

LEGAL ADVERTISEMENT

REQUEST FOR LETTERS OF INTEREST AND NOTICE OF INTENT TO DISPOSE OF REAL PROPERTY IN COMMUNITY REDEVELOPMENT AREA

The City of Bartow, on behalf of itself and the Bartow Community Redevelopment Agency, will receive Letters of Interest and proposals from interested parties until 5:00 P.M., Friday, December 9, 2022, at City Hall, 450 North Wilson Avenue, Bartow, Florida 33830 for the following solicitation:

Formal Request for Letters of Interest City of Bartow and Bartow Community Redevelopment Agency East End Cigar Factory Catalyst Area

Submittals received after this specified time and date, or received at a location other than the Reception Desk at the City Manager's Office, City Hall, 450 North Wilson Avenue, Bartow, Florida 33830 if delivered by hand delivery, will not be taken or considered.

Pursuant to the Community Redevelopment Act of 1969, as amended, and Section 163.380(3)(a) of the Florida Statutes, all interested parties are advised that the City of Bartow and the Bartow Community Redevelopment Agency intend to enter into a contract to sell, lease or otherwise transfer those lands comprising the East End Cigar Factory Catalyst Area, which is defined further in the formal request for letters of interest document, to a private redeveloper or to any person or persons interested in undertaking redevelopment efforts for the site in accordance with the Master Plan of the City of Bartow and the Community Redevelopment Plan Update for the Bartow Community Redevelopment Agency. All interested parties may provide letters of interest and proposals to the City and the Community Redevelopment Agency in response to this request. To be timely received, a letter of interest or proposal must be filed with the City at the address above within 30 days of publication of this notice. The period for filing a proposal or letter expires at 5:00 P.M., Friday, December 9, 2022. All timely received letters and proposals will be considered.

Interested parties may obtain copies of the formal request for letters of interest document, and other pertinent information, at City Hall, 450 North Wilson Avenue, Bartow, Florida 33830, and on the website of the Bartow Community Redevelopment Agency using the web address: <https://www.cityofbartow.net/our-government/community-redevelopment-agency-cra>. It is kindly requested that responses to this solicitation be furnished in general compliance with the specifications identified in the formal request for letters document.

The City and the Community Redevelopment Agency reserve the right to accept such letter of interest or proposal that the City and Agency deem to be in the public interest and in furtherance of the purposes of the Community Redevelopment Act of 1969, as amended, the Master Plan of the City of Bartow and the Community Redevelopment Plan Update for the Bartow Community Redevelopment Agency. In addition, the City and the Community Redevelopment Agency reserve all rights to waive any and all technical

informalities in the notice, advertising and proposal process; to reject any and all responses received as not being in the public interest or being in furtherance of the purposes of the Community Redevelopment Act of 1969, as amended, the Master Plan of the City of Bartow, or the Community Redevelopment Plan Update for the Bartow Community Redevelopment Agency; to re-advertise any notice of intent to dispose of real property; and to enter into any agreement, memorandum, contract, or series of contracts that the City and agency may jointly deem appropriate, including any contract for the disposition of some or all of the real property comprising the East End Cigar Factory Catalyst Area, without the need for further public notice or formal notification of intention. Because this is a joint City and CRA project, it is envisioned that no further notifications will be issued or required in the event that a letter of interest or proposal is deemed to be in the public interest and in furtherance of the purposes of the Community Redevelopment Act of 1969, as amended, the Master Plan of the City of Bartow and the Community Redevelopment Plan Update for the Bartow Community Redevelopment Agency.

CITY OF BARTOW, FLORIDA
Jacqueline Poole, MMC, City Clerk

Advertise:
The Ledger, Wednesday, November 9, 2022
Winter Haven Sun, Wednesday, November 9, 2022

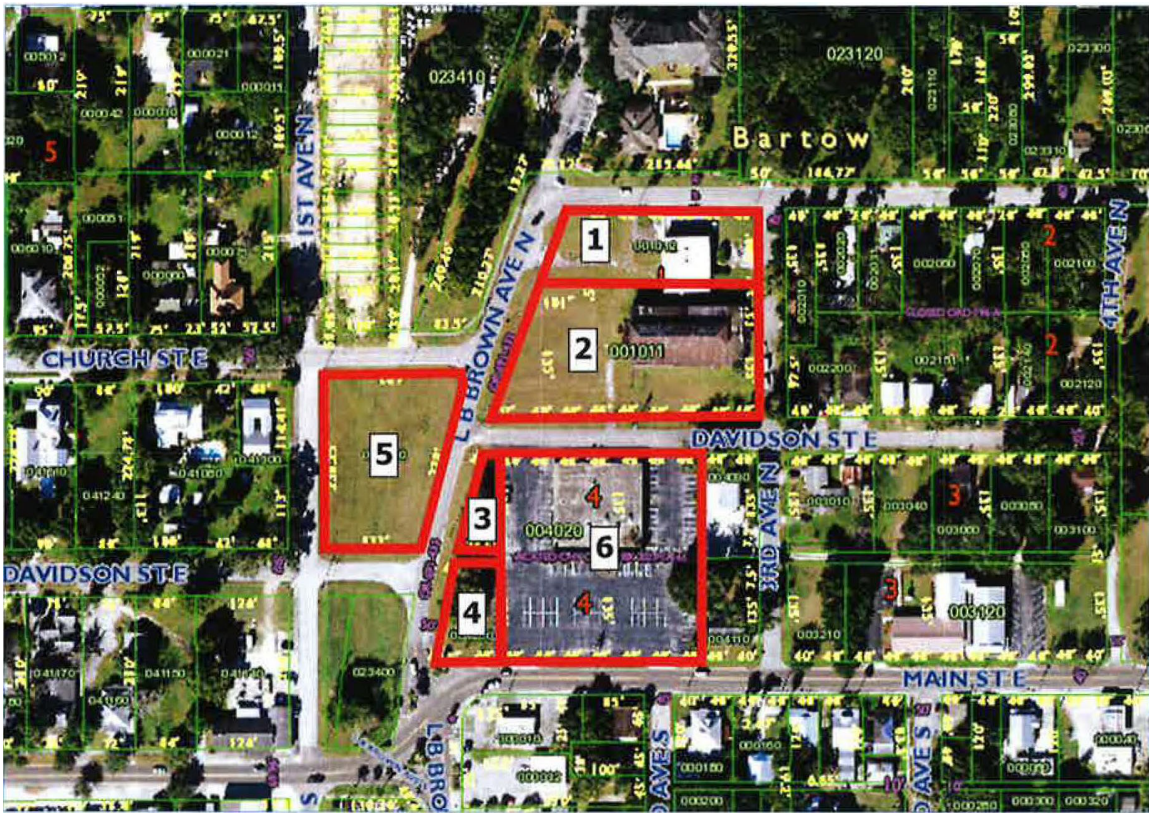
Formal Request for Letters of Interest

City of Bartow and the Bartow Community Redevelopment Agency East End Cigar Factory Catalyst Area

I. INTRODUCTION

The City of Bartow ("City") and the Bartow Community Redevelopment Agency ("CRA") have approximately 5.1 acres available for multifamily development. These parties want to identify a prospective user as efficiently as possible using a simple Letter of Interest ("LOI") to solicit submissions and initiate discussion or negotiations regarding a potential transfer of property under Section 163.380, Florida Statutes and execution of a redevelopment agreement to rehabilitate the East End Cigar Factory Catalyst Area.

As used in this Formal Request, the term "East End Cigar Factory Catalyst Area" means the following parcels owned by the City and the CRA:



ID	PA Tax Parcel #	Ownership	Size	FLUM	Zoning
1	253005-366500-001012	City of Bartow	0.64	Institutional	PI, Public Institutional
2	253005-366500-001011	City of Bartow	1.41	Institutional	PI, Public Institutional
3	253005-366500-004010	City of Bartow	0.11	Commercial	C-2, Community Commercial
4	253005-366500-004200	City of Bartow	0.21	Commercial	C-2, Community Commercial
5	253005-000000-023280	Bartow CRA	0.9	Commercial	C-2, Community Commercial
6	253005-366500-004020	Bartow CRA	1.83	Commercial	C-2, Community Commercial

II. OFFERING AND CONCEPT

In late 2020, The City and CRA contracted with the Community Solutions Group ("CSG") of GAI Consultants to update the Bartow Community Redevelopment Plan ("CRP" or "Plan"). This Plan and its analysis or findings then became a basis for the City's overall Master Plan. Together, these documents align the City's longer-term vision with current and reasonably foreseeable market conditions, anticipating the private sector will respond with economically sound development.

Among the projects recommended by CSG was the development of approximately 200-250 multi-family rental units in the East End Cigar Factory Catalyst Area. These units would be constructed on holdings already owned or controlled by City and the CRA near downtown and just north of Main Street, near the intersection of Church Street and 3rd Avenue. The City and the CRA want to make these holdings available for private development as quickly and expeditiously as possible.

The total holdings, comprised of six parcels excluding rights-of-way ("ROW"), come to approximately 5.1 acres. At least some ROW could be utilized for development depending on plans ultimately submitted increasing the overall size of the site. The final acreage available would be adjusted according to survey, the proposed plan once a developer submits a specific concept, and any lands that might be required to accommodate road access or a change in ROW needs.

These holdings represent an important catalytic site near downtown. Their development is considered a priority in both the CRP and the City's Master Plan. As a catalytic site, deployment of these holdings would provide a substantive real estate opportunity while also offering locational advantages supporting other kinds of development activity and community goals.

In the Master Plan, CSG's conceptualization contemplates both multi-family apartments and a modest complement of retail, personal services or civic activities for which internal studies indicate nominally supporting conditions exist. However, the City and CRA understand that this internally prepared, and very generalized, analysis may not be in perfect sync with the nature of all uses or development potentially attractive for the private sector.

The CRP and Master Plan reflect available parcels, a potential configuration, and architectural options. The program concept features open space and a large clubhouse but all of these drawings are strictly to illustrate the community's general expectations. The program captures the potential scale, massing, use of ROW, and access from existing or improved connections to the road network, however absolutely no decisions have been made about the most appropriate designs to activate this site, the true capacity of the site, nor the best orientation of any structures on site. While any final design, placement, implementation and activation of any spaces will be the responsibility of possible respondents, the City and CRA expect these parties to maximize the available intensities allowable.

Precisely how planning or development will be finalized or achieved remains to be determined based largely on the replies or comments received. The City and CRA are open to options that include a ground lease should that be attractive or a full fee transaction. Either would be the subject of further discussion and negotiations.

Because this solicitation involves the disposition of real property within the CRA's active community redevelopment area, it is governed by Section 163.380 of the Florida Statutes. Should the City and the CRA find a letter of interest to be in the public interest and in furtherance of the Community Redevelopment Act of 1969, as amended, the City's Master Plan, and the CRP, it is expected that the City and CRA will engage the respondent in further discussion and negotiations to arrive at mutually agreeable plan for disposition of the East End Cigar Factory Catalyst Area property.

III. SITE DETAILS

The site is comprised of about 5.1 acres, excluding ROW, all owned by the City and the CRA assembled. ROW could be significant to a well-designed plan.

There are two major structures present in the East End Cigar Factory Catalyst Area today. One major structure is the historic Thompson and Company cigar factory building (the "Cigar Factory"), located at 255 North Third Street, Bartow, Florida 33830, which is one of 11 properties within the City of Bartow listed on the National Register of Historic Places and one of 4 cigar industry buildings listed on the Register in the State of Florida. The other major structure is the former Winn-Dixie "Kwik Chek" grocery store, located at 970 East Main Street, Bartow, Florida 33830.

Due to the historic nature of the property, the City and CRA envision that retention and rehabilitation of the Cigar Factory building could provide a unique signature project opportunity for a properly motivated developer. Respondents interested in preserving and restoring the historic Cigar Factory structure should be prepared to articulate in their letter or proposal how retention of the Cigar Factory building would promote the multifamily and mixed commercial use goals for the overall East End Cigar Factory Catalyst Area as announced in the City's Master Plan and the CRA's CRP.

For purposes of this solicitation, interested parties may submit a letter of interest or a proposal that retains and rehabilitates one or both of the major structures, or a letter of interest or a proposal that calls for removal or demolition of one or both of the major structures. Interested parties should be aware that the City is conducting an alternative inquiry and process to solicit interest in razing these buildings so the property would be clear of any existing physical improvements. The decision to proceed with retention or removal of physical structures, and the condition of the property at the time of disposition, is intended to be the subject of further negotiation with the City and CRA and the successful respondent. If one or more buildings are proposed to be retained, the respondent should be prepared to articulate a private restoration, maintenance, management and operation plan during further discussions and negotiations.

There is an adjacent parcel owned by CSX that could potentially increase the overall size of the site. The City hopes to acquire this parcel. For purposes of developing a multifamily project, CSX acreage should be considered incidental to any plans offered by a respondent.

Currently, the Future Land Use designation and the existing zoning permit some portion of the larger property to be utilized for multi-family development. To accommodate the scale of multi-family project shown in the CSG Master Plan both the future land use map and zoning will need to be adjusted as part of any developer negotiations. The Master Plan outlines the changes necessary. Those changes are in process. In any case, the City and CRA fully expect to be advocates that support the continuing regulatory changes embodied in the City's Master Plan.

Whatever surveys or documentation already completed can be made available. Limited environmental studies have been done and have shown no obvious issues. In any case, all the holdings are located within a designated Community Redevelopment Area so any brownfield assistance that might be needed or available can be prioritized.

IV. GENERAL PROCEDURES

Rather than close the door to any ideas, the City and CRA want to remain flexible and encourage dialogue without prospective respondents incurring substantive cost to do so. Our approach is designed to be as efficient as possible beginning with fairly simple submissions as outlined further below.

Proposals and letters should be provided to the City no later than 30 days from the date of publication of the legal advertisement for this solicitation in compliance with Section 163.380 of the Florida Statutes. Respondents should follow the form of response outlined below in Section VI.

The City and CRA shall consider all redevelopment or rehabilitation proposals and letters of interest made in response to this solicitation and the financial and legal ability of the entities and persons making such proposals to carry them out. The City and CRA may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in the target East End Cigar Factory Catalyst Area.

A proposal or letter of interest may be accepted by the City and the CRA if it is deemed to be in the public interest and in furtherance of the purposes of the Community Redevelopment Act of 1969, as amended, the Master Plan, and the CRA CRP. The determination of whether a proposal meets these criteria is in the sole policy-making discretion of the City and the CRA. In determining the value of real property as being in the public interest for uses in accordance with the CRP, the City and CRA shall take into account and give consideration to the long-term benefits to be achieved resulting from incurring short-term losses or costs in the disposal of such real property; the uses provided in the Master Plan and CRP; the restrictions upon, and the covenants, conditions, and obligations assumed by, the proposed purchaser or lessee or by the City

and CRA retaining the property; and the objectives of the Master Plan and CRP for the prevention of the recurrence of slum or blighted areas. No protest of this solicitation by any party shall be entertained by either the City or the CRA.

In the event the value of real property being disposed is for less than fair value, the disposition shall require the approval of the City Commission of the City of Bartow, which approval may only be given following a duly noticed public hearing. Any instrument of conveyance to a private purchaser or lessee will provide that such purchaser or lessee is without power to sell, lease, or otherwise transfer the real property without the prior written consent of the City, the CRA, or both, until the purchaser or lessee has completed the construction of any or all improvements which he or she has obligated himself or herself to construct thereon. If real property is to be transferred, it shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the Master Plan and CRP. Any contract for transfer and the Master Plan and CRP, or such part or parts of such contract, Master Plan, or CRP as the City and the CRA may determine, may be recorded in the public records of Polk County, Florida as to afford actual or constructive notice thereof.

Any purchaser or lessee of real property in the East End Cigar Factory Catalyst Area, and their successors and assigns, shall be obligated to devote such real property only to the uses specified in the Master Plan and CRP and may be obligated to comply with such other requirements as the City and CRA may determine to be in the public interest, including the obligation to begin any improvements on such real property required by the community redevelopment plan within a reasonable time.

V. ELIGIBILITY

Any individual, for profit entity, or not for profit entity may reply with a proposal or Letter of Interest including all the brief information below.

VI. LETTER OF INTEREST

The City and CRA are requesting proposals and/or Letters of Interest from entities that want to be considered as possible parties in the development of holdings described.

1. All interested entities must submit the Letter of Interest to the City, as agent on behalf of itself and the CRA, **no later than 5:00 P.M., Eastern Time, on Friday, December 9, 2022**. Submissions received after this time on this date may or may not be assured of further discussion regarding this specific opportunity.
2. We urge responders to be focused and economical in terms of addressing the information outlined. For each of the requested items, a page or word count is provided for guidance. Do not exceed the total page count.
3. Each entity's Letter of Interest must address or include the following:

- a. A brief discussion or statement affirming the respondent's interest in the development project outlined and commenting specifically on the general scale, activity, or focus of the desired program (Maximum estimated response: 250-500 words, ½ -1 page) that may pose a challenge to the desired program's implementation or the community's expectations about its plans for the property. Please comment specifically on your interest in a leasehold vs. a full fee transaction.
 - b. Up to three resumes of the persons most likely to be involved in any planning or development effort, *including at least one who will remain involved as a principal* in the event subsequent information, contracts, or other agreements or disclosures are required (Maximum estimated response: 3 pages).
 - c. A brief discussion or statement of any prior venture or relationship of some kind with a public agency regardless of scale or the nature of interaction. *If there has been no such relationship, please affirm that is the case.* If there has, then provide a description of that relationship (Maximum estimated response: 250-500 words, ½ -1 page)
 - d. Brief descriptions of no more than three projects in substantial stages of construction or that are already operational involving at least one of the principals identified above [1] describing the explicit role of that party in implementing the concept, [2] how funded or financed, and [3] reasons why that project's content, scope, public significance, financing, or contextual considerations are relevant to the respondent's understanding about this site and any related issues (Maximum estimated response: 1,000 words, 2 pages).
 - e. Toward assuring efficiency and lowered cost of production, please submit no more than TEN pages total, excluding any dividers or transmittal letters should they be used.
4. All proposals and Letters of Interest received by the prescribed due date and time will receive a response through mail/email by the City or the CRA. Those responses will indicate if the respondent will be invited to [1] submit additional qualifications, plans or information or [2] be requested to participate in further discussions.
 5. By submitting a response, all respondents acknowledge, understand and agree to the following:
 - a. The City and CRA have sole and exclusive discretion as to the review and evaluation of submitted proposals and Letters of Interest and which entities, if any, are chosen to participate in [1] any further

solicitations issued for all or a portion of the site or [2] further discussions concerning various alternatives or options.

- b. The City and the CRA will communicate with all respondents concerning this LOI but retain flexibility in any future scheduling and final discretion as to the funding, structure and any subsequent efforts that may follow this LOI.
- c. Submissions in response to this LOI may be subject to public disclosure, in whole or in part, pursuant to Florida Law.

VII. GENERAL TERMS

Public Entity Crimes

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid or proposal on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

Equal Opportunity

The City and CRA are equal opportunity employers and are committed to equal opportunity employment effort. The City and CRA expect firms that do business with them to have a vigorous equal opportunity program.

Affirmation

By submitting a proposal or letter of interest, the respondent affirms that the response is genuine and not made in the interest of or on behalf of any undisclosed person, firm or corporation and is not submitted in conformity with any agreement or rules of any group, association, organization or corporation; the respondent has not directly or indirectly induced or solicited any other person to submit a false or sham response; the respondent has not solicited or induced any person, firm or corporation to refrain from submitting a response; and the respondent has not sought by collusion to obtain any advantage over other persons or over the City or CRA.

Response Development Costs

Neither the City nor the CRA shall be liable for any expenses incurred in connection with preparation of a submittal to this solicitation. Respondents should prepare their

responses simply and economically, providing a straightforward and concise description of their ability to meet the requirements of the solicitation.

Code of Ethics

If any respondent violates or is a party to a violation of the code of ethics of the City, CRA or the State of Florida with respect to this solicitation, such proposer may be disqualified from performing the work described in this solicitation or from furnishing the goods or services for which the proposal is submitted and shall be further disqualified from bidding on any future proposals for work, goods, or services for the City and CRA.

Drug Free Workplace Preference

Preference shall be given to businesses with Drug Free Workplace (“DFW”) programs. Whenever two or more responses, which are equal with respect to price, quality and service, are received for the procurement of commodities or contractual services, a proposal received from a business that has provided a statement that it is a DFW shall be given preference in the award process.

Proprietary Information

In accordance with Chapter 119 of the Florida Statutes and except as may be provided by other applicable State and Federal Law, all respondents should be aware that submittals thereto are in the public domain. Respondents are required to identify specifically any information contained in their proposals which they consider confidential and/or proprietary and which they believe to be exempt from disclosure, citing specifically the applicable exempting law. Respondents should provide a redacted copy of their submittal to the City and CRA at the time of the initial submission.

All documents received from responding parties in connection with this solicitation will become the property of the City and the CRA and will not be returned. In the event of a contract award, all documentation produced as part of the contract will become the exclusive property of the City and the CRA.

Scrutinized Vendors

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for construction or repair of a public building or public work, may not submit bids on leases of real property to public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

A company is ineligible to, and may not, bid on, submit a proposal for, or enter into or renew a contract with an agency or local governmental entity for goods or services of \$1 million or more if that, at the time of bidding or submitting a proposal for a new contract or renewal of an existing contract, the company is on the Scrutinized Companies that Boycott Israel List, created pursuant to s. 215.4725, or is engaged in a boycott of Israel;

Any contract for goods and/or services in and amount of \$1,000,000.00 or more will be subject to termination by the City and CRA if the contractor is found to have been placed on the Scrutinized Companies with Activities in Sudan List, or the Scrutinized Companies with Activities in the Iran Petroleum Sector List, or been engaged in business operations in Cuba or Syria or has been placed on the Scrutinized Companies that Boycott Israel List, or is engaged in a boycott of Israel.

Public Records

Notwithstanding anything in this solicitation to the contrary, the following provisions apply to the City and CRA and shall be automatically included or appended to any resulting Agreement:

- (a) The Respondent acknowledges the City's and CRA's obligations under Article I, Section 24, of the Florida Constitution and under Chapter 119, Florida Statutes, to release public records to members of the public upon request and comply in the handling of the materials created under this Agreement. The Respondent further acknowledges that the constitutional and statutory provisions control over the terms of any resulting Agreement. In association with its performance pursuant to any resulting Agreement, the Respondent shall not release or otherwise disclose the content of any documents or information that is specifically exempt from disclosure pursuant to all applicable laws.
- (b) Without in any manner limiting the generality of the foregoing, to the extent applicable, the Respondent acknowledges its obligations to comply with Section 119.0701, Florida Statutes, with regard to public records, and shall:
 - (1) keep and maintain public records required by the City and CRA to perform the services required under any resulting Agreement;
 - (2) upon request, provide the City and CRA with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law;
 - (3) ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the term of any resulting Agreement and following completion of any resulting

Agreement if the Respondent does not transfer the records to the City and CRA; and

- (4) upon completion of any resulting Agreement, transfer, at no cost, to the City and CRA all public records in possession of the Respondent or keep and maintain public records required by the City and CRA to perform the service. If the Respondent transfers all public records to the City and CRA upon completion of any resulting Agreement, the Respondent shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Respondent keeps and maintains public records upon completion of any resulting Agreement, the Respondent shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City and CRA in a format that is compatible with the information technology systems of the City and CRA.

IF THE RESPONDENT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE RESPONDENT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO ANY RESULTING AGREEMENT, CONTACT CITY CLERK JACQUELINE POOLE, 450 NORTH WILSON AVENUE, BARTOW, FLORIDA 33830, (863) 534-0100, JPOOLE.CLERKS@CITYOFBARTOW.NET.