

**THE CITY OF PENSACOLA, FLORIDA
REQUEST FOR PROPOSALS
RFP NO. 08-056**

Sealed proposals with one (1) original signature and five additional copies may be hand-delivered or mailed to the Purchasing Office located on the 6th floor of City Hall, 222 West Main Street, Pensacola, Florida, 32502 until:

**TIME: 2:30 P.M., LOCAL TIME
DATE: October 28, 2008**

Proposals received after the closing time will be returned unopened. Multiple proposals for the same entity will not be accepted and all proposals from that entity will be returned unopened. Thereafter, at a place to be announced and immediately following deadline for receipt of the proposals, those proposals received will be opened and publicly read concerning:

**SALE OF SURPLUS PROPERTY – 16 SOUTH PALAFOX PLACE
(FORMER ESP MARKETING OFFICES)**

All interested parties are invited and encouraged to submit proposals. The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable modifications for access to City services, programs and activities. Please contact rdonahue@ci.pensacola.fl.us or call 435-1835 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

The City of Pensacola reserves the right to accept or reject any or all proposals, to waive any proposal informalities and to re-advertise for proposals when deemed in the best interest of the City of Pensacola.

Any questions concerning this bid should be addressed and submitted to:

**Mr. Thaddeus Cohen, AIA
Director
Community Development Department
5th Floor, City Hall
222 West Main Street
Pensacola, Florida 32502
(850) 436-5655 or fax (850) 595-1143**

Attest:

Ericka L. Burnett
City Clerk

CITY OF PENSACOLA

Alvin G. Coby
Interim City Manager

The City of Pensacola provides equal access in employment and public services

NOTICE OF INTENT TO REQUEST FOR PROPOSALS

In accordance with Florida Statutes and with other applicable laws, the City of Pensacola (“City”) hereby formally requests proposals from interested entities for the purchase of this historic property located in Downtown Pensacola.

Introduction and Project Overview

The City of Pensacola owns the following building and parcel that has been declared surplus and is being released for sale:

16 South Palafox Place (Legally described in Exhibit “A”)

Respondents are advised to conduct any necessary research, beyond review of this document, to establish existing conditions of this property and to properly understand the potential uses, including but not limited to zoning and building code requirements. The building will be open for inspection **by appointment only**.

General Building Condition

The property features a 2-story load-bearing masonry structure, circa 1900. The building appears to be in generally sound structural condition. However, the building did sustain some damage in September, 2004 during Hurricane Ivan. The identified damage has been repaired to the best of the City’s knowledge, but is not guaranteed by the City. There have been leaks in the building during heavy rainfall events.

The mechanical and electrical systems are generally functional and appear to be in good repair. Interior finish materials are in generally good condition. Nevertheless, the sale shall be “as-is.” Respondents may arrange for a building inspection at their own cost prior to the RFP deadline or property closing date.

It should be noted that there are no parking spaces that convey with this building. However, parking may be available for lease in the adjacent parking garage.

An appraisal of the subject property was completed in July, 2006. The parcel appraised for \$725,000. The appraisal is available and open to public inspection at the Community Development Department of the City of Pensacola, 5th Floor, City Hall, 222 West Main Street, Pensacola, Florida, and a copy may be obtained upon receipt of **a non-refundable fee of \$10.00**. Blue prints of the subject building are available for review **by appointment only** in the Community Development Department of the City of Pensacola, 5th Floor, City Hall, 222 West Main Street, Pensacola, Florida.

The approximate square footage of the structure is as follows:

First Floor: ± 1,997

Second Floor: ± 3,465

TOTAL: ± 5,462

Public Access Alley: ± 2,960

Zoning/Land, Use Requirements and Historic Considerations

The subject property is a historic building located in the heart of downtown Pensacola. The property is zoned C-2A and located within the Palafox Historic Business District, which is a Special Aesthetic Review District. Respondents are advised to research the significance of these aspects prior to submitting a proposal. In general, permitted uses in the C-2A zone include residential, office and commercial; including retail, bars and restaurants. Reuses that require alcohol licenses to operate are encouraged to consult with City officials regarding the licensure that will be available at this location prior to responding to this Request for Proposal. The height limit in the C-2A zone is 100 feet and it allows up to 135 units per acre. Preservation of this historic building is of particular interest to the City of Pensacola. Respondents should take great care in developing re-use proposals that may impact the Palafox Street façade. The subject property is located in the City of Pensacola's Enterprise Zone (EZ). As such, certain economic development incentives are available to property owners and businesses that are located within the zone. Please contact City officials for more information regarding the EZ.

Use of Right of Way

Negotiations for the sale of this parcel will be the responsibility of the individual respondent(s) to this RFP. The City will entertain a fee simple sale of the building and property. The existing Right of Way (pedestrian alleyway connecting Palafox Street to the Jefferson Street garage) will be retained by the City. The City may grant a license-to-use to the first floor tenant for an area within the Right of Way.

Negotiation and Signature of Agreements

Upon approval by City Council, the selected respondent will have forty (40) days to negotiate a Development and Sale Agreement with the City of Pensacola. Once approved, the respondent will have five (5) days to sign the agreement and close on the property. Failure to negotiate and/or sign the agreement within the allotted time frames will render the transaction null and void and cause forfeiture of the deposit.

First Floor Retail Use

The Pensacola City Council has deemed that the highest and best use of the ground floor of the subject property is as a retail establishment. Retail, for the purposes of this RFP, includes businesses defined by the IRS in the following North American Industry Classification System (NAICS) Categories and any subcategory thereunder:

NAICS CODE	
442	Furniture and Home Furnishings Stores
443	Electronics and Appliance Stores
444	Building Material and Garden Equipment and Supplies Dealers
445	Food and Beverage Stores
446	Health and Personal Care Stores
448	Clothing and Clothing Accessories Stores
451	Sporting Goods, Hobby, Book, and Music Stores
452	General Merchandise Stores
453	Miscellaneous Store Retailers
722	Food Services and Drinking Places

Businesses meeting the above NAICS classification are required on the first floor of the subject property. There are no restrictions as to the use of the upper floor of the subject property above and beyond the City of Pensacola Zoning and Land Use Regulations. The respondent selected will ensure continuous, appropriate ground floor use for a minimum of 5 years from date of acquisition by a business which could readily be described as one that would qualify for inclusion in one of the above listed NAICS Codes. The City will require a security (lien, deed restriction, escrow account, letter of credit, etc) of a type and amount agreeable to all parties that will guarantee performance under this requirement.

Closing Costs

The buyer will make arrangements for and pay all closing costs. These include without limitation, attorney's fees, documentary stamp taxes, recording fees, title search, title insurance and surveys.

RFP Submittal Requirements

Proposals submitted in response to the RFP invitation are required to include the following information:

A. Credentials

1. Identity of proposer, including the team's organizational structure, presented in graphic form, and the names, affiliation and addresses of principals (including any and all general partners, stockholders owning 5% or more of the stock, the president, vice-president, etc.).
2. Team's professional qualifications and experience in restoration, ownership, maintenance and leasing of historical structures and or retail development(s).

B. Project Proposal

1. Project financing strategy detailing the source and structure, including the percentage of debt and equity.
2. Project development schedule including all steps of planning and design, construction period and commencement of operations.
3. Offered purchase price of the property.

C. Incentives

1. Identify any special requirements for the sale, rehabilitation and re-use of the subject property.
2. Identify any proposed tax abatement or other financial incentive required.

D. Additional Requirements

1. Make available for inspection financial statement or other evidence of the financial condition of the proposer, owner-corporations of proposer, and any person or business entity, who is a principal as defined herein, guaranteeing the performance of the proposer.
2. Complete and substantiated evidence of proposer's financial capacity to undertake all aspects of the project proposed.
3. Letters from reputable financial institutions documenting the proposer's ability to finance all aspects of the proposed development.
4. Signed leases, letters of intent and/or owner guarantee of occupancy, including ground floor retail use.
5. Certified check payable to the City of Pensacola in the amount of five thousand dollars (\$5,000) to be held for a period of ninety (90) days. The deposit from the selected proposer shall be deducted from the sale price. Deposits from other proposers shall be returned.

Material other than those specified herein shall not be considered and shall not be submitted. No material or substantial additions, modifications or substitutions shall be made to the proposals subsequent to the submission deadline. All materials submitted under this RFQ become the property of the City of Pensacola.

Public Records

Any material submitted in response to this Request for Proposals will become a public document pursuant to Florida Statue §119.07. This includes material which the responding applicants might consider to be confidential or a trade secret. Any claim of confidentiality is waived upon submission, effective after opening pursuant to Florida Statue § 119.07.

Proposal Submission Schedule and Procedure

September 9, 2008 Notice of Disposition and RFP advertised

October 28, 2008 Deadline date for submission of RFP and Opening 2:30 p.m.

THE SUBMISSION IS TO THE PURCHASING OFFICE AND NOT THE COMMUNITY DEVELOPMENT DEPARTMENT OR THE COMMUNITY REDEVELOPMENT AGENCY (CRA). ANY BIDS SUBMITTED TO THESE DEPARTMENTS SHALL BE RETURNED UNOPENED.

A complete proposal submission package consisting of one (1) original and five (5) copies of bound proposals in an 8½" X 11" format. Staple or spiral-type binding only. A Portable Document File (PDF) electronic copy of the proposal must be provided on compact disk (CD) at the time of submission.

Mail proposals shall be submitted by Certified Return Receipt Requested mail and must be received by the Purchasing Office not later than the deadline noted above. Postmarked date does **NOT** substitute for actual receipt of bid.

Basis for Selection

The Proposals will be evaluated and recommendations made by the selection committee will be presented to the City Manager. The recommendations will be made according to the following criteria:

1. The extent to which the proposal fulfills the requirements contained herein.
2. The experience and qualifications of the development and management team.
3. The financial viability of the project.
4. Demonstrated ability to complete the project envisioned.
5. The schedule of commencement and completion of development, including completion and execution of a development agreement within 45 days of City action to accept the proposal. Special consideration will be given to projects that commence construction within 120 days from execution of agreement.
6. The security to be provided to assure the successful completion of the development.
7. Impact of the proposal, including:
 - a) Intended re-use of the subject property, including ground floor tenant. Special consideration will be given to responses that have executed agreements for ground floor tenant.
 - b) Number of new jobs (new to the City of Pensacola or newly created).
 - c) Revenues to the City of Pensacola, including those from the sale of the subject properties and revenues to the City or its agencies in the form of projected Ad Valorem or other taxes. Special consideration will be given to projects that close on the sale of the property within 5 days of execution of agreement.
 - d) Amount of investment above the acquisition price.
 - e) Creative use of the public alleyway
 - f) Hours of operation of ground floor tenant. Special consideration will be given to first floor uses that provide hours of operation after 5 p.m. Monday through Friday and that guarantee weekend operations.

General Conditions

To ensure acceptance, all proposers submitting proposals to the City of Pensacola shall be governed by the following conditions, attached specifications, and proposal form(s) unless otherwise specified.

Proposals not submitted on the proposal form(s) provided shall be rejected, and proposals not complying with these conditions will be subject to rejection.

1. The City reserves the right to request any additional information, if needed, from any or all prospective proposers.
2. In the event it becomes necessary for the City to revise any part of this proposal, revisions will be provided to all proposers who received the initial proposal.
3. All proposals submitted in response to this request will be considered public information and may be made available to the general public including news media, upon request.
4. All proposals are subject to all applicable laws and regulations governing the use and development of land.
5. The proposer shall provide presentations as may be requested by the City.
6. No proposer shall assign its proposal or any rights or obligations thereunder without the written consent of the City.
7. The proposer affirms that it is of lawful age and that no other person, firm or corporation has any interest in this proposal or the contract proposed to be entered into.
8. The proposer affirms that its proposal is made without any understanding, agreement or connection with any other person, firm, or corporation making a proposal for the same purpose and is in all respects fair and without collusion or fraud.
9. The proposer affirms that it is not in arrears to the City upon debt or contract and is not a defaulter, as surety or otherwise, upon any obligation to the City.
10. The proposer has carefully read the provisions, terms and conditions of the proposal document and does hereby agree to be bound thereby.
12. Legal Requirements: All applicable provisions of Federal, State, County, and local laws including all ordinances, rules, and regulations shall govern the development, submittal and evaluation of all proposals received in response to these specifications, and shall govern any and all claims between person(s) submitting a proposal response hereto and the City of Pensacola, by and through its officers, employees and authorized representatives. A lack of knowledge by the proposer concerning any of the aforementioned shall not constitute a cognizable defense against the legal effect thereof. The proposer agrees that it will not discriminate on the basis of race, creed, color, national origin, sex, age or disability.
13. Interpretations: All questions concerning the specifications or conditions shall be directed in writing to the Purchasing Office, or as instructed on the Request for Proposal Page, at least ten (10) days prior to the proposal opening. Inquires must reference the proposed service and the date of the proposal opening. Interpretations will be made in the form of an addendum with copies mailed or delivered to each party represented on the vendors' list. The City Manager shall not be responsible for any other explanation or interpretation.

14. Sealed Proposals: The specifications and all executed proposal forms must be submitted in a sealed envelope. All proposals must be signed by an authorized representative of the proposer. In the event more than one proposal opening is scheduled for the same date and time, do not include proposals concerning different sets of specifications within the same envelope. The face of the proposal envelope shall be plainly marked identifying the service(s) proposed and the date of the proposal opening. It shall be the sole responsibility of the proposer to assure receipt of proposal at the Purchasing Office, prior to the published time for the proposal opening. No proposals will be accepted after closing time for receipt of proposals, nor will any offers by telephone, fax or Internet E-mail be accepted.
15. Exceptions to Specifications: In order that consideration be given in evaluating proposals, any exceptions to or deviations from the specifications as written must be noted and fully explained. The City Manager is the final authority in determining the acceptability of any exceptions to specifications.
16. Proposal Deposit: \$5,000.
17. Proposal Withdrawals: No proposal may be withdrawn after closing time for receipt of proposals for a period of ninety (90) days thereafter. The contract award shall be legally binding at the time of award by City Council.
18. Determination of Award to be Based on Best Interest of City: There is no obligation on the part of the City to award a contract and the City reserves the right to award a contract or to negotiate a contract with a responsible proposer submitting a responsive or best alternative proposal with a resulting negotiated contract which is most advantageous and in the best interest of the City. The City shall be the sole judge of the proposal and the resulting negotiated contract that is in its best interest and its decision shall be final.
19. Rejection of Proposals: The City reserves the right to accept or reject any or all responses, to waive any irregularities, technicalities, or informalities, and to re-advertise for this Request for Proposals when deemed in the best interest of the City.
20. Public Entity Crimes: By submitting a proposal, each proposer is confirming that the company has not been placed on the convicted vendors list as described in Florida Statue §287.133 (2)(a).
21. Protests: Protests of the plans, specifications, and other requirements of bids and requests for proposals must be received in writing by the Purchasing Office at least ten (10) working days prior to the scheduled bid opening. A detailed explanation of the reason for the protest must be included. Protests of the award or intended award of bid or contract must be in writing and received in the Purchasing Office within seven (7) working days of the notice of award. A detailed explanation of the protest must be included.

ANY AND ALL SPECIAL CONDITIONS AND SPECIFICATIONS ATTACHED HERETO WHICH VARY FROM THESE GENERAL CONDITIONS SHALL HAVE PRECEDENCE.

FORM "A"
16 SOUTH PALAFOX
PROPOSAL SIGNATURE FORM
RFP NO. 08-056

16 South Palafox Place

I, (WE), certify that this submission is true and correct to the best of my (our) knowledge and belief.

Date: _____

Signature: _____

Title: _____

Address: _____

Date: _____

Signature: _____

Title: _____

Address: _____

Attest: _____

Attest: _____

- This Form Must be Returned With Proposal -

EVALUATION SHEET
16 SOUTH PALAFOX
RFQ NO. 08-056

Date: _____

Name of Firm(s): _____

Reviewer: _____

- | | |
|---|----------------|
| Prerequisite: Ground floor retail use identified and guaranteed for 5 years | Yes ___ No ___ |
| 1. Revenue to the City of Pensacola, including Sale Price | 40 Points ___ |
| 2. Amount of Investment above Sale Price | 15 Points ___ |
| 3. Financial Viability of the Project | 15 Points ___ |
| 4. Project timeline and ability to complete the Project | 15 Points ___ |
| 5. Re-Use of the Building, including Historic Preservation | 5 Points ___ |
| 6. Number of new jobs (new to the City of Pensacola or newly created) | 5 Points ___ |
| 7. Experience and Qualifications of Team | 5 Points ___ |

BONUS POINTS:

- | | |
|--|---|
| Ground Floor Tenant secured | 5 Points |
| Hours of Operation Mon-Fri after 5 p.m. | 5 Points Max |
| Hours of Operation Weekend, minimum 8 hours | 5 Points Max |
| Creative Use of Alleyway | 5 Points |
| Ground Floor Retail use Guarantee beyond 5 years | 1 Point/Year over 5 Years, Max 5 Points |

TOTAL POINTS _____

Comments: _____

EXHIBIT A

16 SOUTH PALAFOX STREET

PROPERTY LEGAL DESCRIPTION EXCLUDING CITY WALKWAY

That part of Lot numbered two hundred and sixty-three (263) in Block number thirty (30) in the Old City Tract in the City of Pensacola, fronting 37.82 feet on the east side of Palafox Street, which is bounded as follows: Commencing at a point on the east line of Palafox Street at the northwest corner of said Lot numbered two hundred and sixty-three (263), for the Point of Beginning; thence run southerly along the east line of Palafox Street 37.82 feet; thence run easterly on a line parallel with the south line of Garden Street in said City, 101 feet 9 inches; thence running northerly on a line parallel to the east line of Palafox Street, 37.82 feet; thence running westerly along the north line of Lot numbered two hundred and sixty-three (263) on a line parallel with the south line of Garden Street, 101 feet 9 inches, to the Point of Beginning.

ALSO, all the right, title and interest of every kind and character which the City of Pensacola, as Grantor, may have in and to the South wall of the building lying North of the above described property and constituting the North wall of the building now standing upon the property above conveyed, and all right, title and interest that Grantor may have in and to the land lying between the above described property and center line of the South wall of the building lying North of the property herein conveyed and constituting the North wall of the building now standing upon the property hereby conveyed; and all right, title and interest Grantor may have in and to the wall now standing upon the line dividing the property herein described from the property adjoining it on the South, all subject, however, to the rights they have, of the owners of the property lying North and South of first described property, to the use of said wall or walls as party walls.

ALSO, the City of Pensacola, as Grantor, expressly retains for pedestrian ingress and egress and other public use, and expressly does not hereby convey, the existing City Walkway of the following described portion of the above described property: That part of Lot numbered two hundred and sixty-three (263) in Block number thirty (30) in the Old City Tract in the City of Pensacola, fronting 18.25 feet on the east side of Palafox Street, which is bounded as follows: Commencing at a point on the east line of Palafox Street, 19.57 feet south of the northwest corner of said Lot numbered two hundred and sixty-three (263), for the Point of Beginning; thence run southerly along the east line of Palafox Street 18.25 feet; thence run easterly on a line parallel with the south line of Garden Street in said City, 101 feet 9 inches; thence running northerly on a line parallel to the east line of Palafox Street, 18.25 feet; thence running westerly on a line parallel with the south line of Garden Street, 101 feet 9 inches, to the Point of Beginning, defined as the City Walkway.