



CITY OF SACO, MAINE

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Request for Qualified Proposals (“RFQP”)

For the Sale and Development/Redevelopment of Real Property owned by the City of Saco, Maine commonly known as Unit 91 in the Island Terrace Condominium Association located at 110 Main Street, Saco, Maine (MLB # 037-001-001-091)

Issue Date: August 19, 2016

I. Introduction and Overview

Pursuant to § [Saco City Code Chapter 81 – Article 1](#) regarding the Sale and Disposition of Municipally Owned Land/Property (the “Policy”), the City of Saco is exploring the potential sale and development of the real property owned by the City of Saco (the “City”) located at Unit 91 in the Island Terrace Condominium Association, 110 Main Street in Saco, Maine commonly known as “Unit 91” (the “Property”). The Property can be generally described as a two level condominium unit with an underground parking garage containing 40 vehicle parking spaces, 3 motorcycle parking spaces, and several utility rooms. The upper level of the unit consists of 30,000+/- sq. ft. of space that has been subdivided into several rental units. These rental units are occupied by several commercial tenants, and there are three units that are presently unoccupied. The property is connected to municipal water and sewer.

This development opportunity is located in the center of the Saco-Biddeford Mill District which is presently undergoing a significant development/redevelopment renaissance with new residential and commercial development presently underway in Saco Mill No. 4 directly adjacent (to the north) of the Property. To the east and abutting the Property, is Mill Building #2 which was recently acquired by a new and experienced developer who is actively working to maximize the vitality and development opportunity related to that project. To the south there are several active development projects currently underway all culminating in greater residential density and commercial activity further enhancing the attractiveness of the Property. Additionally, the Property is located in Saco’s vibrant downtown and will benefit from the strong business community building efforts of Saco Main Street, Inc., the City’s downtown organization. Currently the Property is home to a Karate Academy, a farmers & artisans market, a photography studio, a marketing firm, and the Maine Department of Labor. The garage is actively used by these businesses, business in the abutting Building #2 to the east of Unit 91 and their visitors.

At this time, the City is making a Request For Qualified Proposals (“RFQP”) For the Sale and Development/Redevelopment of Real Property owned by the City of Saco, Maine commonly known as Unit 91 in the Island Terrace Condominium Association located at: 110 Main Street, Saco, Maine (MLB # 037-001-001-091) with a goal of maximizing the long term economic development opportunity that the Property represents. To that end, the City is seeking proposals for the purchase and development of the Property in accordance with the requirements set forth herein (“Proposals”). Proposals will be evaluated on a number of factors (outlined below) including, but not limited to:

- (i.) The ability to maximize the long-term economic development viability and potential of the Property;
- (ii.) The ability to complement/enhance the other development that has occurred within Island Terrace Condominium, on Saco Island, within the greater mill district and general vibrancy in the downtown neighborhood.
- (iii.) Responders to the RFQP shall have a documentable go forward financial capacity to complete both a purchase and any proposed development or change of use of the real estate.
- (iv.) Responders to the RFQP (be they an individual, an entity, or any individual owners of the proposing entity) shall have a documented financial history free of tax liens/foreclosures for the last five years and no prior federal bankruptcies.
- (v.) Responders to the RFQP shall have a documentable track record of financial capacity and technical capability to complete whatever the responder to the RFQP is proposing.

The City will accept sealed Proposals until 5:00 pm, Friday, September 30th, 2016.

Information relevant to this Request For Qualified Proposals (the “RFQP”) and potential sale will be posted [here](#). It is the intention of the City to notify Responders to the RFQP which satisfy the requirements set forth in the Instructions to Proposers below, if any, by October 21st, 2016 in advance of review and discussion of such Proposals by the City Council at their November 7th, 2016 meeting.

The City reserves the right to waive any irregularity or defect in any submission, request clarification or additional information regarding Proposals, to cancel this RFQP, and to reject any and all Proposals or parts thereof, at its sole discretion. The City shall assume no liability for expense incurred by a Proposer in replying to this RFQP.

A. The following documents are available at the [City’s website](#).

1. Request For Qualified Proposal (RFQP)
2. [Link to the City Code Chapter 81 regarding the Sale and Disposition of Municipally Owned Land/Property](#)
3. Copy of current Municipal Assessment Card
4. Copy of City of Saco Tax Lien Certificate and related documents.
5. Copy of Deed in Lieu of Foreclosure from Unit 91, LLC to Saiorise, LLC
6. Copies of all leases that were in place at the time of the January 11, 2016 tax foreclosure.
7. Copy of Pedestrian Easement of February 4, 2014.
8. Copy of Elevator Certificate
9. Various Floor Plan documents from various sources.
10. A listing of Permitted and Conditional Uses allowed in the B-4 Zone and Standards of Performance for Planned Developments.
11. Copies of Condominium documents related to Island Terrace Condominium Association
12. Copies of Budget Documents from Island Terrace Condominium Owners Association (ITOA)

NOTE: These documents have been assembled from many sources and are provided for information purposes only. The City of Saco assumes no responsibility for and makes no assumptions or representations about the accurateness or completeness of these documents. All Responders to this RFQP are responsible for doing their own due diligence.

B. RFQP Timeline

1. Friday, August 19th, 2016 – RFQP Release Date.
2. Wednesday, August 24th, 2016 at 10:00 A.M. – Optional Site Visit/Tour*
 - a. *An additional site tour / visit will be scheduled the week of August 29th, 2016 – the exact time and date will be posted on the City’s website.
 - b. **All those wishing to be notified as further information is posted about this RFQP including but not limited to the date and time of when of any upcoming site visits/ tours are asked to reply via e-mail with their contact information to:**
wmann@sacomaine.org.
3. Friday, September 9th, 2016 – Questions due by 5:00 p.m. All questions must be submitted in writing to: wmann@sacomaine.org. No questions will be accepted after Friday, September 9th, 2016.
4. Friday, September 16th, 2016 – Questions and Answers will be posted publically on the City’s website.
5. Friday, September 30, 2016 – Proposals Due by 5:00 p.m.
6. Anticipated: October 21st, 2016 – Proposers whose Proposals are under consideration will be notified.
7. Anticipated: November 7th, 2016 – City Council to consider a recommendation for sale and development/redevelopment.

Note: If the City Council decides to proceed with a Proposal, such decision shall be subject to:

- (i) the negotiation and execution of a mutually satisfactory Purchase and Sale Agreement; and
- (ii) (ii) satisfaction of the pertinent terms and provisions of the City Charter and the Policy.
 - Anticipated: Late November/Early December 2016 – Negotiate Purchase & Sale Agreement
 - Anticipated: first Quarter of 2017 – New owner takes title
- (iii) If a satisfactory Purchase and Sale cannot be reached, in the sole opinion of the City, the City reserves the right to reject the bidder and their proposal, and work with the next most responsible bidder, or to re-commence a new round of proposals if it deems that in the City’s best interests.

II. Instructions to Proposers

A. Proposal Submission Procedures

1. Sealed Proposals must be received on or before the Due Date (Friday, September 16, 2016 at 5:00 p.m.) Proposals received after the Due Date will not be considered.
2. Proposers shall submit one (1) clearly marked original, two (2) photocopies, and one (1) electronic version (either via email or on a flash drive) of their Proposal Package. Proposals must be received in one envelope or box marked “PROPOSAL – Unit 91” and addressed to:
William J. Mann
Economic Development Director
City of Saco - Saco City Hall
300 Main Street
Saco, Maine 04072-1538
Email: wmann@sacomaine.org

3. Proposal Packages must include:

- A letter of introduction.
- A proposed development plan outlining the proposed use of the Property.
- A corresponding business plan including: demonstrated experience in the field or with similar businesses, timing of project completion, and demonstrated compatibility with existing and proposed zoning regulations. This should also include the number and types of jobs that will be created by the proposed development and the timing of jobs in the market, both in terms of availability and duration.
- A proposed timeline for taking occupancy of the Property under the development plan.
- An offer of payment for the Property
- A statement / analysis of the municipal impacts of proposed development.
- A document providing evidence of Proposer's financial capability to complete the purchase and development plan.
- A written certification that the Responder and all individuals/owners that are a part of the responder, if an entity, have a financial history free of tax liens/foreclosures in the last five years and no prior federal bankruptcies.
- A statement indicating how your Proposal represents the highest value to the City of Saco in terms of direct or indirect financial, economic, or community benefits.

Please review the evaluation criteria when responding.

Failure to provide any of the above requested information may result in disqualification of Proposal. The City reserves the right to request additional information pertaining to the Proposal Package, or any other matters related to the Request for Proposal. Proposal documents, including the Offer of Payment, must be signed by persons authorized to contractually bind the Proposer.

B. Property Inspection

An optional site visit has been scheduled for Wednesday, August 24th, 2016 at 10:00 A.M. – Optional Site Visit/Tour* Please meet in front of the elevator on the mezzanine level (Level 2), in front of Unit 91.

- a. *An additional site tour / visit will be scheduled the week of August 29th, 2016 – the exact time and date will be posted on the City's website.
- b. **All those wishing to be notified as further information is posted about this RFQP including but not limited to the date and time of when of any upcoming site visits/ tours are asked to reply via e-mail with their contact information to:**
wmann@sacomaine.org.

C. Questions Regarding Request For Qualified Proposal

Questions regarding the RFQP must be made in writing and submitted electronically to: wmann@sacomaine.org Questions are due no later than Friday, September 9th, 2016 at 5:00 p.m. All questions and answers will be posted publically on Friday, September 16th, 2016 on the City's website. No questions will be accepted after Friday, September 9th, 2016.

D. Official Contact Information:

William J. Mann
Economic Development Director
City of Saco
300Main Street
Saco, Maine 04072
wmann@sacomaine.org
(207) 282-3487

III. Method of Award and Selection Criteria

Complete responses to this RFQP will be evaluated by City staff along with two individuals appointed by the Island Terrace Condominium Association (of which the Property is a part) and an appointee of the Mayor of Saco. That group will submit its recommendation(s) to the Saco City Council for their review and action. Decisions to sell the Property are at the sole discretion of the City Council. This RFQP process shall not create a binding obligation on the part of the City of Saco, Its elected officials, employees or agents, to sell the Property unless and until a Purchase and Sale Agreement has been executed and the pertinent City Charter and Policy requirements have been satisfied.

The selection criteria shall include, but not be limited to, the following:

- Completeness of the Proposal Packet.
- Proposal recognizes the highest long-term economic benefit to the City of Saco.
- Development Proposal meets the City’s economic development goals.
- Development Proposal demonstrates readiness and proof that site can be operational within 12 months.
- Development Proposal satisfies requirements of current and proposed zoning regulations.

IV. Terms and Conditions

All information contained within this RFQP and all supporting documents is based upon information from a variety of sources. Additional information may be made available via written addenda throughout the RFQP process. Proposers shall be responsible for their own due diligence in preparing a Proposal. No representation or warranty is made by the City with respect to the condition of the Property, the suitability of the Property for a Proposer’s potential use or the information provided herein.

A. Proposers shall be responsible for the accuracy of the information they provide to the City in connection with this RFQP.

B. The City Council reserves the right to reject - in whole or in part - any and all Proposals, to waive minor irregularities in any Proposal, to issue additional RFQPs, and to either substantially modify or terminate the proposed sale at any time prior to final execution of a Purchase and Sale Agreement.

C. The City shall not be responsible for any costs incurred by a Proposer in connection with the preparation, submission, or presentation of its Proposal.

D. Nothing contained herein shall require the City to enter into exclusive negotiations with any Proposer and the City reserves the right to amend, alter and revise its own criteria in the selection of a Proposer without notice.

E. The City reserves the right to request clarification of information submitted in a Proposal and to request additional information from any Proposer.

F. The City may not accept any Proposal after the time and date specified in the RFQP.

G. The City Council retains the sole discretion in the selection of a successful Proposal, if any.

H. Upon selection of a Proposal, the City shall enter into negotiations with the successful Proposer for a Purchase and Sale Agreement with terms and conditions acceptable to the City. Until the execution of a contract, the City is under no obligation to sell the Property and it reserves the right to cease negotiations at any time and retain title to the Property. Except with respect to matters of title, the Property shall be conveyed to the party acquiring the same "AS IS" and without warranty as to quality, physical condition or environmental condition.

I. CONFIDENTIALITY: The successful Responder's response to this RFQP will become part of the City's file on this matter and will become a matter of public record subject to public disclosure, as will all other responses received. If the response includes material that is considered by the Proposer to be proprietary and confidential under 1 MRS Section 402 , 5 MRS Section 13119, et seq, or other applicable state law, as may be amended from time to time. A Proposer MUST clearly designate the material as such, explaining why such material should be considered confidential. The Proposer must identify each page or section of the response that it believes is proprietary and confidential with sufficient grounds to justify each exemption from release, including the prospective harm to the competitive position of the Proposer if the identified material were to be released. Under no circumstances can the entire response or price information be marked confidential. Responses so marked may not be considered.

The RFQP process shall in all respects be governed by, and construed in accordance with, the laws of the State of Maine.

Thank you for your interest in doing business in the City of Saco.