



REQUEST FOR PROPOSALS

ACQUISITION OF THE CIVIC STADIUM PROPERTIES

Lane County School District No. 4J
Facilities Management
715 West 4th Ave.
Eugene, OR 97402

RFP No. 11-02
Issue Date – October 1, 2010

Due Date – February 1, 2011

1.0 INTRODUCTION

1.1 REQUEST FOR PROPOSALS FOR ACQUISITION OF THE CIVIC STADIUM PROPERTIES

The Lane County School District No. 4J (SD 4J) is requesting sealed proposals from qualified Proposers for the ACQUISITION OF THE CIVIC STADIUM PROPERTIES including land and improvements.

RFP packages, which include submittal requirements, may be secured in person from Facilities Management, 715 West 4th, Eugene, OR 97402, or by e-mail request from Kathi Hernandez, Hernandez@4j.lane.edu, on or after October 1, 2010. All proposals are to be submitted to Kathi Hernandez, Management Assistant, Facilities Management, at the above address, by 2:00 p.m. February 1, 2011. Any questions about this solicitation are to be directed to civicrfp@4j.lane.edu.

Late proposals will not be accepted.

All Proposers are required to comply with Oregon Revised Statutes and District Board Policy. Attention is directed to ORS 244, Government Ethics; ORS 279A and 279B.

SD 4J reserves the right to:

- (1) Cancel the solicitation or reject any or all proposals in accordance with ORS 279B.100; (1) & (2).
- (2) Postpone selection of the apparent successful Proposer for a period not to exceed 90 (ninety) days from the date of Proposal Due Date.
- (3) Waive informalities in the proposal; and/or
- (4) Select the proposal which appears to be in the best interest of the district.

*PUBLISHED: Oregon Procurement Information Network (ORPIN)
Daily Journal of Commerce
Eugene Register Guard
Oregonian
Oregon Daily Emerald
Eugene Weekly*

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1.3 SIGNATURE PAGE

This page must be completed and included with all proposal submittals.

This proposal is submitted for the acquisition of the property indicated below (select one):

- Combined Properties
- Stadium Parcel Only
- North Lots Only

Proposer acknowledges review of Addenda number (s) _____ through _____

Proposer Acknowledges review of Reference Documents from SD 4J Project Website.

Agreed by:

Legal Name of Proposer: _____

Doing Business As (if applicable) _____

Address: _____

Telephone: _____ FAX: _____

Internet Email Address: _____

Proposer's Signature: _____

Type or Print Officer's Name and Title: _____

1.4 RFP SCHEDULE

<u>Key Action</u>	<u>Scheduled Date</u>
Issuance of RFP	10/1/2010
Property Inspection	11/2/2010
Deadline for Addendum Requests	1/4/2011
Deadline for Addendum	1/11/2011
Proposals Due	2/1/2011
Competitive Range of Proposals (Short List) Forwarded to Board	3/2/2011
Board Evaluation & Potential Interviews	3/2/2011 through 4/6/2011
Anticipated Award	4/20/2011 (Future Action) & 5/4/2011 (Action)

Eugene, Oregon

REQUEST FOR PROPOSALS (RFP)

Title: **ACQUISITION OF THE CIVIC STADIUM PROPERTIES**

Proposals Due: February 1, 2011

2.0 PROPERTY INFORMATION

2.1 INTRODUCTION & OVERVIEW

The Civic Stadium Properties located near East 20th Avenue and Oak Street in Eugene were acquired between 1938 and 1941 by the School District (SD 4J). The property is not needed for educational purposes and has been designated as surplus property since 2002.

The school board of directors (Board) has approved the superintendent's recommendation "to dispose of the Civic Stadium property and marketing the property for sale, long term lease or trade using a Request for Proposal (RFP) process."

The intent of the RFP process is to allow for the broadest range of proposed uses, including potential preservation of the stadium grandstand, and allow the Board to consider more than the financial bottom line when deciding whether to accept a proposal.

2.2 PROPERTY DESCRIPTION

The Property designated as CIVIC STADIUM PROPERTIES includes the land and all structural and site improvements of the following tax lots:

Tax Map 18-03-06-11

Stadium Parcel:

Tax Lot 8505 ---- 9.43 acres---zoned PL (Public Land)

North Lots:

Tax Lot 7900 ---- 0.49 acres---zoned R-2 (Medium Density Residential)

Tax Lot 7901 ---- 0.19 acres---zoned R-2 (Medium Density Residential)

2.3 ACQUISITION OPTIONS

The Proposer may submit a proposal for acquiring the North Lots only, the Stadium Parcel only, or the Combined Properties. The Proposer may submit a proposal for ground lease, or trade of properties, as an alternative to outright purchase.

SD 4J reserves the right to give preference to proposals for acquisition of the Combined Properties and to proposals for outright purchase.

2.4 REFERENCE DOCUMENTS

The following reference documents are available on SD 4J Project Website:
www.4j.lane.edu/civicstadium/documents

- RFP – Acquisition of the Civic Stadium Properties
- Proposed Findings of Fact and Appendices (Findings)*
- Civic Stadium As-Built Drawings
- Civic Stadium Surveys
- Asbestos Information and Survey Report
- Preliminary Title Report

*Proposed Finding of Facts accepted by the Board without modifications on June 16, 2010.

SD 4J makes no representations or warranties with regard to the accuracy of the documents, and shall not be liable to any party for any errors or omissions in such documents.

2.5 PROPERTY INSPECTION

A non-mandatory property site inspection is scheduled for Tuesday November 2, at 10:00 a.m., rain or shine. Inspection meeting will begin at Stadium north entry gate. Proposers may call Larry Massey, District Architect at 541-790-7428 for information regarding the site inspection. Proposers are encouraged to inspect the property.

2.6 PROPERTY ISSUES

The Property And Improvements Are Offered For Acquisition “AS-IS.”

The Revenue proposal must set forth the total payment to be made to SD 4J as compensation for fee ownership of the properties in the “As Is” condition. SD 4J makes no warranties, implied or otherwise, regarding the structural, functional, or environmental condition or viability of the property for proposed uses.

Access Issues with Neighboring Properties

For decades, a number of properties to the west have taken access across the stadium parcel along the Oak Street alignment, projected south from the intersection with 20th Avenue. There is no record of any grant of any access easement, and SD 4J is without knowledge or information sufficient to form a belief as to whether at any time any neighboring owner had permission from the school district, either expressed or implied. According to Oregon case law, publicly owned property is not subject to adverse possession or easements by prescription. Private property owners cannot successfully assert such claims in this situation, in the opinion of the SD 4J. However, alternative access routes for some properties are either problematic or impossible, and SD 4J has had a claim by a neighboring property owner to recognize his legal right to access, based on his claims for adverse possession, prescriptive easement, and equitable estoppel, in 2010. The owner based the claims on his knowledge of his own access from the property onto District property since 1986, when he acquired the property. Resolution of access claims is held in abeyance pending the disposition of the property and the successful Proposer’s plan to address such claims as part of the redevelopment of the site.

Therefore, these access issues should be considered in conjunction with development options and alternatives, particularly with regard to street connectivity issues discussed in the Findings. Because there are a number of potential solutions available to resolve the issue, the future development and/or use of the property and the successful Proposer’s desires will dictate the most appropriate course of action. Since SD 4J recognizes that change in ownership can

potentially highlight the access issue and claims of rights to access by adjacent property owners, SD 4J will coordinate/cooperate with the successful Proposer as needed to clarify the issue.

Utility Easements or Lack Thereof

Existing public utility locations with and without easements, refer to Findings and to Reference Documents – Preliminary Title Report (with attachments)

Environmental Conditions

Underground Fuel Tank removal and Soil Remediation, refer to Findings.

Systems Development Charge Credit

The System Development Charge (SDC) credit that will “travel” with property ownership is provided below. SD 4J continues to work with the City of Eugene to further refine the estimated credit based upon historical records. The estimate provided below is considered to be the minimum credit established at this time.

Transportation.....	\$113,392	
MWMC.....	\$ 35,466	
Parks		\$ 24,483
PFUs and Other	\$ 43,785	
Stormwater	\$ 26,035	
TOTAL ESTIMATED CREDIT.....	\$243,161	

2.7 DUE DILIGENCE

Each Proposer shall be expected to complete, prior to the submission of its proposal, certain due diligence related to the suitability of the Property for the Proposer’s intended use. Specifically, each Proposer shall complete any soils/geological tests, environmental reports, title examinations and property inspections that it deems necessary or desirable. Any expenses incurred by these evaluations will be the sole responsibility of the Proposer.

SD 4J has posted the Preliminary Title Report on the SD 4J Project Website, as well as supplemental information contained in the Findings regarding environmental conditions, easements of record (and lack thereof), etc. (See: Section 2.4 Reference Documents).

No proposal submitted may be conditioned upon the Proposer’s future approval of a due diligence report described above. Proposals may, however, condition their purchase on the satisfactory resolution of a specified problem identified by a due diligence report previously conducted.

3.0 INSTRUCTIONS TO PROPOSERS

3.1 SPECIFIC SUBMITTAL CONTENT & PROPOSAL SCORING

Provide written responses to each of the following issues. Points to be used by the Screening Committee to rank the proposals to establish the competitive range (“short list”) are shown in parenthesis for each category.

3.2 PROPERTY DEVELOPMENT PROPOSAL (0 POINTS)

Describe type of development and specific use(s), timing of project development and compatibility with existing land use regulations. Provide summary of plans for the stadium grandstands and adjacent baseball field.

3.3 REVENUE (50 PTS)Economic Benefit to SD 4J / Total Purchase Price for all Properties Included in the Proposal.

Indicate total cash offer for each property or for combined properties.

Terms of Purchase

Indicate proposed terms of purchase if other than cash sale.

Sale Conditions/Contingencies and Projected Timeline to Resolve

List all proposed conditions/contingencies and projected time to resolve and remove conditions/contingencies from offer.

Development Proposal Follow-through Assurance

By establishing preference points for preservation of the stadium grandstands for continued use as a stadium venue, and further establishing preference points for community benefit, the Board has essentially determined that these categories will be an appropriate potential offset to revenue (direct benefit to SD 4J) and other indirect benefits to SD 4J. If the successful Proposer is selected on the basis of these criteria (grandstand preservation and community benefit of proposed use/development) as an offset to property value, SD 4J will require assurance that the use of the property and/or development will move forward as proposed, or protection from loss of revenue based upon difference in value between proposed development and actual development.

Indicate the mechanism(s) proposed to provide this assurance (e.g. performance bond, deed restriction, reversion clause, etc.), or alternatively, how SD 4J will be compensated if the property is not developed or used as proposed, based upon the difference in property value between the proposed development and actual development. The Proposer must indicate if no assurance or protection as described above is offered.

Requirement for Fundraising, and/or Public Contributions or Incentives

If the proposal is reliant upon future fundraising, capital campaigns, and/or public agency participation by way of direct contributions, incentives, or bond measures, specifically describe the conditions and amount of time projected to accomplish.

3.4 ADDITIONAL BENEFITS TO SD 4J (20 POINTS)

If the property acquisition and proposed development is considered to provide additional benefit (non-financial) to SD 4J, either direct or indirect, describe those benefits in sufficient detail for the screening committee to consider them in evaluating this section. Examples of additional benefits may include, but are not limited to access to the property and improvements for use in support of the district's educational mission, property tax revenue, potential for stabilizing affect on or increase in student enrollment, etc.

3.5 COMMUNITY BENEFIT OF PROPOSED USE (20 POINTS)

Describe the community benefit, if any, which would be provided by the proposed development.

3.6 PRESERVATION OF GRANDSTANDS FOR CONTINUED USE (10 POINTS)

Indicate what specific plans are proposed for the historic Civic Stadium grandstands and adjacent baseball field. If the proposal intends to raze, remove, memorialize, or significantly alter the stadium grandstands or field, describe the approach and process to be used to address the "listing" on the National Register of Historic Places. If the proposal intends to preserve the grandstands, but to alter the field use and space, describe what approach will be used to mitigate or address the inclusion of the field in the "listing" for the stadium.

3.7 PROPOSER QUALIFICATIONS & EXPERIENCE WITH SIMILAR PROJECTS (0 POINTS)

Describe similar projects, Proposer's representative, development description, challenges and solutions. Describe the Proposers financial capability as it relates to the successful completion of the proposed development.

3.8 SUBMITTAL FORMAT

Proposers to submit one (1) clearly marked original proposal and twelve (12) copies of the proposal. Proposals must be in 8-1/2 x 11 paper, portrait format, and typed, minimum font size 11 pt. Include a compact disc or thumb drive with one complete proposal in adobe acrobat (pdf) format.

Submit proposals in three ring binders, containing the following information, tabbed in the order below:

- 1) Copy of RFP
- 2) Cover Letter. Include the following:
 - a) Letter of introduction signed by an authorized principal of the proposing entity;
 - b) Name, address, email address, and phone number of the Proposer (including contact information for each affiliated member if the acquisition team includes more than one entity);
 - c) A brief summary of the proposal, and why the Proposer believes its proposal will best meet the goals of the SD 4J, [as described in Section 4.0 Evaluation & Selection Process and Section 3.0 Instructions to Proposers];
 - d) A statement that, except for the conditions/contingencies stated in response to Section 3.9 Conditions/Contingencies below, the proposal is binding on the Proposer for a period of not less than ninety (90) days.
- 3) Completed Signature Page
- 4) Property Development Description
- 5) Revenue
- 6) Additional Benefits to SD 4J
- 7) Community Benefit of Proposed Use
- 8) Preservation of Grandstands for Continued Use
- 9) Proposer Qualifications & Experience with Similar Projects

All materials must be submitted in a sealed envelope, box, or other wrapping, labeled with the name of the firm and the following title "ACQUISITION OF THE CIVIC STADIUM PROPERTIES" Proposals must be received by Kathi Hernandez, Management Assistant, Facilities Management, Eugene School District 4J, 715 West 4th Avenue, Eugene, OR, 97402, by 2:00 p.m. on February 1, 2011. Late submittals will not be considered.

Proposals may only be delivered via U.S Mail, courier service, or hand delivery. Electronic or facsimile proposals will not be accepted.

3.9 CONDITIONS/CONTINGENCIES

As described in Section 3.8 Submittal Format above, each proposal shall be considered binding, subject only to conditions expressly designated in the proposal. In addition, Section 2.7 Due Diligence limits permissible conditions related to the approval of certain due diligence reports.

The proposal shall expressly note if there are any material conditions on the Proposer's ability to execute a Purchase and Sale Agreement consistent with its proposal. The Proposer shall disclose in detail any such material condition(s).

If conditions to closing are stated, the Proposer shall address with specificity how the Proposer intends to satisfy each condition, and estimate the time period within which each condition will be satisfied (or removed).

All other things being equal, proposals without material conditions will have a significant advantage in the selection process.

3.10 CONFIDENTIALITY

The District is subject to the Oregon Public Records Law (ORS 192.410 to 192.505), which requires the District to disclose all records generated or received in the transaction of District business, except as expressly exempted in ORS 192.501, 192.502, or other applicable law. One example of an exemption that could be relevant is "trade secrets" (ORS 192.501 (2)). The District will not disclose records submitted by a Proposer that are exempt from disclosure under the Public Records Law, subject to the following procedures and limitations.

All pages containing the records requested to be exempt under ORS 192.501, or for which the Proposer seeks an exemption under ORS 192.502, shall be marked "confidential" and segregated in the following manner:

It shall be clearly marked in bulk and on each page of the confidential document. It shall be kept separate from the other RFP documents in a separate envelope or package. Where this specification conflicts with other formatting and response instruction specifications, this specification shall prevail. Where such conflict occurs, the Proposer is instructed to respond with the following: **"Refer to confidential information enclosed."** This statement shall be inserted in the place where the requested information was to have been placed.

Proposers who desire that additional information be treated as confidential must mark those pages as "confidential"; cite a specific statutory basis for the exemption and the reasons why the public interest would be served by the confidentiality (ORS 192.502 (4)). ***Should an RFP be submitted in this manner, no portion of it can be held as confidential unless that portion is segregated in the above manner and meets the above criteria. Neither the entire RFP, nor the summary of property development proposal or revenue to the district shall be marked confidential.***

At the time that the screening committee establishes the Competitive Range of proposals for Board review and consideration, a review of information identified as confidential will be conducted. If disclosure of any such information is determined, at the sole discretion of the District, to be essential to the process, the Proposer will be given the choice to agree to the disclosure of specific information identified, or to withdraw their proposal from further consideration.

Notwithstanding the above procedures, the District reserves the right to disclose information that the District determines, in its sole discretion, is not exempt from disclosure or that the District is

directed to disclose by the District Attorney or a court of competent jurisdiction. Prior to disclosing such information, the District will notify the Proposer.

3.11 DISCLOSURE OF PROPOSALS OR CONTENTS

Notwithstanding Oregon Public Records Law (ORS 192.410 to 192.505), proposals will be opened and evaluated so as to avoid disclosure of contents to competing Proposers during the evaluation and selection process. The District will prepare a list of proposals for disclosure which will include, at a minimum, summary of development proposal and revenue to the district, withholding any information identified as confidential by Proposers consistent with Section 3.10 Confidentiality. Proposals will be made available for public inspection after Board review of the Competitive Range of proposals and Intent to Award is issued.

3.12 QUESTIONS, CLARIFICATIONS, AND ADDENDUM

Potential Proposers are encouraged to ask questions and seek clarification of the RFP process. All questions should be directed to civicrfp@4j.lane.edu. No Proposer may rely on any oral answer or clarification, unless confirmed in writing.

It is the intent of SD 4J to post on the Project Website the answers to questions that SD 4J believes to be of value to other Proposers or might unfairly prejudice other Proposers if not equally provided. However, no Proposer or potential Proposer shall have any cause of action against SD 4J for its failure to provide answers on the Project Website, whether due to negligence, mistake, or otherwise. Specific questions related to Proposer's approach or Proposer's submittal will be answered only to the specific Proposer by e-mail to maintain confidentiality

Potential Proposers may submit a request for a change or amendment to this RFP by submitting the request in writing to civicrfp@4j.lane.edu, by no later than January 4, 2011. Include the reason(s) for the request and the proposed changes to the RFP provisions, terms, or conditions.

All changes to the RFP will be made by addendum which will be posted to the Project Website.

3.13 EXPENSES

SD 4J shall not be liable for any of the costs of any Proposer or selected Proposer in connection with preparing a proposal in response to this RFP, surveys or site investigations, broker's finder fees, broker commissions, negotiating with the District, or otherwise participating in this RFP process.

3.14 ADDITIONAL REQUIREMENTS

Deed Restriction - Limitations of use

Upon transfer of title to the property, SD 4J will place a deed restriction to prohibit the uses that may injure public health, safety, or public morals, including but not limited to adult bookstores, adult magazine sales, adult cinemas or theaters, topless or nude bars or eating establishments, head shops (i.e. shops selling or dealing in drug related paraphernalia), medical marijuana dispensaries, adult shop/sex shops, escort services, online adult services or chat rooms, and adult call centers. This restriction is for the benefit of the Grantor and its successors and assigns.

3.15 OTHER REQUIREMENTS / RESERVATIONS

1. Should the Board modify the method and/or schedule for the selection, then the selection process described in this RFP will be appropriately modified to conform to Board direction.
2. Ratings of individual screening committee members will be based on point scorings. The screening committee may consider individual point scorings, group average scores, individual rankings, or group ranking in developing a committee ranking recommendation.
3. All Proposers are required to comply with Oregon Revised Statutes and District Board Policy. Attention is directed to ORS 244, Government Ethics; ORS 279A and 279B, Public Contracts and Purchasing and State of Oregon Department of Justice Attorney General's Model Public Contract Rules Manual.
4. The District reserves the right to seek clarification of each proposal and, further, the right to negotiate a final contract which is in the best interest of the agency, considering cost effectiveness and the level of Proposer time and effort required for the contract.
5. If a mutually acceptable contract cannot be negotiated SD 4J reserves the right to abandon negotiations with selected Proposer and begin to negotiate with the second highest rated Proposer.
6. SD 4J reserves the right to reject any or all proposals if there is good cause and the right to cancel the solicitation, in whole, or in part, if doing so would be in the SD 4J's best interest.

4.0 EVALUATION AND SELECTION

4.1 EVALUATION AND SELECTION PROCESS

The following process will be used in the evaluation of proposals and selection of the successful Proposer. SD 4J reserves the right to modify the evaluation and selection process and/or schedule as determined by SD 4J to be appropriate or in the best interest of SD 4J.

1. A screening committee consisting of district staff and real property consultant will review and rate the written proposals. Based on the allocation of points as set forth in Section 3.0 Instructions to Proposers, a range of proposals which are deemed to have a reasonable chance of being selected for award (the "Competitive Range"), will be determined. The Competitive Range is expected to consist of no more than three (3) proposals; however, SD 4J reserves the right to expand or reduce the number of proposals to be included in the Competitive Range. SD 4J will notify all Proposers whether or not they have been selected for the Competitive Range (or "short list").
2. The Competitive Range of proposals will be forwarded to the Superintendent and Board for further consideration, review, and evaluation. Competitive Range Proposers may be asked to prepare and present a live presentation of their proposal to be delivered to the Board in Executive Session. The purpose of the live presentations will be to allow the Proposers opportunity to provide supplemental information in order to provide clarification of the proposal contents, as well as to assist the Board in arriving at a decision to ultimately award a contract resulting from this RFP.

3. Each proposal in the Competitive Range will be evaluated by the Board in light of the goals listed below, as well as all other factors set forth in this RFP, including but not limited to Proposer's experience and qualifications, and financial capability. The evaluation by the Board will not be confined by the criteria and the associated allocation of points as set forth in Section 3.0: Instructions to Proposers.

The primary goal of School District 4J is to dispose of the Property for the highest possible revenue. To the extent that it does not materially and adversely affect the primary goal, SD 4J also has the following secondary goals:

To the extent not inconsistent with SD 4J's primary goal, SD 4J would like to sell the property to a Buyer that submits a proposal that provides other (non-monetary) benefit to SD 4J, provides community benefit, is compatible with the surrounding neighborhood and proximity to South Eugene High School, and that potentially preserves the Civic Stadium grandstands for continued use as an assembly venue.

4. SD 4J reserves the right to require a "Best and Final Offer" from Proposers within the Competitive Range. Revisions of the proposals may be permitted after the submission of the proposals and before award for the purpose of obtaining best and final offers.
5. The Board will discuss their deliberations in open session at a regular meeting of the School Board, following their evaluation.
6. All Proposers submitting proposals will be notified by facsimile transmission or e-mail of the proposed intent to award which will be issued prior to the Board meeting where the award is scheduled as a Future Action Item. Protests must be received to the SD 4J Project Website within 72 hours of the notification from the District. The Superintendent, or designee, shall consider all appeals and render a prompt and final decision.
7. Board decision to award will proceed immediately with the Proposer receiving tentative designation of intent to award, and after the protest period.
8. In any instance in which SD 4J determines that impasse has been reached in negotiations with the highest ranked Proposer, SD 4J may terminate negotiations with that Proposer and commence negotiations with the next highest ranked Proposer.

4.2 SOLICITATION PROTEST

Firms interested in formally protesting the terms of this proposal and selection process, and to address any area in which they believe competition is unduly inhibited, may do so by submitting a written signed statement to civicrfp@4j.lane.edu by 4:00 p.m., sixty (60) calendar days prior to Proposal Due Date. No comments or requests for modification will be received or considered after this date and time.

4.3 SELECTION PROTEST

Any firm or individual wishing to protest a Proposer selection may do so by submitting a signed statement in writing to civicrfp@4j.lane.edu within 72 hours after the "Intent to Award" is issued. All Proposers will be notified of Intent to Award.

END OF RFP