subcontract with any other company or firm or other entity in the submission of a response. If so, identify such joint venturer, partner or subcontractor and provide for each the same information as required of the Respondent in paragraphs A and B above. Describe in narrative form the proposed contractual relationship and responsibilities, written or otherwise, of each of the firms or companies that will be participating.

E. In connection with the above, provide:

(1) a complete identification of all principals or officers of any entities, firms, arrangements, associates, joint ventures, partnerships, or involvements described above;

(2) complete identification of all principals holding ten percent (10%) or more of net equity and all officers of all firms or entities so named; and

(3) a complete list of all criminal charges and civil environmental complaints, brought against any of those entities, firms or persons that have been involved in any way with Respondent as identified in the foregoing answers and the disposition of all such criminal charges and/or civil environmental complaints, if any.

3.9.7 Administrative Information

A. Project Organization. The Respondent shall submit a Project Organization Plan for this project. The plan should describe, in narrative form and as a chart, the Respondent's proposed organization structure for this project. The chart shall display:

- the firm's involvements, their interrelationships and responsibilities (if known); and
- key management personnel identified by name and firm.

Resumes of key personnel to be assigned to the redevelopment project are to be provided in the Response (if known). This includes the resumes and experience of the people or firm that the Respondent will utilize in implementing the project.

B. Describe briefly any significant pending legal and administrative proceedings (other than ordinary routine litigation incidental to Respondent's business) in which the Respondent, its officers, directors, employees or principals or any of its subsidiaries or parent(s), their officers, directors, employees or principals is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, and the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities. Administrative or judicial proceedings arising under any federal, state, or local laws or ordinances that have been enacted or adopted for purposes of environmental protection shall not be deemed "ordinary routine litigation incidental to the business" and shall be described.

C. Describe briefly any occasion in which Respondent, any officer or principal Respondent with a proprietary interest therein, has ever been disqualified, removed or otherwise prevented from bidding on, participating in, or completing a federal, state, or local governmental project because of a violation of law or a safety regulation.

D. Describe briefly any occasion in which Respondent has been in a position of default in a federal, state or local government project, such that payment proceedings and/or execution on a payment, performance or bid bond have been undertaken.

E. Has the Respondent or any of its officers refused to testify or waive immunity before any state or federal grand jury relating to any public construction project within the last ten years? If so, provide details.

F. If multiple organizations are participating (e.g., subsidiaries, parent companies, joint ventures and/or subcontractors), the information requested in this Section 3.9.7 should be provided regarding each of the respective organizations.

3.9.8 Financial Information

Respondents shall provide the following information in Section III of the Response:

A. A summary of the amount and source of investment capital (debt and equity) anticipated to be available for the successful development of the Project Area.

B. A list of three (3) financial references, including a banking reference, noting the name, addresses and telephone number.

C. Evidence of its ability to secure builder's risk insurance and performance bonding capacity.

D. Provide information that will support the financial stability of Respondent's firm.

E. Disclose any negative information that would be deemed material under generally accepted accounting practices and, in addition thereto, any history of bankruptcy, insolvency, receivership, or similar declaration or status determination with respect to individuals or entities associated with the Respondent or any entity or affiliate therefore or individuals, or entities that are principals of said Respondent.

F. Provide specific information on how Respondent's firm has financed major projects. Indicate the source and amount of debt and equity funds Respondent's firm has arranged in the past.

G. Specifically indicate if Respondent's firm has provided its own equity in its projects and, if so, to what extent.

3.9.9 Technical and Project-Related Information

Section IV of the response shall contain Respondent's technical and related experience. Respondents to the RFP shall demonstrate their ability to undertake the project by providing the technical qualifications of the Respondent, principal subcontractors, and individual team members. The Borough reserves the right to conduct an independent investigation of the Respondent's and its subcontractors' technical qualifications by contacting project references, accessing public information, or contacting independent parties. Additional information may be requested during the evaluation of technical qualifications. At a minimum, the Respondent and its subcontractors shall provide the following information to demonstrate its technical qualifications:

A. Summary of Related Projects. Respondent(s) shall include a description of its prior projects, with particular emphasis on projects that are similar to the proposal for redevelopment of the Project Area. The portfolio may include visual and descriptive information sufficient to judge the quality and use of the project. For each project, Respondent(s) shall provide the following information:

- Description of each project in terms of use, size, cost, location, and other pertinent factors. Specify the scope, cost, time to completion, completion date and sources of funding for all projects.
- Description of Respondent's role and responsibilities during development.
- List of development partners, if any.
- Method of financing, including names of institutions that provided debt and equity. Financial performance of the project, including return on investment, return on equity, and return on gross revenue.
- Project team, including planners, architects, engineers, attorneys and others.
- Respondent's role in managing the facility after completion.

B. Project Operations

- Identify the current ownership and/or property management for each project.
- Provide contact names, addresses and telephone numbers for each of these.
- List any project default in which any of the principals have been a general partner or had a controlling ownership interest during the last 10 years.

C. Current or Pending Projects. Briefly describe any current or pending projects being undertaken by all members of the Respondent's team. Identify the current and future workload of staff members being assigned to this project. Identify the location of any current project, and include a contact name, address, and telephone number for each current client.

D. Project References

Include three (3) references for clients for whom the Respondent has provided similar projects, indicating whether the work was that of the Respondent and/or specific staff who will be assigned to the Project. Identify the client contact name, organization, type of work provided, and the contact's address, telephone number and e-mail (if applicable). Respondent shall indicate whether any of these clients were public entities.

3.9.10 <u>Proposed Development Plan</u>

Section V of the Response shall contain the Respondent's conceptual proposed Development Plan. The proposed Development Plan shall include generalized information on such indices as:

- proposed development uses;
- roadways and sidewalks;
- public transportation;
- parking;
- building design, locations and footprints;
- public spaces.

Data on such elements as buffer details, landscaping and general streetscape, signage; lighting; and other infrastructure may be provided, but is not required as part of this initial submittal.

Proposed Development Plans may include multiple or alternate conceptual scenarios for the proposed development. Where appropriate, the proposed Development Plan may also include schematic architectural drawings.

In conjunction with the preparation of the proposed Development Plan, Respondent(s) shall prepare a written summary of the proposed development program including preliminary information on an estimated cost to develop.

3.9.11 Supplemental Information to be Provided at Respondent's Option

The Respondent may include any other information that it deems relevant or useful for the Borough to consider in evaluating Respondent's response. Respondents may also include any concerns regarding this project or any information or suggestions that the Respondent deems relevant to the Borough, such as but not necessarily limited to desired flexibility regarding the regulations and standards contained in the Redevelopment Plan in order to effectuate proposed redevelopment.

SECTION FOUR: RESPONSE EVALUATION AND SELECTION

4.1 Evaluation Criteria

The Borough will identify Qualified Respondents giving due regard to past experience, the proposed Development Plan, as well as financial strength and other qualifications and experience which, in the sole discretion of the Borough, are relevant. Only those Respondents that are deemed qualified by the Borough will be considered. Notwithstanding anything else stated herein, the Borough reserves the right to select or reject a Respondent on any basis it deems appropriate, or to waive any item or requirement set forth in this RFP.

Subject to Section 3.9.1 hereof, all responses will first be evaluated to assure that they meet the requirements of the RFP. Responses meeting the requirements set forth herein will be evaluated based upon the following criteria (not ranked in order of importance):

- Understanding of the project's goals, nature and scope;
- Level of creativity, innovativeness and resourcefulness of past projects;
- Firm and staff experience and qualifications with similar projects (redevelopment properties; joint venture or other partnerships; public entities);
- Project references;
- Firm financial strength and available capital;
- Innovativeness of development concept(s) and plan(s);
- Competency and thoroughness evidenced in the proposed Development Plan;
- Demonstrated experience in a leadership role;
- Demonstrated experience in building development projects;
- Demonstrated ability to arrange debt and equity financing for projects;
- Ability to provide superior qualified staff;
- Ability to assemble a team of recognized firms as part of the development team; and,
- Viability of proposed development uses.

Overall, a Qualified Respondent to this RFP must evidence, either directly or as part of an existing or proposed joint venture, partnership or other organization of firms or through the use of subcontractors, the technical ability, financial strength and the willingness to provide the required performance-related guarantees for the services contemplated in this RFP.

4.2 Selection Process

The Borough intends to select one of the Qualified Respondents to undertake negotiation of a redevelopment agreement that will set forth the obligations and responsibilities relating to the development of the Project Area and/or to assist the Borough in its development of the Project Area. Such negotiations will proceed for a reasonable time acceptable to the Borough and shall culminate in the execution of a redevelopment agreement, termination of such negotiations and Borough's selection of another Qualified Respondent for the commencement of negotiations, or Borough's abandonment or revision of the selection process contemplated by this RFP.

Selection of a Qualified Respondent for negotiation of a redevelopment agreement will be based on the totality of the information contained in the Response, including information regarding the reputation and experience of the Respondent and their subcontractors, if any, and any other information independently obtained by or on behalf of the Borough.

4.3 Conditions

By responding to the RFP, the Respondent acknowledges and consents to the following conditions relative to the submission, review and consideration of its Response:

- The issuance of the RFP is not intended to, and shall not be construed to, commit the Borough or any other individual, consultant or entity to any obligation related hereto, including but not limited to the execution of any redevelopment agreement.

- The Borough reserves to itself the exclusive rights set forth in Section 4.4 hereof.

- The issuance of this RFP and the means by which it is conducted is entirely at the discretion of the Borough and is not mandated by any public bidding or other statute or regulation. By submitting a Response to the RFP, the Respondent accepts and consents to the selection process selected and implemented by the Borough, and the Respondent waives any and all claims to same.

- Neither the Borough, its staff, nor any of its consultants will be liable for any claims or damages resulting from the solicitation or collection of Responses, nor will there be any reimbursement to Respondents for the cost of preparing the Responses or for participating in the RFP process.

- All Responses will become the property of the Borough and will not be returned. Respondent also agrees that by "Response," it means all information and materials submitted or to be submitted by Respondent with respect to the RFP, regardless of whether such information is tangible or intangible and including, without limitation, all (i) documentation, pictures, drawings, notes, and revisions, and (ii) intellectual property rights related thereto.

  By submitting the Response to Borough, Respondent permits Borough to use the Proposal as it sees fit, including alteration, combination with other materials (including materials not submitted by Respondent), and public display and distribution. Respondent hereby grants, and represents and covenants that it will in the future, grant to Borough an unlimited, perpetual, royalty-free, transferable, sublicenseable, fully-paid up right to publicly display, distribute, use, build, design, reproduce, and make derivative works from the Proposal.

  The Borough may, at its option, select one or more responses to the RFP, or individual parts thereof, to be used in the redevelopment of the central business district. The Borough may, but is not required to, combine parts of a Response with one or more Response(s) submitted by other persons or entities.

- All activities related to preparing a Response and the execution of a Development Plan shall be subject to compliance with all applicable federal, state and local laws, environmental regulations and/or other applicable requirements.

- Failure of any Respondent to submit a Response that completely addresses the requirements of this RFP (including submittal of part of such Response of all documents required to be submitted under the terms of this RFP), at the times and in the manner specified in this RFP, may result in the rejection of the Response at the sole discretion of the Borough.

- Respondents shall meet with Borough representatives and the general public to discuss a Response upon request of the Borough.

- All documentation and information provided by the Borough in connection with this RFP, the attachments and Exhibits hereto, are believed to be accurate and correct, however, the Borough makes no guarantees as to the accuracy of the information provided. By participating in this process every Respondent hereto agrees to and acknowledges its obligation and ability to perform whatever due diligence is necessary to inform itself fully as to any relevant or material information or lack thereof is available in making a response thereto. Respondents are instructed to notify the Borough (in writing, directed to Robert S. Hoffmann, Borough Administrator) of any material information and/or lack of material information provided or omitted with respect to this solicitation and the Development Plan that it believes is not accurate and/or correct.

- The successful Respondent must, as a condition precedent to the execution of an Agreement between itself and the Borough, deposit pursuant to the Agreement a twenty-five thousand dollar ($25,000.00) escrow fee, to be replenished if and when needed. It is made a specific condition of this RFP that this amount shall be utilized to pay the reasonable professional fees, expenses and costs of this project incurred by the Borough, and/or any other reasonable expenses the Borough, in its sole discretion, deems appropriate in connection with this Project.

4.4 Rights of the Borough

The Borough reserves, holds, and may exercise, at its sole discretion, the following rights and options with regard to the RFP and the redevelopment process:

- To reject, for any reason, including non-compliance or partial compliance with the RFP, any and all Responses and components thereof and to eliminate any and all Respondents responding to the RFP from further consideration for this selection.

- To supplement, amend, or otherwise modify the RFP.

- To waive any technical or other non-conformance of the Responses whether material or otherwise.

- To change or alter the schedule for any events called for in the Anticipated Selection Schedule set forth in Section 4.5.

- To conduct investigations of any or all of the Respondents and their Responses as the Borough deems necessary or convenient; to clarify the information provided as part of the Response, including discussions with contact persons or prior clients, regulatory agencies and visits to any facilities or projects referenced in its Response, and to request additional information to support the information included in any Response.

- To decline to select any Respondent for any purpose.

- To decline to enter into a redevelopment agreement for any purpose.

- To abandon this selection process at the Borough's convenience at any time, for any reason.

- To select a Qualified Respondent to negotiate a redevelopment agreement with the Borough Council based on a Response that, in the Borough's sole judgment, best serves the interests of the Borough, the residents of the Borough of Emerson, or the region in general.

- To designate or consult with another agency, group, consultant, individual, or public body to act at any time during the term of this selection process in its place or on its behalf, consistent with applicable law.

- To enter into a redevelopment agreement with a Respondent, subject to final adoption of all necessary authorizations.

4.5 Anticipated Selection Schedule

Issuance of RFP.....January 8, 2016

Deadline for Receipt of Written Questions.....February 12, 2016

Receipt of Responses (4 pm prevailing time).....February 23, 2016

Qualified Respondent Interview (at option of Borough)..... March 1, 2016

Notification of Selected Qualified Respondent.....No later March 15, 2016

APPENDICES

Appendix A: Borough of Emerson Redevelopment Plan

Appendix B: Sample Letter of Intent

TO: All Central Business District RFP Requestors

FROM: Robert S. Hoffmann, Emerson Borough Administrator

DATE: February 16, 2016

SUBJECT: Sample Letter of Intent

CC: Brigette Bogart, Borough Planner

It has been brought to the Borough's attention that the Sample Letter of Intent was inadvertently left out of Appendix B in the Request for Proposals issued on January 8, 2016.

All proposals are due back to the Borough by Tuesday, February 23rd, 2016 no later than 4:00 p.m. Please note that the Borough of Emerson's Redevelopment Plan is located on pages 3 and 4 and is titled "Exhibit 1". This takes the place of Appendix A.

We look forward to receiving your proposals.

Robert S. Hoffmann
Borough Administrator

LETTER OF INTENT

(Note: To be typed on Respondent's letterhead. The Issuer shall accept no modifications to the language of the letter).

The undersigned, (Name of Respondent) has submitted the attached Response to the Request for Qualifications/Request for Proposals (the "RFQ/RFP"), issued by the Borough of Emerson (the "Issuer"), dated February _, 2016, relative to the **CENTRAL BUSINESS DISTRICT REDEVELOPMENT PROJECT – Block 419 Lots 1, 2, 3, 6.01, 6.02, 7, 8, 9 & 10**

THE RESPONDENT HEREBY STATES:

I. The attached Response contains accurate, factual and complete information.

II. The Respondent agrees to participate in good faith in the application process as described in the RFP and to adhere to the Issuer's schedule.

III. The Respondent acknowledges that all costs incurred by it in connection with the preparation and submission of the Response, or any negotiations which result therefrom shall be borne exclusively by the Respondent.

IV. The Respondent hereby declares that the only persons participating in this Response as principals are named herein and that no person other than those herein mentioned has any participation in the Response or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating principals, but only if acceptable to the Issuer. The Respondent declares that this Response is made without connection with any other person, firm or parties who has submitted a Response, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.

V. The Respondent acknowledges and agrees that the Issuer may modify, amend, suspend and/or terminate the RFP process (in its sole judgment) or may decide not to proceed with development of the Redevelopment Area described in the RFP. In either case, neither the Issuer nor any of their officers, agents or representatives shall have any liability to the Respondent for any costs incurred by the Respondent with respect to the application activities described in the RFP.

VI. The Respondent acknowledges that any contract executed with respect to implementation/effectuation of the project described in the RFP must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take such actions as are required in order to comply with such applicable laws.

VII. The Respondent hereby acknowledges receipt of the RFP.

Very truly yours,
(NAME OF RESPONDENT)

By: _____
Name: _____
Title: _____
Date: _____

LETTER OF INTENT

(Note: To be typed on Respondent's letterhead. The Issuer shall accept no modifications to the language of the letter).

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VII. The Respondent hereby acknowledges receipt of the RFP.

Very truly yours,
(NAME OF RESPONDENT)

By: _____
Name: _____
Title: _____
Date: _____