



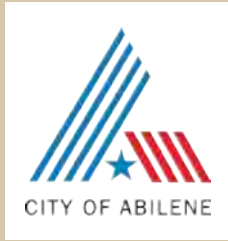
REQUEST FOR PROPOSALS

#CB-1676

CONVENTION CENTER HOTEL & FESTIVAL DISTRICT

Issue Date: 08.26.16
Pre-Proposal Meeting: 1:00 PM CT on 09.15.16
Deadline for Clarifications: 10.07.16
RFP Responses Due: By 4:00 p.m. CT on 10.28.16

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THE CITY OF ABILENE WELCOMES YOU!

The City of Abilene is pleased to present this Request for Proposals for a downtown conference center hotel. The intent of this proposal is to find the right development partner to construct a conference center hotel that will serve as a catalyst linking Abilene's burgeoning medical district with its vibrant and historic cultural arts district.

This conference center hotel will anchor and connect these two districts with an intentional sense of place built for hospitality and community celebration. This proposed festival district represents a public/private partnership for real estate developers interested in creating a distinctive urban destination for West Central Texas. While the intention of the proposal is to develop the hotel, the City will also entertain proposals from developers interested in completing the entire vision either in phases or in one master project.

Abilene understands that such a vision will take a concerted effort between the public sector and the right private sector developer who understands the vision spelled out in this Request for Proposals. Abilene is prepared to offer incentives to create an environment within current market conditions that will create a successful project.

I encourage you to consider this proposal and to submit your responses within the timeline identified. Downtown Abilene's storied past has been celebrated in novels, movies and music but today, Abilene's urban core is enjoying a new chapter in its history. Come and be a part of an Abilene renaissance.

Respectfully,

Norm Archibald
Mayor

INTRODUCTION

Abileneans have always been associated with the early days of the West Texas Frontier. But today they have discovered a new frontier; the urban frontier located within the heart of their city. While the Wild West is still remembered, downtown Abilene is evolving into a dynamic downtown where business, modern living, culture and entertainment are fused together for a holistic urban experience. The Abilene community has long enjoyed a comfortable and safe lifestyle with wonderful neighborhoods, rich traditions, enviable education, cultural destinations and a healthy downtown. But the time has come to reinvent the center core of the community and direct new energy and resources into the downtown.

In addition to serving as the region's business, financial and government center, downtown has also been a destination for tourism with an impressive collection of museums and entertainment venues such as The Grace Museum, Frontier Texas! and The National Center for Children's Illustrated Literature. However, a recently completed Economic Development Strategic Plan has recommended increased attention be placed on downtown Abilene as a home for newly recruited businesses and entrepreneurs.

“Downtown Abilene's storied past has been celebrated in novels, movies and music but today, downtown Abilene is enjoying a new chapter in it's history.”

“Young professionals seeking an urban lifestyle can find downtown housing, a variety of food and beverage offerings and cultural destinations within minutes of their workplace.”

Local leadership has committed resources to reposition downtown as a live, work, play and stay environment where employees, residents and guests alike can enjoy the benefits of a walkable downtown. Young professionals seeking an urban lifestyle can find downtown housing, a variety of food and beverage offerings and cultural destinations within minutes of their workplace. An added benefit awaiting downtown residents is the easy access to west Central Texas just minutes from their urban neighborhood where boating, biking, hiking, fishing & hunting abounds.



The Festival District is envisioned to become a major attraction to downtown by complementing the existing Convention Center with a new full service signature hotel, unique eateries and urban housing to serve as a catalyst for even more urban development to follow. The district will become an “anchor” for downtown and complement existing destinations such as The Paramount Theater, museums and recently developed local boutique restaurants, drinking establishments and retailers.



Acting as the district pillar, the first priority is the new hotel which will provide an amenity to the Convention Center making it even more successful by bringing complimentary uses, services and amenities directly across 6th Street to help bolster the convention and tourism business. Existing downtown corporate, governmental facilities along with close-by medical and educational providers will benefit from the Festival District offerings as well.

Imagine a mixed-use district in the heart of one of Texas' most historic cities where genuine hospitality is celebrated everyday. Downtown Abilene's Festival District is being planned to provide a unique visitor experience within an eclectic setting for hotel guests, convention attendees and locals to enjoy the sights & sounds of a hip & historic urban district. Whether it's taking in a show at the Paramount Theater, a concert on the Plaza, attending a conference, enjoying "Farm to Table" food and locally brewed beers & spirits, or exploring downtown Abilene's storied past in the museums and historic buildings, The Festival District is sure to please visitors and locals alike.

“Downtown Abilene's Festival District is being planned to provide a unique visitor experience within an eclectic setting”



Located immediately south of the Convention Center along Cypress Street in downtown Abilene, the Festival District represents a public/private partnership development opportunity for real estate developers interested in creating a distinctive urban destination for West Central Texas. The City of Abilene has acquired the surrounding properties for the all-important first step of site control to allow for immediate implementation of the development vision.

“The Festival District represents a public/private partnership development opportunity for real estate developers interested in creating a distinctive urban destination for West Central Texas.”

A preliminary development program has been prepared and presented in this package to allow prospective developers and interested parties to gain a better appreciation of the potential density, tenanting and urban/architectural design opportunities for the two-block area.

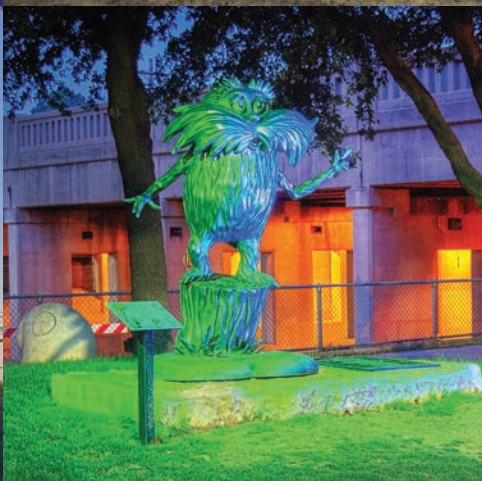
We are certain you will sense the excitement of the renaissance already in motion in downtown Abilene and how your development expertise can help Abilene leadership write the next chapter for this historic frontier town.

We look forward to introducing you to the Festival District development opportunity.

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TABLE OF CONTENTS

Location, Location, Location...	9
The Intention	15
The Process	27
The Submission	31
Appendix	35



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**LOCATION, LOCATION,
LOCATION...**

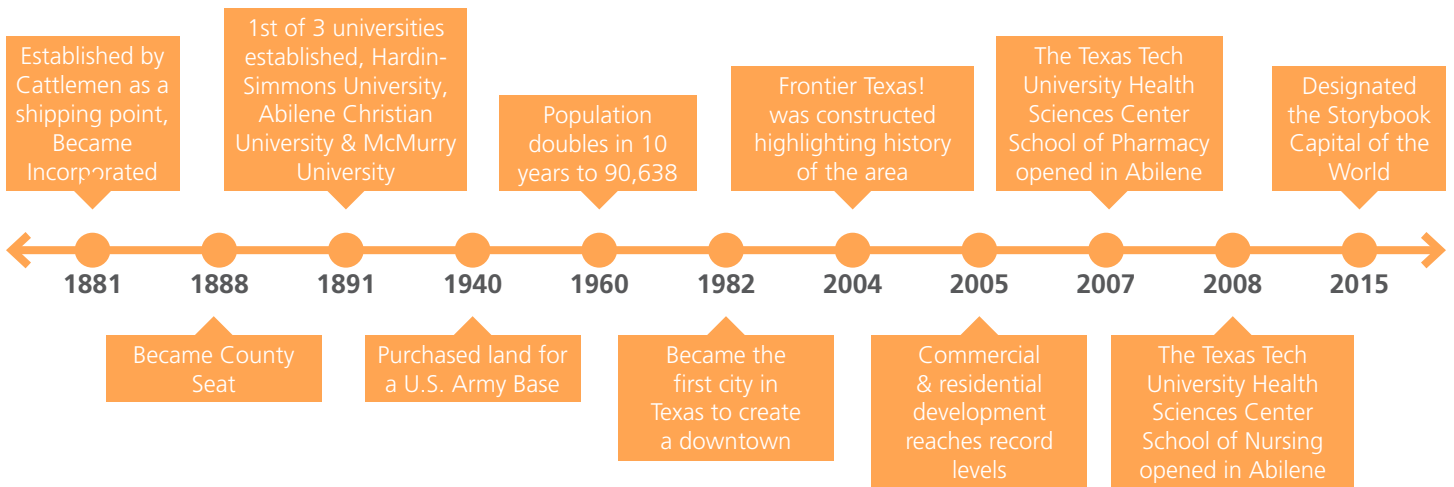
LOCATION



“The history of the Wild West is synonymous with excitement, strength, creativity and spirit. In Abilene, that frontier spirit lives on and is a place where western heritage is both a birthright and a pastime.”



HISTORY



WHAT MAKES ABILENE SO GREAT

1

FAMILY FRIENDLY

The Storybook Capital of Texas is home to not only sculptures of beloved children's storybook characters, but also the National Center for Children's Illustrated Literature. Paired with The Grace, and other attractions, Abilene makes for quality family time.



2

EASE OF ACCESS

Abilene Regional Airport, serviced by American Airlines, offers visitors a direct line of travel between this Midwest hotspot of Texas and many larger cities including the Dallas/Ft. Worth area. The public transit service in Abilene is also top notch, providing excellent service.



3

REVITALIZATION

Thanks to the past few decades of revitalization at places like The Grace Museum and Paramount Theatre and new construction along the freeway, Abilene has become a commercial, medical, retail, and transportation hotspot of the Midwest Texas.



4

A GROWING ECONOMY

The City of Abilene is continuing their progress in revitalizing the city by attracting new forms of business to the area such as Tige, a boat manufacturer and employs upwards of 300 people; and AbiMar foods, which is investing \$30 million dollars on a plant expansion.



5

THRIVING MEDICAL COMMUNITY

Abilene hosts two top-tier hospitals, Abilene Regional Medical Center and Hendrick Medical Center, as well as Texas Tech University's Health Sciences campus offering a School of Nursing, a School of Pharmacy, and the Graduate School of Biomedical Sciences.



6

EDUCATION

In addition to two highly-regarded public school systems, Abilene has nine institutions of higher learning and over 10,000 students pursuing higher education.





\$425.5
million

Pumped into Abilene's economy in 2014 through travel and tourism.

\$11.4
million

Generated in local tax receipts in 2015 from visitors to Abilene.

\$124

Daily average spent by each visitor who spent the night in a hotel.



“ A convention hotel will attract new convention business and give our sales team the highly marketable product we need to increase the travel industry in Abilene. ”

Nanci Liles, Executive Director

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THE INTENTION

THE INTENT

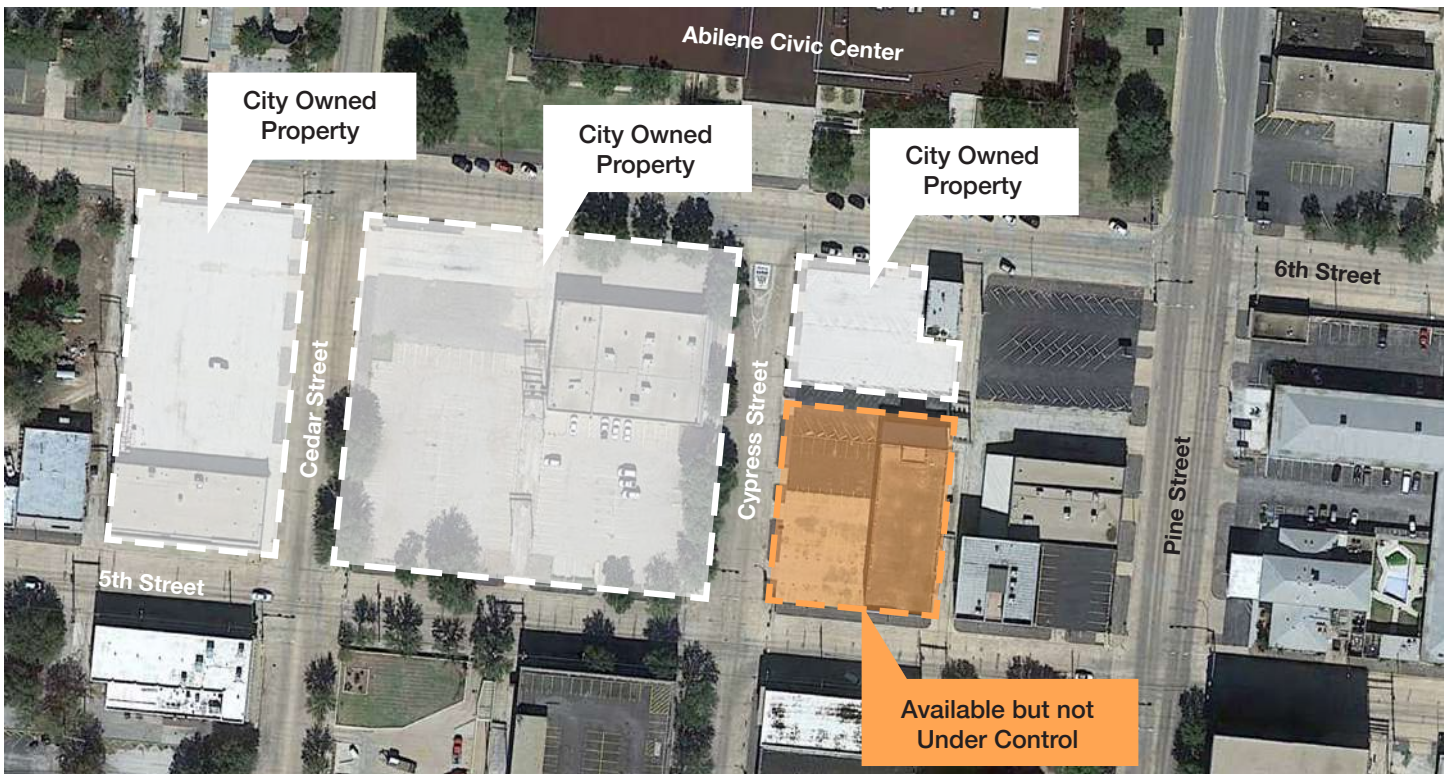


It is the intent of the City of Abilene (“City”) via this request for proposals (“RFP”) to identify the best private-sector partner.

This partner will develop, finance, own, and operate a quality, nationally-branded hotel property of no less than 150 rooms directly across the street from the Abilene Civic Center (“ACC”). The purpose for the public participation in the hotel project is to allow the ACC to more effectively attract larger groups via a room block agreement that will result in greater economic impact benefiting the Abilene community.

***BEST VALUE:
CONDUCTING OPEN AND HONEST
DIALOGUE WITH TOP PROPOSERS,
GIVING PROPOSERS THE
OPPORTUNITY TO ADAPT THEIR
INITIAL OFFERING AND/OR GIVING
THE CITY THE OPPORTUNITY TO
MODIFY ITS INITIAL REQUIREMENTS
IN ORDER TO REACH A MUTUALLY
BENEFICIAL PARTNERSHIP.***

The City will consider submittals that propose both high-end select service hotels as well as smaller, full-service hotel properties. The City understands and recognizes that full-service properties require a larger public-sector investment in order to make the project economically attractive to private sector developers. Moreover, the City is open to receive proposals that include a request for management and operational control of the ACC (currently managed by the City) and/or its food and beverage operations. The City is also open to receive proposals that include other commercial and/or retail development components in addition to the civic center hotel.



THE FESTIVAL DISTRICT



Imagine a mixed-use district in the heart of one of Texas' most historic cities where genuine hospitality is celebrated everyday. Downtown Abilene's Festival District is envisioned to provide a unique visitor experience within an eclectic setting for hotel guests, convention attendees and locals to enjoy the sights, sounds and activities of a hip & historic urban district.

CHARACTER IMAGES THE FESTIVAL DISTRICT



Water Elements



Outdoor Entertainment



Incorporating Art



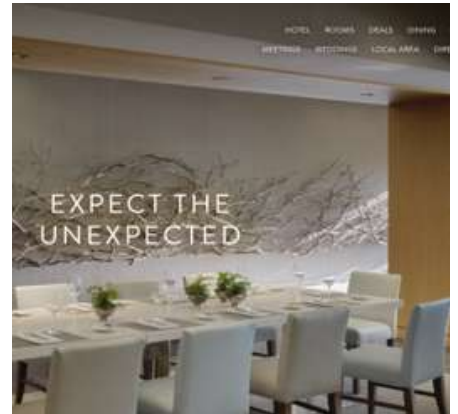
Storybook Characters



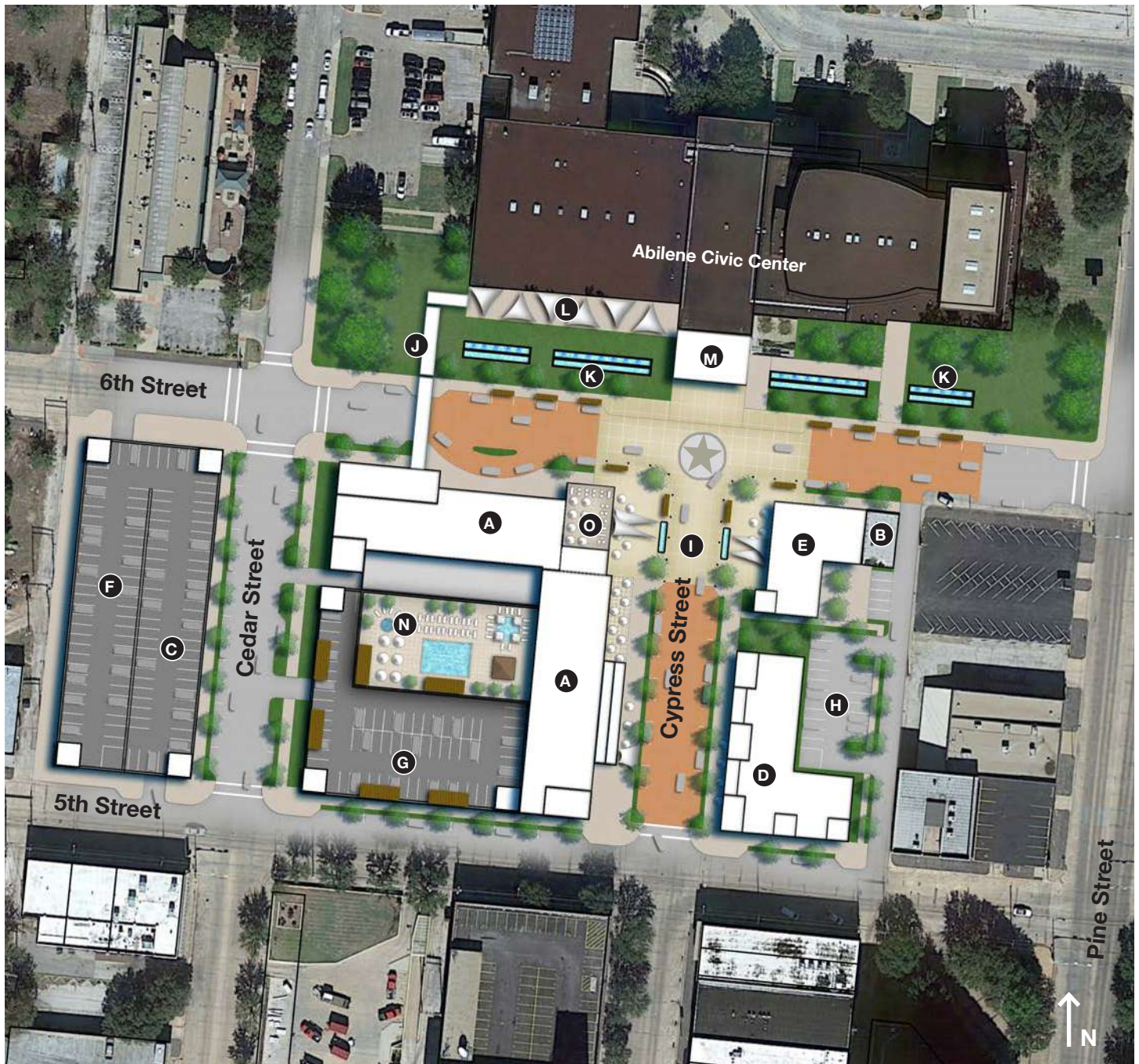
Nighttime Activity



CHARACTER IMAGES THE HOTEL



PRELIMINARY PROGRAM



- A** Hotel
 - + Ground Floor
 - Restaurant
 - Lounge
 - Ballroom
 - Back of House

- B** Historic Building

- C** Mixed-Use

- D** Mixed-Use

- E** Commercial (1st Floor)

- F** Parking Garage

- G** Parking Garage

- H** Parking Lot

- I** Festival Plaza
 - + Curbsless street / plaza
 - + Maintains day-to-day traffic
 - + Convertible Festival Plaza

- J** Covered Pedestrian Walkway

- K** Fountains

- L** Canopies over Plaza

- M** Covered Stage/Steps

- N** Amenity Deck

- O** Rooftop Bar

PRELIMINARY DEVELOPMENT DATA



A

HOTEL

FLOORS - 7
212,500 SQ FT
200 ROOMS

B

HISTORIC BUILDING

FLOORS - 2
EXISTING BUILDING

C

COMMERCIAL

FLOORS - 1
21,500 SQ FT

D

MIXED-USE

FLOORS - 4
42,800 SQ FT
COMMERCIAL (13,400 SQ FT)
RESIDENTIAL (29,400 SQ FT - 26 UNITS)

E

MIXED-USE

FLOORS - 3
212,500 SQ FT
COMMERCIAL (7,000 SQ FT)
RESIDENTIAL (14,000 SQ FT - 12 UNITS)

F

PARKING GARAGE

FLOORS - 2
+/- 160 CARS

G

PARKING GARAGE

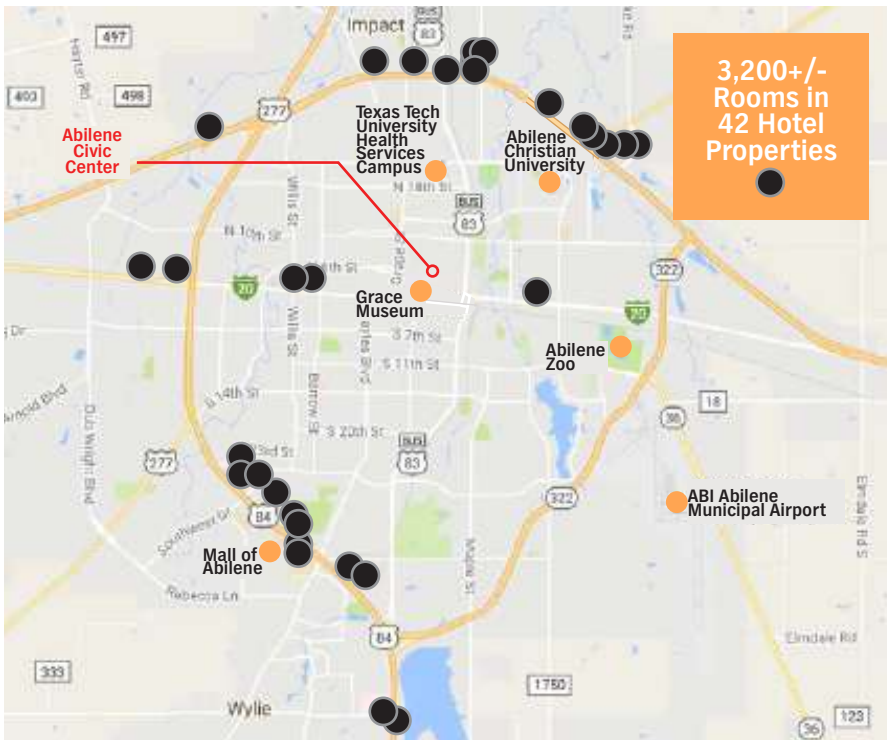
FLOORS - 2
+/- 200 CARS

H

PARKING LOT

FLOORS - 1
+/- 20 CARS

THE HOTEL MARKET

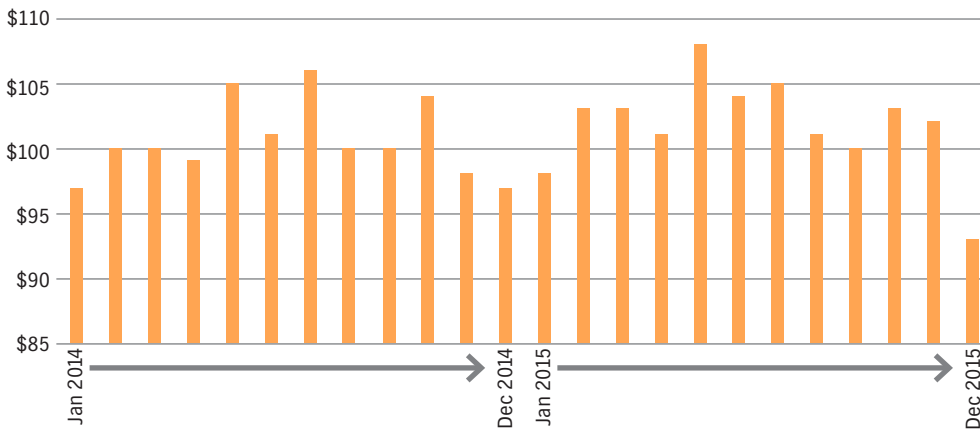


3,200+/-
Rooms in
42 Hotel
Properties

The Abilene area supports over 40 hotel properties, currently concentrated somewhat along the Interstate 20 and Route 84 corridors.

There are five individual hotels that could likely be most comparable to the proposed Civic Center Hotel subject property, in particular with respect to the location, quality, size, and type of each. These five properties, referred to as the “Comp Set,” are presented below along with the number of rooms per property. For informational purposes, a summary of the ADR and occupancy percentages for the Comp Set is presented on the following pages.

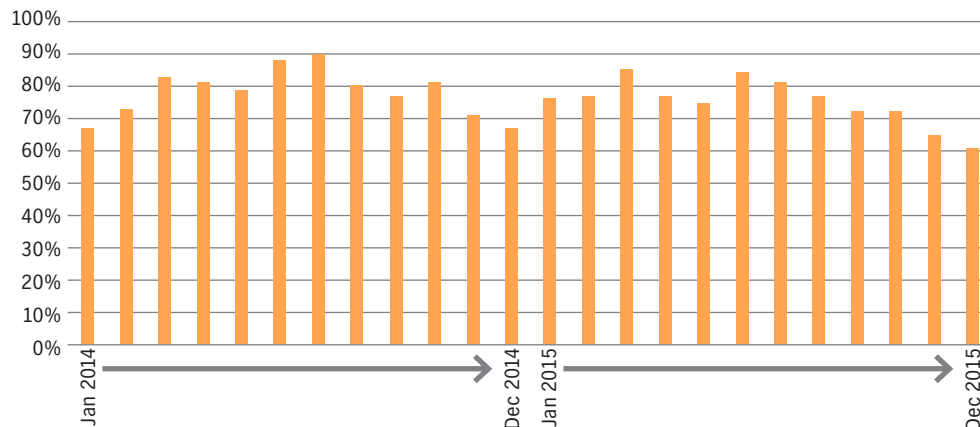
ADR by Month: Comp Set



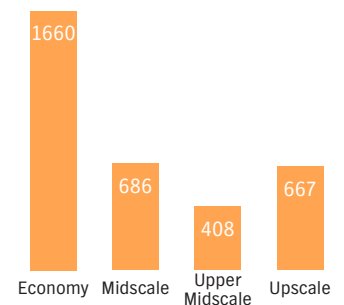
“Comp Set”

Hilton Garden Inn	123
Courtyard by Marriott	100
Hampton Inn & Suites	72
Holiday Inn Express - Mall South	66
Hampton Inn	63
“Comp Set” Total	424

Occupancy Percentages by Month: Comp Set



Total Abilene Guestrooms



THE CIVIC CENTER



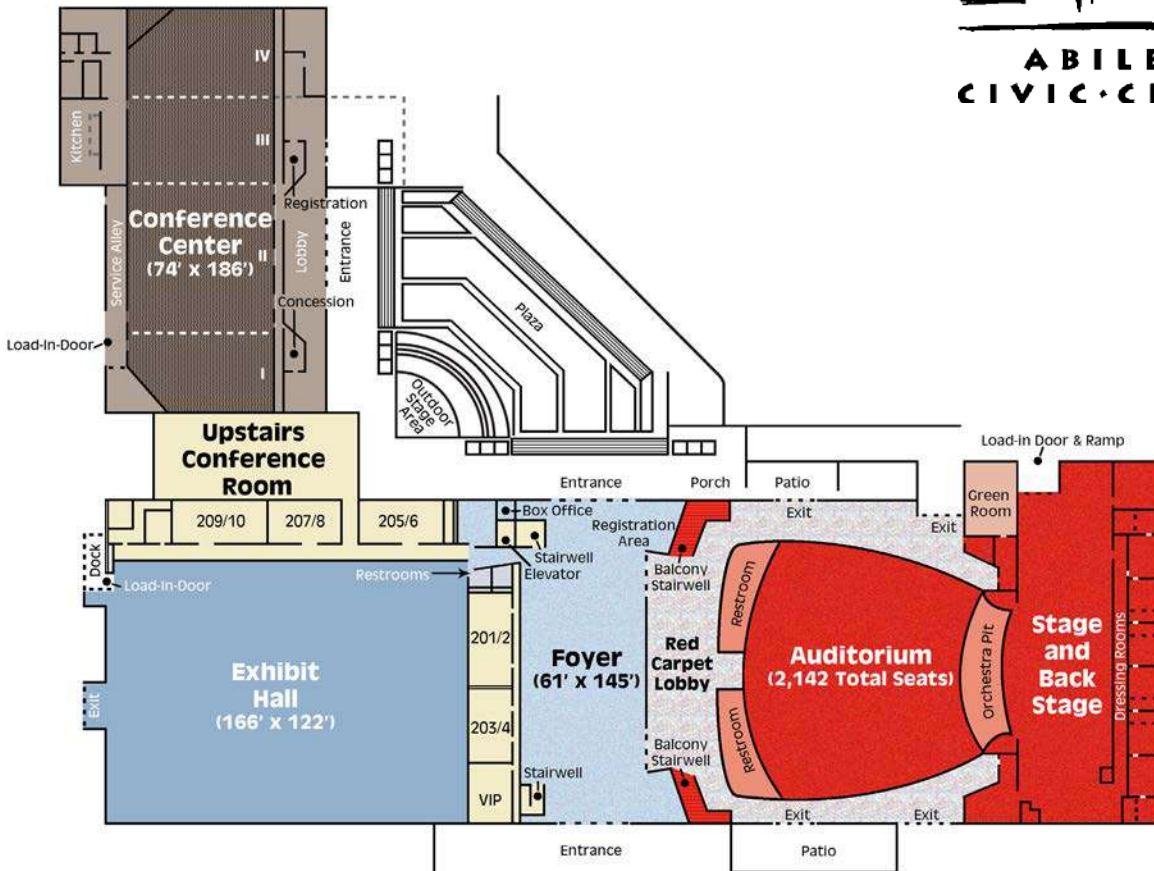
Constructed in the 1960's from citizen approved bonds and owned and operated by the City of Abilene, the facility hosted 19 events during 2015, with a total attendance of over 560,000 people.



Key Highlights

Total Breakout Space	20 Rooms
Total Square Feet	33,400 SQ FT
Exhibit Hall Square Feet	20,000 SQ FT
Conference Center	13,400 SQ FT broken up into 4 spaces
Meeting Rooms	3,500 SQ FT within 5 different rooms, with the ability to divide each room in half
Parking Capacity	Approx. 500 spaces
Auditorium	2,121 seats with backstage and green room
Food Service	All temporary food booths must be inspected and permitted by Environmental Health prior to serving.
Liquor Details	Any usage of alcohol must go through a contracted Alcohol Beverage Caterer for the Abilene Civic Center. Alcoholic beverages can only be served or consumed in the Abilene Civic Center upon the request of the sponsor and the approval of the Civic Center Manager. Alcoholic beverages cannot be served or consumed in the Red Carpet Lobby Area. All entrances/exits in the areas where alcoholic beverages are being served must be secured at all times by properly licensed and bonded security guards. It is the responsibility of the caterer to work with each event in securing properly licensed and bonded security guards. At no time shall bars be allowed to open until proper security is in place.
Other Facility Amenities	Loading dock, Outdoor meeting & function areas, Dressing rooms, Business Center

THE CIVIC CENTER



INCENTIVES

The Public-Private Partnership

While the City of Abilene will have the ultimate decision on the amount and type of public participation, the City recognizes that a successful hotel project will involve public participation. The City seeks the best value for any public investment and is not necessarily seeking the lowest level of public investment. The City's participation for the civic center hotel development project will at a minimum include (a) contribution of land, and (b) parking. Additionally, pending the City's comprehensive financial analysis of proposals, the City is prepared to consider the use of other City assets or financial tools as incentives for the project, including:

- a. Create a Tax Increment Reinvestment Zone (TIRZ) for the benefit of the hotel, and/or
- b. Exemption of a portion of State and Local Sales and Use Tax on hotel construction through the creation of a Local Government Corporation, and/or
- c. Enter into a Chapter 380 Agreement to rebate a portion of the post hotel construction Local Sales and Use Tax generated by the new hotel, and/or
- d. Enter into a Chapter 380 Agreement to rebate a portion of the Local Hotel Occupancy Tax generated by the new hotel, and/or
- e. Assistance with site preparation including an offset of a portion of infrastructure, streetscaping, public space amenities, and other improvement costs.

“ Abilene understands that such a vision will take a concerted effort between the public sector and the right private sector developer who understands the vision ”

Mayor Norm Archibald

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THE PROCESS

RFP TIMELINE & PROCESS

	AUG	SEPT	OCT	NOV
Issuance of RFP	08.26			
Pre-Proposal Informational Meeting		09.15		
Civic Center Inspection Appointments				
Deadlines for Clarifications			10.07	
Proposal Due to City			10.28	
Proposer Interviews/Presentations				

Evaluation of proposals will be conducted by an evaluation committee. The committee's goal will be to identify the proposal which best meets the needs of Abilene as determined from reviewing the proposals received and subsequent investigation of same by the City. The committee shall make a recommendation as to the Proposer with whom it shall negotiate. Upon approval, the City shall lead the negotiations with the Proposer until such time a final agreement is reached. At which time it shall recommend award of an Agreement to the Proposer that is determined to provide the best value to the City based on the evaluation criteria and the outcome of the negotiation.

No weight will be assigned to the evaluation factors which include, but are not limited to the following:

- a. Number and quality of hotel rooms to be developed,
- b. Experience of the Development Team,
- c. Financial capability of the Development Team,
- d. Conceptual approach to Project design, development, and use of the Site,
- e. Terms of the Room Block Agreement,
- f. The financial obligations, if any, to be borne by the City,
- g. Similar past projects,
- h. Past performance records of the Development Team, and
- i. Any additional evaluation criteria may be included in each solicitation as determined by the City.

PRE-PROPOSAL MEETING & INSPECTION

The City will host a non-mandatory pre-proposal meeting at the Abilene Civic Center on September 15, 2016 beginning promptly at 1:00 PM local time. The meeting will include a walking tour of the ACC and the site. Details of the RFP, the evaluation process, a discussion on available financial development incentives, and other issues may be discussed.

CIVIC CENTER SITE INSPECTION

In addition to the ACC site tour offered as part of the Pre-Proposal Meeting, City staff is offering to host site visits to present the facility. If your Development Team would like to schedule a site inspection, please contact Mindy Patterson. Please note, the site visits are not to be used to discuss and/or test specific development options nor as preliminary negotiations.

WRITTEN CLARIFICATION QUESTIONS DUE

Written questions are due to the City by October 7, 2016. Throughout the process, with the exception of the pre-proposal meeting, all clarifications and questions from potential Proposers must be directed in writing via e-mail to purchasing@abilenetx.com. All questions, including those discussed orally at the pre-proposal meeting, will be addressed and responded to in writing on or before October 14, 2016 in the form of a written addendum. The City's responses will be delivered via e-mail to all potential Proposers who registered at the pre-proposal meeting; as well as being posted on the City's website; however, it is the responsibility of each Proposer prior to submitting their Proposal, to contact the Purchasing Division to ascertain whether any addenda were issued and to acknowledge receipt of same on the Proposal Signature form.

PRELIMINARY RANKING & INTERVIEWS

In-person interviews may be conducted with responsible Proposers who are deemed qualified of being selected for negotiations, for the purposes of assuring full understanding of: (a) conformance to the solicitation requirements, (b) the abilities of the Proposer, and (c) the proposal submitted. Proposers shall be available for presentations to and interviews with the evaluation committee, upon reasonable notification from the Purchasing Division. The date(s) and time(s) of any such presentations and interviews shall be determined solely by the City. An evaluation committee shall determine from the responses to this RFP and subsequent investigation and/or interviews as necessary, the Proposer most qualified to enter into negotiations with and shall commence negotiations with the Proposer.

SELECTION FOR NEGOTIATION

The evaluation committee will make a recommendation to the City Manager as to the Proposer in which the City should enter into negotiations. The City Manager will act upon that recommendation and, if accepted, the successful Proposer will be invited to negotiate with the City.

The following general terms and conditions apply to the proposal submitted for consideration and the subsequent negotiations:

- a. The proposal will serve as a basis for negotiating an agreement, but not compel adherence to its terms or conditions.
- b. Upon submission, all proposals become the property of the City which has the right to use any or all ideas presented in any proposal submitted in response to this RFP whether or not the proposal is accepted.
- c. All products and papers produced in the course of this engagement become the property of the City upon termination or completion of the engagement.

NEGOTIATIONS

The negotiation process is designed to establish the terms, conditions and covenants of the anticipated agreement and assure the City obtains the best value.

The parties will negotiate the terms of the agreement, and the circumstances in which it may be renewed, assigned or terminated.

The parties will negotiate matters of insurance, liability, record-keeping, auditing, contract administration oversight and all other relevant contractual matters.

If negotiations with the selected Proposer do not result in a satisfactory agreement, the City may formally end negotiations with the Proposer, and select the next most qualified Proposer and attempt to negotiate an agreement.

The City may continue this negotiation process until a satisfactory agreement is entered into. Nothing shall prohibit the City from determining which Proposer, if any, it desires to negotiate with.

If negotiations have reached an impasse with all Proposers invited to negotiate, the City has the option to reject all proposals and cancel the RFP, to reject all proposals and reissue the RFP, or to use some other procurement method.

AWARD

Award of an Agreement is subject to the successful negotiations and the approval of the City Council.

AGREEMENT

The selected Proposer shall be required to negotiate an agreement, in a form and with provisions acceptable to the City.

Negotiated agreements may or may not include elements of this RFP or the resulting successful proposal where alternative terms or conditions become more desirable to the City, and the parties agree to such terms.

All agreements must be in writing and signed by the parties. No oral agreement, offer or other discussion between the City and a Proposer or any employee or officer of the City shall constitute a valid or binding contract or agreement.

THE SUBMISSION

SUBMISSION GUIDELINES

Proposers must include:

- a. One (1) signed original (marked "Original")
- b. Six (6) copies plus one (1) labeled CD or memory stick of the complete Proposal
- c. Submitted in one sealed package, clearly marked on the outside "Sealed Proposal #CB-1676 Civic Center Hotel RFP" and addressed to:

Mindy Patterson, Assistant City Manager

555 Walnut Street

Suite 203

Abilene, Texas 79601

Proposals will be received until October 28, 2016 at 4:00 PM CT. Any proposal received after the stated time and date will not be considered. It shall be the sole responsibility of the proposer to have its proposal delivered to the City for receipt on or before the stated time and date. Proposer shall be solely and strictly responsible for its timely delivery to the City. Proposals delayed by mail, courier, or for any other reason, shall not be considered, shall not be opened at the public opening, and arrangements shall be made for their return at the Proposer's request and expense.

SUBMISSION REQUIREMENTS

A prohibition of lobbying is in place.

This section identifies specific information that must be submitted in your proposal. Your proposal should be organized and presented using the corresponding numbering outline:

1. WRITTEN STATEMENT OF INTEREST

- 1.1. What are the key reason(s) your team is considering investing in the Abilene area?
- 1.2. What are the compelling reason(s) why the City should negotiate with your team?

2. LEAD DEVELOPER INFORMATION

- 2.1. Name of primary contact person(s) for correspondence and notification purposes
 - 2.1.1. Name, title, address, phone, and email
- 2.2. Legal name(s) of principal officer(s) and authorized representative(s) to work with City

3. EXPERIENCE OF THE DEVELOPMENT TEAM

- 3.1. Team organizational chart
 - 3.1.1. Development entity
 - 3.1.2. Management company (if identified)
 - 3.1.3. Architectural firm (if identified)
 - 3.1.4. Construction company (if identified)
 - 3.1.5. Financial partners (if identified)
 - 3.1.6. Others
- 3.2. Key Team members and individual qualifications and relevant experience of each of above
- 3.3. Hotels developed in the last 10 years
 - 3.3.1. Include name, location, number of rooms, flag, and equity stake (if any)
- 3.4. Hotels currently owned (name, location, number of rooms, flag)
- 3.5. Hotels currently managed (name, location, number of rooms, flag)

3.6. Public-private partnership ("P3") experience (if any)

- 3.6.1. Include the contact information for any municipal reference(s)

4. CONCEPTUAL APPROACH TO ACC PROJECT DESIGN AND DEVELOPMENT

- 4.1. Statement of anticipated project concept and scope
 - 4.1.1. Type of hotel(s) (select service; full service; extended stay; etc.),
 - 4.1.2. Proposed number of keys/rooms,
 - 4.1.3. Meeting space (if any),
 - 4.1.4. Restaurants (if any),
 - 4.1.5. Proposed amenities,
 - 4.1.6. Other components of your proposed development project (if any)
 - 4.1.6.1. Residential
 - 4.1.6.2. Retail
 - 4.1.6.3. Office
 - 4.1.6.4. Other
 - 4.2. Selected or potential hotel franchise affiliations
 - 4.3. Proposed or anticipated land use plan for site(s)
 - 4.4. Parking plan
 - 4.4.1. Hotel parking needs
 - 4.4.2. ACC parking plan if current surface spaces are eliminated due to hotel
- ## 5. ESTIMATED PROJECT BUDGET
- 5.1. Include land costs; hard costs; soft costs; FF&E; pre-opening; site work; development fees; other costs
- ## 6. ESTIMATED HOTEL CASH FLOWS
- 6.1. First five (5) years of operations using the Uniform System of Accounts for Hotels

SUBMISSION REQUIREMENTS

7. FINANCIAL CAPABILITY OF THE DEVELOPMENT TEAM

7.1. Conceptual financing plan, including

7.1.1. Sources and uses of funds

7.1.2. Projected amount and type of public investment required

8. LEVEL OF FINANCIAL COMMITMENT BY DEVELOPMENT TEAM

8.1. What assurances (if any) can the Development Team provide to the City that your team has the available equity and financial resources to support the private-sector's warranted investment in the project?

9. ROOM BLOCK AGREEMENT ("RBA")

9.1. A brief written statement acknowledging that the Proposer will negotiate in good faith the terms of a RBA that are consistent with other public-private convention hotel projects

10. PROPOSED TIMELINE FOR DEVELOPMENT

11. OTHER

11.1. Submit all other additional information which would assist the City in the evaluation of your proposal.

PROJECT DIRECTORY

City of Abilene:

Mindy Patterson, Assistant City Manager

City of Abilene

555 Walnut Street

Suite 203

Abilene, Texas 79601

(325) 676-6326

Mindy.Patterson@abilenetx.com

APPENDIX

CITY'S STATEMENT OF AUTHORITY & GENERAL INFORMATION

The City has the right to solicit this Request for Proposals ("RFP") and ultimately facilitate development of a contractual relationship with a Developer/Operator. The City reserves the right to reject any or all responses to this RFP for any reason (no proposer or third party shall be entitled to any written justification or administrative appeal), to advertise for new RFP responses, or to accept any RFP response deemed to be in the best interest of the City of Abilene and the community. A response to this RFP should not be misconstrued as a contract, nor indicate a commitment of any kind. The RFP does not commit the City, or any other project stakeholder to pay for costs incurred in the submission of a response to this RFP or for any costs incurred prior to the execution of a final contract.

Conditions and Limitations

This RFP does not represent a commitment or offer by the City to enter into an agreement with a Proposer or to pay any costs incurred in the preparation of a response to this solicitation. Proposals and any information made a part of the proposals will become part of the City's official files without any obligation on the City's part to return them to the individual Proposers. This RFP and the selected firm's proposal to this RFP may, by reference, become a part of any formal agreement between the Proposer and the City resulting from this solicitation.

The Proposer shall not offer any gratuities, favors, or anything of monetary value to any official or employee of the City, project stakeholder, or any of their consultants for the purpose of influencing consideration of a response to this RFP.

The Proposer shall not collude in any manner or engage in any practices with any other Proposer(s) which may restrict or eliminate competition or otherwise restrain trade. Violation of this instruction will cause the Proposer's submittal to be rejected by the City. The prohibition is not intended to preclude joint ventures or subcontracts.

All Proposals submitted must be the original work product of the Proposer. The copying, paraphrasing, or otherwise use of substantial portions of the work product of another Proposer is not permitted. Failure to adhere to these instructions will cause the Proposal to be rejected.

The City has the discretion and reserves the right to cancel the RFP at any time prior to entering into a formal agreement; and the right to request clarification of RFP data without changing the terms of the RFP.

Clarifications & Addendum

Each Proposer shall examine all RFP documents and shall judge all matters relating to the adequacy and accuracy. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to the RFP shall be made in writing through the City on or prior to the deadline set for receiving written clarification requests.

The City shall not be responsible for nor bound to any oral interpretations given by any City employee, representative, or agent. The issuance of a written addendum by the Purchasing Division is the only official method whereby interpretation, clarification or additional information can be given. Addenda shall be posted on <http://www.abilenetx.com>. It shall be the responsibility of each Proposer, prior to submitting their proposal, to contact the City Purchasing Division at (325) 676-6227 to determine if addenda were issued and to acknowledge receipt of same.

Legal Name

Proposals shall clearly indicate the legal name, address and telephone number of the Proposer (company, firm, partnership, individual). Proposals shall be signed above the typed or printed name and title of the signer. The signer shall have the authority to bind the Proposer to the submitted proposal.

Proposal Expenses

All expenses for making proposals to the City are to be borne by the Proposer.

Examination of Offer

The examination of the proposals and the Proposers generally requires a period of not less than ninety (90) calendar days from the date of the opening of the proposals.

Disclosure

Upon receipt, all inquiries and responses to inquiries related to this RFP may become "Public Records" and are subject to public disclosure pursuant to the Texas Public Information Act. In any Agreement entered into by the City wherein the successful Proposer is acting on behalf of the City, successful Proposer must:

- a. Keep and maintain public records that ordinarily and necessarily would be required by the City in order to perform the service;
- b. Ensure that public records that are exempt or confidential and exempt from disclosure requirements are not disclosed except as authorized by law, and;
- c. Meet all requirements for retaining public records and transfer, at no cost, to the City all public records in possession of successful Proposer upon termination of the awarded Agreement and destroy any duplicate public records that are exempt or confidential from public records disclosure requirements. All records stored electronically must be provided to the City in a format this is compatible with the City's information technology systems.

Errors and Omissions

Once a proposal is submitted, the City, in its sole discretion, may not accept any request by any Proposer to correct errors or omissions in the proposal.

Disqualification Due to Non-Responsiveness

The City of Abilene reserves the right to find that any proposal received which does not contain all of the information, attachments, verification, forms or other information, may be considered non-responsive and therefore be disqualified from eligibility to proceed further in the RFP process.

Reserved Rights

The City reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response received by the first submission date may or may not be rejected by the City, depending on available competition and timely needs of the City. The City reserves the right to award the contract to a responsible Proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of the City. The City shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final. Also, the City reserves the right to make such investigation as it deems necessary to determine the ability of any Proposer to perform the work or service requested. Information the City deems necessary to make this determination shall be provided by the Proposer. Such information may include, but shall not be limited to: current financial statements prepared by an independent CPA; verification of availability of equipment and personnel; and past performance records.

Applicable Laws

Proposer must be authorized to transact business in the State of Texas. All applicable laws and regulations of the State of Texas and ordinances and regulations of the City of Abilene will apply to any resulting agreement.

Code of Ethics

With respect to this solicitation, if any Proposer violates, directly or indirectly, the ethics provisions of the City Charter and/or Texas criminal or civil laws related to public procurement, such Proposer will be disqualified from eligibility to perform the services described in this RFP, and may also be disqualified from furnishing future goods or services to, and from submitting any future bids or proposals to supply goods or services to the City. By submitting a proposal, the Proposer represents to the City that all statements made and materials submitted are truthful, with no relevant facts withheld. If a Proposer is determined to have been untruthful in its proposal or any related presentation, such Proposer will be disqualified from eligibility to perform the work described in this RFP, and may also be disqualified from furnishing future goods or services to, and from submitting any future bids or proposals to supply goods or services to the City.

Collusion

By offering a submission to this RFP the Proposer certifies the Proposer has not divulged to, discussed or compared his proposal with other Proposers and has not colluded with any other Proposer or parties to this proposal whatsoever. Also, the Proposer certifies, and in the case of a joint proposal, each party thereto certifies, as to their own organization that in connection with this proposal:

- a. Any prices and/or data submitted have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices and/or cost data, with any other Proposer or with any competitor;
- b. Any prices and/or cost data quoted for this proposal have not been intentionally or knowingly disclosed by the Proposer prior to the scheduled opening directly or indirectly to any competitor;
- c. No attempt has been made or will be made by the Proposer to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition;
- d. The only person or persons interested in this proposal as principal or principals is/are named therein and that no person other than therein mentioned has any interest in this proposal or in the contract to be entered into; and
- e. No person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees.

Lobbying

After the issuance of any RFP, prospective proposers, or their agents, representative or persons acting at the request of such proposer shall not contact, communicate with or discuss any matter relating to the RFP with any officer, agent or employee of the City other than the Purchasing Official or the contact identified in this RFP. This prohibition includes copying such persons on all written communication, including email correspondence. This requirement begins with the issuance of an RFP, and ends upon execution of the final Agreement or when the RFP has been canceled. Violators of this prohibition shall be subject to rejection of their proposal submittal and potential civil or criminal penalties.

Equal Employment Opportunity

In accordance with the provisions of Title VI of the Civil Rights Act of 1964 and Title 15, Part 8 of the Code of Federal Regulations, the City hereby notifies all prospective Proposers that they will affirmatively ensure minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be discriminated against on the grounds of race, color or national origin in consideration for an award of agreement.

Americans with Disabilities Act

The City does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the City's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for the Pre-Proposal Meeting or RFP Opening should contact the person named in the Project Directory of this RFP document at least twenty-four (24) hours in advance of either activity.

RFP Documents

The request for proposal (RFP), addendum, and related documents are also available electronically at <http://www.abilenetx.com> for download in a portable document format (.PDF) file by clicking on "Bids and Proposals" from the Purchasing Division's web page.