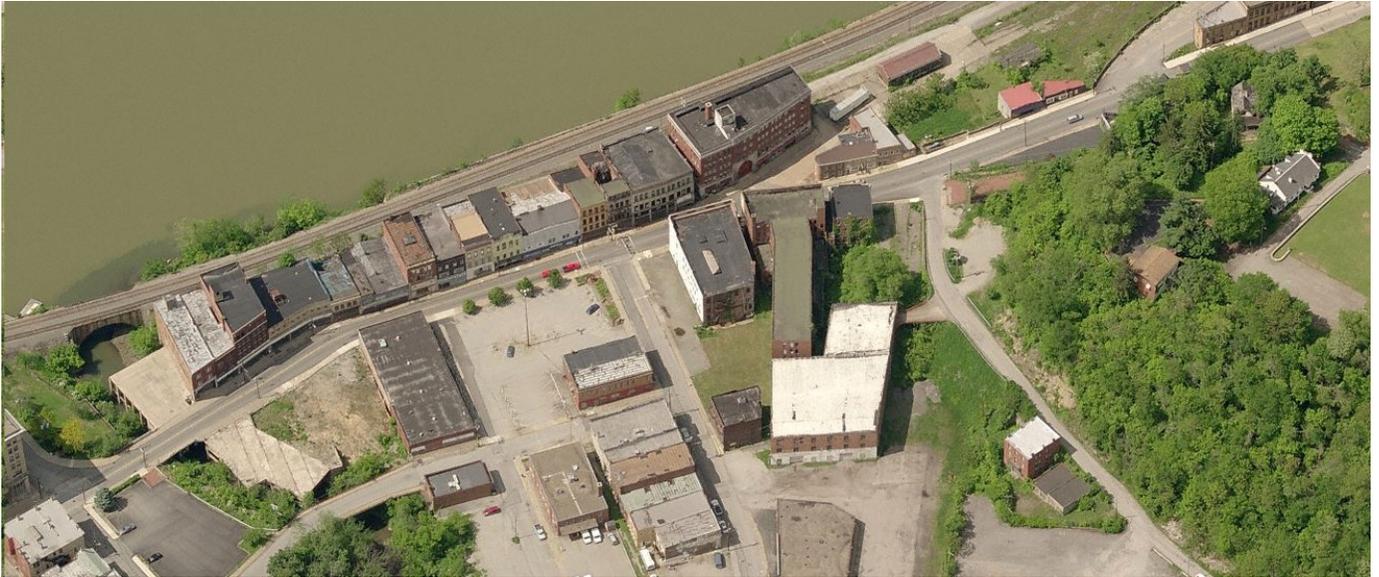


BROWNSVILLE BOROUGH TARGETED REVITALIZATION INITIATIVE

REQUEST FOR PROPOSALS



Initial Release - February, 2013

**REDEVELOPMENT AUTHORITY OF THE
COUNTY OF FAYETTE, PENNSYLVANIA**

86 West Main Street
Uniontown, Pennsylvania 15401

www.racfpa.org

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I. INTRODUCTION AND PURPOSE

In 2004 the Fayette County Redevelopment Authority, working in partnership with Brownsville Borough, initiated the Brownsville Borough Targeted Revitalization Initiative. Representing a unique and cooperative approach to aggressively address and help correct extreme blighting influences, the initiative has involved implementing a multi-faceted planning and direct implementation approach with the goal of ultimately revitalizing the Borough's downtown area.

A major component of the initiative was the targeted acquisition of 28 properties in the Borough's downtown commercial district. Six (6) of the properties were acquired through negotiated purchase or through judicial sales and 22 of the properties were acquired through eminent domain. To date, all of the acquisitions have been completed and the Redevelopment Authority has clear title and possession of all 28 properties. An additional four (4) properties in the targeted area are controlled by Brownsville Borough.

During the acquisition process the Redevelopment Authority completed an analysis of each property, including rehabilitation and demolition cost estimates, as well as surveys and appraisals of each property. Given that the downtown area is a National Register Historic District and located along the National Road Heritage Corridor (NRHC), the Redevelopment Authority also recently worked with NRHC and the Pennsylvania Historic Museum Commission (PHMC) to complete a comprehensive analysis which re-surveyed and re-evaluated the boundaries of the historic district, completed a structural engineering analysis of the properties (including cost estimates for rehabilitation), developed suggested design guidelines for the entire district, and completed a market analysis of the community. Copies of all of these studies are included in the Appendix / Exhibits.

The purpose of this RFP is to solicit proposals from interested developers to redevelop the properties controlled by the Redevelopment Authority. Proposals may be submitted for individual properties or for multiple grouping of properties, and may include any use permitted under the Borough's zoning and land use ordinances, including but not limited to commercial and residential development.

II. PROPOSAL REQUIREMENTS

All responses to this Request for Proposals must contain the information described below and conform to the following format:

A. COVER LETTER AND PROJECT DESCRIPTION. A written narrative of the proposed development should be provided in the form of a cover letter addressed to **Andrew P. French, Executive Director, Redevelopment Authority of the County of Fayette, Pennsylvania, 86 West Main Street, Uniontown, Pennsylvania 15401.**

At a minimum, it should seek to address all of the evaluation criteria identified in Section V and make clear the following:

- Specific information on proposed commercial and / or residential development project.
- Identification of the interested properties / parcels necessary to facilitate development.
- Type of commercial and / or residential units proposed, including amenities to be provided.
- Ability to meet the current design standards established by the Redevelopment Authority and adhere to all applicable local, state, and federal ordinances and regulations.

Proposals must conform to a Redevelopment Contract, which will be developed between the successful proposer(s) and the Redevelopment Authority. The contract will be subject to several restrictive criteria, including design guidelines and future use of the property.

B. DEVELOPMENT SCHEDULE & MILESTONES. Proposals must include:

- *Pre-development Schedule.* Including a schedule listing important milestones and dates, beginning with due diligence activity (no more than 60 days), securing required government approvals and procuring any additional financing commitments (if necessary).
- *Post-Closing Construction Schedule.* Include, at a minimum, a schedule showing critical milestones such as construction commencement and completion deadlines, and projected sales dates.

C. PROJECT FINANCIAL SUMMARY. Please include the following elements when summarizing the financial components of the proposed development program:

- Completion of the Development Pro Forma and Financing Plan.
- Evidence of financial capability to fund the total cost of the development program for projects. Acceptable forms of evidence include audited financial statements for any and all members of the development team, signed commitment letter(s), or other written evidence of financial support from one or more lending institutions acceptable to the Redevelopment Authority having the capability and demonstrating the commitment to provide financing required to successfully complete the proposed development.
- Litigation/Judgments – The proposal must contain information regarding any litigation (pending or threatened) in which the development entity or any members of the development team are involved and any judgments that have been rendered against the development entity or any member of the development team that may affect the ability to successfully execute the proposed project for the Parcels.

D. MARKETING PLAN. The Redevelopment Authority is interested in both the delivery of the properties and the eventual development and / or sale of the properties. The proposal should provide a tested marketing plan for the occupancy / leasing and/or sale of the properties that demonstrates the ability to close on the properties immediately after completion with marketing data specific to the targeted area. As a substitution to a marketing plan, developers may provide evidence of commitments for lease / rental / conveyance of the properties following the proposed redevelopment.

E. DEVELOPER TEAM QUALIFICATION. The development team should identify its members and demonstrate its experience with similar types of projects, particularly commercial and residential development in a downtown redevelopment area. In addition, the development team must fill out the "Developer's Statement of Qualifications and Financial Responsibility".

III. SUBMISSION OF PROPOSALS

The Redevelopment Authority has established an open proposal period for this initiative, meaning proposals may be submitted and considered at any time. All submissions must be addressed to the attention of **Andrew P. French, Executive Director, Redevelopment Authority of the County of Fayette, Pennsylvania, 86 West Main Street, Uniontown, Pennsylvania 15401.**

One original and three copies of the submission, as well as a CD-ROM containing materials (in a PDF format) must be submitted.

All questions or comments regarding this RFP must be submitted by email to afrench@racfpa.org

Please note that the Redevelopment Authority is only soliciting proposals from qualified and experienced development firms with the demonstrated ability to successfully acquire and develop properties in a manner consistent with the development objective described above.

The Redevelopment Authority will not pay any fees or commissions to parties acting as agents, brokers, consultants, or contractors as part of this transaction. Payment to any agent or broker will be the responsibility of the purchaser.

IV. PRELIMINARY REVIEW

The Redevelopment Authority will initially review the proposals to determine compliance with the Proposal Submission Requirements listed in Section II. Only proposals that comply with these requirements will be considered for evaluation. If no proposal meets these requirements, the Authority may allow all developers to supplement their submissions to conform to these requirements.

V. EVALUATION OF PROPOSALS

Proposals deemed to have satisfactorily submitted all required materials will be evaluated by a Proposal Review Team using the evaluation factors listed below. The Redevelopment Authority will maintain an open evaluation process, meaning proposals may be evaluated as they are received. Proposals will be evaluated in their entirety – i.e., no one factor, but rather a combination of all of the following factors that best satisfies the Borough and the Redevelopment Authority’s interests will determine the successful developer. Final selection is subject to approval by the Redevelopment Authority and Brownsville Borough.

If a submission contains misrepresentation of information, either willful or inadvertent, it may cause immediate elimination of the developer from further consideration. Misrepresentation will also be cause for termination of any contracts subsequently executed between the Redevelopment Authority and the selected purchaser.

Following are the evaluation factors:

Project:

- Ability to access and leverage a multitude of public and private resources to facilitated redevelopment of the property(ies) identified. All proposals must identify the specific financial resources they have secured or plan to secure in order to complete the proposed development (i.e. private financing, owner equity, tax credits, other public and private financing, etc.).
- Architecture, Sustainability & Design Quality - Strong preference will be given to projects that incorporate best practices in design and green building techniques that include strategies for maximizing energy efficiency, stormwater management, and the provision of a high-quality indoor environment. Proposals must also comply with the Brownsville Borough Commercial District Design Guideline (contained in the Appendix).

Developer Group:

- Relevant Experience in Similar Environments - The team’s experience with development / redevelopment of similar properties will be considered. All proposals should include detailed information on specific redevelopment efforts previously and successfully completed by the team.
- History of Team Partnership - The development team’s experience in working together will be considered.

Marketing Strategy:

- The ability to successfully market the commercial and / or residential structures will be considered. Proposals that have identified and committed tenants will be given high priority.

VI. RESERVATION OF RIGHTS

The information in this RFP is provided for background purposes only. While every effort has been made to ensure the accuracy of the information contained in this RFP, it is not, and shall not be construed to be or constitute, a representation, warranty or guaranty by the Redevelopment Authority regarding the content, completeness, or accuracy of such information, or the qualifications or expertise of the individual(s) or firm(s) providing or preparing such information. Each developer shall rely solely on its own inspection, investigation, confirmation and analysis of (i) the properties and structures, (ii) the information contained in or delivered pursuant to this RFP and (iii) any other information that such developer deems necessary or prudent in evaluating and analyzing the proposed purchase and development of the properties.

The RFP is not a legally binding document, but an invitation to submit proposals on the terms and conditions described in this RFP. The Redevelopment Authority shall not be under any obligation to a developer unless and until the Redevelopment Authority and Brownsville Borough officially approve the Developer and the proposed development and the Redevelopment Authority and the Developer enter into a legally binding Redevelopment Contract. In no event shall the Redevelopment Authority be responsible for any costs, expenses and fees incurred by or on behalf of any developer in connection with this RFP. Each developer shall be solely responsible for all such costs, expenses and fees.

The Redevelopment Authority reserves the right to modify the timing and scope of this solicitation process and to reject, or not consider, all or part of any proposal submitted in response to this RFP for any reason whatsoever at any time prior to the full execution of a Redevelopment Contract. Further, after its review of proposals, the Redevelopment Authority reserves the right to request additional or clarifying information from any or all of the developers.

The Redevelopment Authority is currently the legal title holder of the properties identified in the Appendix, and intends to convey pursuant to a Redevelopment Contract within a time-frame specified by the Redevelopment Authority. Compliance with local, state, and federal rules and regulations, including the payment of prevailing wages for construction may be required.

The Redevelopment Authority makes no warranty as to the environmental condition of any property or structure. Any necessary environmental remediation will be the sole responsibility of the Developer and should be included in the Development Pro Forma.

The Redevelopment Authority makes no warranties as to the location, capacity, and condition of utility services to the properties. Any replacements, repairs, modifications, or upgrades to existing utility services or installation of new equipment or facilities (both on and off the properties) will be the sole responsibility of the Developer.

The Redevelopment Authority reserves and may exercise any of the following rights and options with respect to this selection process:

- to request one or more of the developers to provide additional material, clarification, confirmation or modification of any information in the submission;
- to supplement, amend, substitute or otherwise modify this RFP any time prior to selection of one or more developers for negotiation, and to cancel this RFP with or without issuing another RFP;
- to request that one or more of the developers supplement proposals based on the review of all proposals;
- to negotiate with one or more of the developers concerning any aspect of the proposal, including price;
- to terminate any negotiations at any time;
- to accept or reject at any time prior to the execution of the Redevelopment Contract, all submissions and/or to withdraw the RFP without notice;
- to expressly waive any defect or technicality in any proposal;

- to rescind a selection prior to execution of the Redevelopment Contract if the Redevelopment Authority determines that the specifications contained in this RFP are not in conformity with law or that the process in selection of the developer was not in conformity with law or with the legal obligations of the Redevelopment Authority.

By submitting a proposal in response to this RFP, a developer affirmatively indicates its acceptance of the terms and conditions of this RFP.

VII. REDEVELOPMENT AUTHORITY DISPOSITION PROCESS

After the Redevelopment Authority reviews the proposals and a developer's proposal is selected, formal approval from the Redevelopment Authority and Brownsville Borough must be obtained before the Redevelopment Authority can execute the Redevelopment Contract and development activities can commence.

Following is a general sequence of events in this approval process:

1. Redevelopment Authority review and evaluation of Proposal(s);
2. Redevelopment Authority consultation with Brownsville Borough;
3. Redevelopment Authority review and evaluation of all schematic architectural plans;
4. Negotiation and preparation of the Redevelopment Contract with the Developer;
5. Execution of the Redevelopment Contract by the Developer;
6. Redevelopment Authority official approval of the Redevelopment Contract (at a public meeting);
7. Brownsville Borough approval of the Redevelopment Contract;
8. Execution of the Redevelopment Contract by the Redevelopment Authority;
9. Settlement;
10. Pre-construction conference;
11. Construction period;
12. Review of the completed development by the Redevelopment Authority to determine compliance with the Redevelopment Contract. If the development is found to be in compliance with the Redevelopment Agreement, the Redevelopment Authority issues a Certificate of Completion and returns any security completion deposit (if required).

The Developer shall be responsible for securing and paying all costs associated with all permits, licenses, approvals, re-subdivisions, or variances necessary to comply with the development controls, local code, and the approved architectural plans.

VIII. EVENTS OF DISQUALIFICATION OR DEFAULT

A. EVENTS OF DISQUALIFICATION OR DEFAULT

Subsequent to the selection of a developer by the Redevelopment Authority, and before execution of a Redevelopment Contract by the Redevelopment Authority, the Redevelopment Authority may treat any of the following as an event of disqualification or default:

1. Unilateral withdrawal by the selected Developer;
2. Failure to proceed substantially in accordance with the proposal as submitted;
3. Failure by the Developer for any reason whatsoever to timely execute the Redevelopment Contract when tendered;
4. Material misrepresentation, omission, or inaccuracy contained in any document submitted either as part of the Request for Proposals, or subsequent thereto;
5. Failure to provide in a timely manner the additional material required after selection throughout the Redevelopment Authority disposition process, as described in this RFP;

B. REMEDIES

Upon the happening of an event of disqualification or default by the Developer, the Redevelopment Authority shall have the right, at its election, to:

1. Rescind its selection of the Developer;
2. Declare null and void a Redevelopment Contract that may already have been executed; and/or
3. Retain any deposits (if required) as liquidated damages.