



City of Orange Township

REQUEST FOR PROPOSALS

from those entities seeking to redevelop
properties collectively know as the Bravo Properties located at
297 and 321 Scotland Road and 507 Mitchell Street

Orange, New Jersey

DATE: January 30, 2012

CONTACT PERSON: Valerie Jackson, Director
Department of Planning and Economic Development
City of Orange Township
29 North Day Street
Orange, New Jersey 07050

I. Introduction

The City of Orange Township ("Orange") wishes to receive statements of qualifications from those firms seeking to be designated as developer for new construction at 297, 321 Scotland Road and 507 Mitchell Street—the site collectively and commonly known as the Bravo site. The project site consists of three parcels: Block 4003, Lot 1 (507 Mitchell Street—currently paved parking), 4003, Lot 7 (297 Scotland Road—the site of a recently demolished structure—unpaved) and Block 4004, Lot 1 (321 Scotland Road—the site of the existing Bravo Grocery Store). The properties are located within the Central Valley Redevelopment Area with permitted uses dictated by the uses identified in the plan. A mixed-use development with retail/commercial on street level and office and/or residential uses on subsequent floors is desired. The properties are also located within the Central Valley Brownfield Redevelopment Area (CVBDA). An environmental site investigation is currently underway on two of the three parcels involved.

Orange intends to review the qualifications, proformas, discuss project concepts with qualified developers and to designate a firm(s) as developer whose project concept and qualifications are in the best interest of Orange.

Orange wishes to receive proposals firms who have a proven track record in new construction in established neighborhoods. For the purpose of this Request for Proposals (RFP) proposed activities shall be referred to collectively as the "Project" and the firm responding to this request referred to as the "Respondent"

Orange reserves the right to modify this process at any time. Orange also reserves the right to limit those firms from whom Statements are solicited; to solicit from other firms at any time; and to add or drop any firm from the list of those solicited; and to re-issue a new RFP at any time.

Participation by any firm in this process does not constitute the basis for any contract between Orange and that firm. Contracts for the services that are the subject of this RFP shall only be in force and effect upon the execution of a legally valid agreement that has been properly executed by the Mayor and approved by the City Council.

The preparation of the statement shall be done solely at the expense of the respondent. Orange will not reimburse any respondent for any costs associated with the preparation and submission of any statement or for any other activity associated with this RFP.

Upon receipt by Orange, all Statements become the property of Orange. As such, the information contained therein may be subject to public disclosure.

II. Project Description

The City will be seeking concepts for new construction of permitted uses (mixed use) with appropriate site improvements as necessary and needed. The successful respondent will provide a statement of qualifications that reveals significant experience with new construction on commercial corridors adjacent to established neighborhoods. The respondent will also be able to show a track record of securing financing of prior projects.

While a preliminary schedule has been included as Exhibit II of this RFP, that preliminary schedule is conceptual in nature and shall not be considered as binding on the parties, nor shall it be considered as a basis for any claim for compensation by the developer for delay in the performance of the work. A final schedule that will be binding on the parties shall be fixed in negotiation with the selected Designated Developer and shall be included in the final contract prior to its execution.

III. Clarification of RFP

In order to assure the preparation of a complete Statement, Orange will conduct a non-mandatory Respondent's conference and tour of the site at which a maximum of two representatives of the firm may be in attendance. The conference will be held on March 12, 2012 at 12 noon in the City Council Chambers on the 4th floor of City Hall (29 N. Day Street). A tour of the site with access to the structure will follow the Respondent's conference.

Questions regarding this RFP must be submitted in writing to the Director of Planning and Economic Development at the address listed above prior to the conference in order to ensure that they will be considered. All respondents will be provided with copies of all questions received and written responses to any questions answered by Orange.

IV. Submission of Statements

To be considered, a Statement of Qualifications must be submitted to Ms. Valerie Jackson, Director of Planning and Economic Development, City Hall, 29 North Day Street, Orange, NJ 07050 by 4:00 P.M. on May 25, 2012. One (1) original and six (6) copies should be submitted. The total length of the Statement should not exceed 25 pages inclusive of all components, but exclusive of the following: the firm's annual financial statement, the Non-Collusion Affidavit, the Affidavit of Truthfulness, the Checklist, the Corporate Resolution, Business Registration Certificate, Affirmative Action Statement and all documentation required in support of proposed subcontractors.

Subsequent to the receipt of Statements, Orange may choose to conduct interviews of some or all Respondents in order to assist in the making of its final determination. Should such interview be required, the affected Respondents shall be notified in writing of the date and time of the interview and as to the nature of issues to be presented in the interview.

V. Terms and Conditions of Agreement

The contract awarded as a result of this RFP shall include all of the requirements of the form of contract that is attached hereto as Exhibit III, shall include all of the requirements of this RFP and may also include such terms and conditions as may result from negotiation between the parties after receipt of Statements. The selected Respondent shall have seven (7) days from the date of receipt of the form of contract to execute the contract and to provide all necessary supporting documents, such as insurance certificates.

VIII. Issues to be Addressed

To be considered, the statement must be responsive to the issues listed below. Other information is welcome, within the limitations of length outlined elsewhere in this RFP.

1. Description of Firm and Its Capabilities - Provide a brief description of your firm and its capabilities to provide the services required. Include a notarized statement disclosing the ownership and capital structure of the firm. The disclosure should set forth the names and addresses of all general partners, if a partnership, or all shareholders who own 10% or more of its stock of any class using the form attached hereto as Exhibit V. If any stockholder or partner is itself a partnership or corporation, the disclosure should include the names and address of partners or shareholders who own 10% or more of the stock of any class thereof. This process should continue along the chain of ownership until all names and addresses of every non-incorporated and non-partnership individual having the specified level of involvement, are disclosed. The disclosure should also identify the percentage of ownership by minorities and women. A copy of the firm's most recent annual financial statement should be included as an appendix.

3. Staffing Levels - Provide the existing staffing level of the firm and any plans for increase or decrease thereof within the next six-month period.

4. Personnel - Please provide a brief resume of the individuals in your firm who would be responsible for the implementation of the Project from a supervisory or management perspective, indicating the senior officer (Team Manager). Provide a brief resume for each person that would be assigned to the Project in a supervisory or management capacity and describe his/her experience in rendering services of the nature required by the Project. Indicate the role of each such individual in implementing the Project and include an organization chart depicting the relationship between all personnel on the project team.

5. Specialized Skills – Please indicate those development and construction tasks as will be carried out directly by your employees of the developer (e.g. excavation, carpentry, electrical). Provide an indication of those skills or capabilities that set your firm apart from others in this field.

6. Summary of Related Experience - Provide evidence of the firm's ability to perform on projects of a similar scope and nature. Of particular importance is evidence of the ability to produce quality work, to meet deadlines and to work within budgets. At a minimum, the statement should provide a list of at least three projects of similar scope completed by the firm. Orange prefers that experience with municipalities in New Jersey be provided. If no such experience is available, experience with other public sector entities may be submitted. If no public sector experience is available, private sector experience within New Jersey is preferred over private experience outside the state.

7. Current Projects - Provide a list of all current projects.

8. Sub-Contracting Requirements - The statement should indicate what portions of work, if any, would be performed by other firms operating on a sub-contract basis. If any subcontracting is expected, provide information about each subcontractor at the same level of detail and specificity

as is requested for your firm. Orange reserves the right to approve or reject any or all firms proposed as subcontractors. If any proposed subcontractor is rejected, Orange at its sole discretion may permit the Respondent to propose alternate subcontractors for those tasks.

9. Affirmative Action - Affirmative Action/Equal Employment Opportunity (AA/EEO) is one of the most important factors considered by Orange in reviewing all responses. It is the policy of Orange that Minority Business Enterprise ("MBE") and Women Business Enterprise ("WBE") shall have the maximum practicable opportunity to participate in providing services to Orange and Orange strongly encourages MBE and WBE participation. Provide a summary of your firm's accomplishments in the area of AA/EEO and indicate how your firm intends to meet or exceed Orange's goal for MBE/WBE participation in this contract, which is currently a minimum of 20%.
10. New Jersey Presence - Describe your firm's presence in New Jersey, specifically including the number and type of staff and the location of offices.
11. References - Provide the names, addresses and phone numbers of three professionals within the development industry, other than clients or former principal employees, who are qualified to comment on the quality of your firm's operation. Indicate the basis of each reference's knowledge of your firm.
12. Insurance - Please indicate the extent of insurance coverage which your firm carries to protect against liability related to the performance of DR services. Include the name of all carriers, policy numbers and amounts of coverage. At a minimum, Orange expects the DR and/or its consultants and subcontractors to be adequately insured in the areas of Worker's Compensation, general liability, property damage, automobile liability and professional liability.
13. Financial Condition – Please provide an audited financial statement for the firm for the most recently completed fiscal year.
14. Bank Reference – Please provide the name, address and contact person for the principal bank utilized by the firm.
15. Defaults – Please provide a complete list of any and all projects for which the firm, for any reason, failed to complete any work that had been awarded to the firm. Provide explanations in each case as to reasons why the work was not completed.
16. Conflicts - Describe any existing or potential legal or other policy conflicts of interest or appearance of conflict of interest your firm may have, or which reasonably might arise, because of your involvement in this engagement. In preparing your response, please be aware that Orange frequently engages in transactions involving other entities, including other local governments, school districts and not for profit corporations.
17. Investigations - State whether your firm or any of the principals in your firm has been (in the past three years) or are currently the subject of any Federal or state investigation, and indicate the nature of that investigation.
18. Litigation - Indicate any pending litigation in which your firm or any of the principals in your firm is involved which may directly or indirectly affect the firm's ability to assist Orange in any manner.
19. Non-Collusion Affidavit - The Respondent must include with the response a non-collusion affidavit, in the form as provided in Exhibit VI as is appropriate to the type of company.

20. Affidavit of Truthfulness - The Respondent must include with the response an affidavit attesting to the truth and accuracy of all information submitted in the form as provided in Exhibit VII as is appropriate to the type of company.

21. Authorization for Release of Information – Please provide written authorization to all persons, firms or corporations to furnish such information as may be necessary to verify the representations made in response to this RFP.

22. Other Information - Please discuss any other factors not mentioned above which you believe are relevant to Orange's selection of your firm as part of its team.

23. Completeness of Response - In order to be assured that your response has addressed all the areas of concern, you must also complete the "Checklist of Required Information" which is included as Exhibit VIII.

X. Selection of Designated Developer

Upon the completion of the review of the responses submitted to this RFP and such interviews as may be conducted, Orange shall select that firm or firms whose Statement is, in the sole discretion of Orange, in the best interests of the City.

XI. Reservation of Rights and Options

Orange, in its sole discretion, reserves the following rights and options with regard to any Statement:

1. To abandon the RFP process, including the right to decline to award any contract related to this RFP, for any reason or no reason.
2. To accept the Statement that, in the City of Orange's sole judgment, best serves the interests of the City.
3. To waive any condition, requirement or formality that would otherwise have constituted non-conformance with the provisions of this RFP.
4. To reject any or all Statements.
5. To reject incomplete or non-responsive Statements.
6. To change or alter the terms of this RFP.
7. To undertake all actions necessary to clarify or verify information provided by any Respondent.
8. To interview any or all Respondents.

Exhibit I: Project Site: The Bravo Properties



297 Scotland Road, 321 Scotland Road, 507 Mitchell Street
Tax Block 4003, Lot 7, Tax Block 4003, Lot 1 Tax Block 4004, Lot 1



Aerial Photograph: (6/16/2010)

Source: Google Maps (1/13/2012)

Exhibit II: City of Orange Township Preliminary RFP Schedule

January 30, 2012	Request for Proposal(s)/Qualifications Issued
March 12, 2012	Non-Mandatory Bid Meeting 12 Noon Bravo RFP 4 th Floor City Hall, 29 N. Day Street, Orange, NJ 07050
May 25, 2012	All materials due no later than 4 PM in the office of Planning and Economic Development 29 North Day Street, Room 305 Orange, NJ 07050
July 6, 2012	Decision made and all entities who submitted materials notified.

Exhibit III: Form of Contract

DEVELOPER'S NAME: _____

DEVELOPER'S ADDRESS: _____

TELEPHONE NUMBER: _____

On behalf of the Developer, I certify that this Proposal is submitted with full knowledge of this Request for Proposals, its attachments and exhibits and that the Developer agrees to comply with the terms and conditions of this Request for Proposals.

Seal of Developer (If a Corporation)

Signature Date

Name

Title

Exhibit IV: Form of Certified Corporate Resolution

PLEASE TAKE NOTICE that a meeting of the Board of Directors of the

_____ was held at _____ A.M. on _____
(Name of Corporation) P.M. (Date)

(Address)

at which time the following RESOLUTIONS were unanimously adopted as follows:

RESOLVED that this Corporation is authorized to submit a Proposal to the City of Orange Township (“Orange”) for designation as Developer for the Bravo project site.

BE IT FURTHER RESOLVED that if this Corporation’s Proposal is accepted by Orange, the President of this Corporation is authorized to execute and deliver on its behalf, a contract with Orange substantially in the form of Exhibit IV of the Request For Proposals with such changes thereto as may be negotiated by the parties.

The undersigned Secretary of this Corporation hereby certifies that the foregoing Resolutions were lawfully adopted by the Board of Directors of this Corporation on the date set forth above, that the foregoing Resolutions are a true, accurate and complete copy of the Resolutions so adopted and placed in the Corporation’s records, and that they are in full force and effect as of the date hereof.

Secretary Date

(Affix Corporate Seal)

Exhibit V-1: **Disclosure of Ownership**

Instructions:

New Jersey law (NJSA 52:25-24.2) requires that all Corporation and partnerships receiving public contracts submit a list of the names and addresses of all principals who own more than 10% of any class of stock, or 10% or more of the total stock (if a corporation), or 10% or more of the partnership. In addition, if the Proposer has as one or more of its owners a corporation or partnership, the ownership of those entities must be similarly disclosed, and that process shall continue down the entire chain of ownership until the names and addresses of every non-incorporated stockholder and/or individual partner is disclosed.

This information must be provided on the forms following these instructions entitled "Disclosure of Ownership". Separate forms should be used for each corporation or partnership included in the chain of ownership. Each form must be signed by an officer of the corporation and be attested to by the secretary (if a corporation) or by all partners (if a partnership). Partnership forms must be notarized as well.

Failure to properly complete this disclosure statement or to submit it as part of the proposal will be grounds for the proposal to be rejected.

Exhibit V-2:

DISCLOSURE OF OWNERSHIP
(for use by Partnerships)

I. Partners

Name	Home Address	Signature
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name of Partnership

Signature of Notary as to Signatures Date

DISCLOSURE OF OWNERSHIP
(for use by Corporations)

I. Principals (list all owners of 10% or more of stock)

<u>Name</u> <u>% Owned</u>	<u>Home Address</u>	<u>Title</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name of Corporation

By: _____
Signature of Officer Date

Attested by: _____
Secretary of Corporation Date

(Affix Corporate Seal)

Exhibit VI-1:

AFFIDAVIT OF NON-COLLUSION
(for use by Sole Proprietors)

State of _____)

ss

County of _____)

_____, being duly sworn deposes and says:

That he/she is the person whose signature is affixed to the foregoing Proposal, that such Proposal is genuine and not sham or collusive or made in the interest or on behalf of any person not therein named, and that the Proposer has not, directly or indirectly, induced or solicited any other Proposer to put in a sham Proposal, or any other person, firm or corporation to refrain from proposing, and that the Proposer has not in any manner sought by collusion to secure to the above named Proposer an advantage over any other Proposer.

By: _____
Signature of Proprietor

Sworn to before me

This ___ day of _____, 20__

Notary Public

Exhibit VI-2:

AFFIDAVIT OF NON-COLLUSION
(for use by Partnerships)

State of _____)

ss

County of _____)

_____, _____, _____,

_____, _____, _____,

each being duly sworn, each deposes and says for himself or herself:

That he/she is a member of and that they collectively comprise the partnership firm designated as _____, which is the party making the foregoing Proposal, that such Proposal is genuine and not sham or collusive or made in the interest or on behalf of any person not therein named, and that the Proposer has not, directly or indirectly, induced or solicited any other Proposer to put in a sham Proposal, or any other person, firm or corporation to refrain from proposing, and that the Proposer has not in any manner sought by collusion to secure to the above named Proposer an advantage over any other Proposer.

Signature of Partner Date

Signature of Partner Date

Signature of Partner Date

Signature of Partner Date

Signature of Partner Date

Signature of Partner Date

Sworn to before me

This ___ day of _____, 20__

Notary Public

Exhibit VII-1:

AFFIDAVIT OF TRUTHFULNESS

(for use by Sole Proprietors)

State of _____)

ss

County of _____)

_____, being duly sworn deposes and says:

that he/she is the person whose signature is affixed to the foregoing Proposal, that the information that is

included in the Proposal for the provision of _____

_____ to the City of Orange Township is true and accurate in all respects to the

best of his/her knowledge and belief.

By: _____
Signature of Proprietor

Sworn to before me

This ___ day of _____, 20__

Notary Public

Exhibit VII-2:

AFFIDAVIT OF TRUTHFULNESS

(for use by Partnerships)

State of _____)

ss

County of _____)

_____, _____, _____,

_____, _____, _____,

each being duly sworn, each deposes and says for himself or herself:

That he/she is a member of and that they collectively comprise the partnership firm designated as

_____, which is the party making the foregoing Proposal,
that

the information that is included in the Proposal for the provision
of _____

_____ to the City of Orange Township is true and
accurate in all respects to the best of his/her knowledge and belief.

Signature of Partner Date

Signature of Partner Date

Signature of Partner Date

Signature of Partner Date

Signature of Partner Date

Sworn to before me

This ___ day of _____, 20__

Notary Public

Exhibit VIII:

CHECKLIST OF REQUIRED INFORMATION

The following are the elements required by the “Request for Proposals”. Please indicate the page numbers of your response which address each area.

<u>Required Element</u>	<u>Page(s) Addressing this item</u>
Plan for the Provision of Services	_____
Description of the Firm (including Disclosure of Ownership (Exhibit VI)	_____
Staffing Levels	_____
Personnel	_____
Specialized Skills	_____
Summary of Experience	_____
Current Projects	_____
Sub-Contracting Requirements	_____
Affirmative Action	_____
Sustainability Experience	_____
New Jersey Presence	_____
References	_____
Insurance	_____
Financial Condition	_____
Bank Reference	_____
Defaults	_____
Conflicts	_____
Investigations	_____
Litigation	_____
Non Collusion Affidavit (Exhibit VI)	_____
Affidavit of Truthfulness (Exhibit VII)	_____
Authorizations to Release Information	_____
Corporate Resolution (if applicable)	_____
Financial Plan	_____