



DOWNTOWN DEVELOPMENT

Request for Proposals (RFP) for development partnerships of City owned properties in the Downtown area located in Conway, SC.

DUE DATE/TIME: Friday, May 10th, 2024 3:00 PM

POINT OF RECEIPT:

**City of Conway
c/o Amanda Hooper
PO Drawer 1075
Conway, South Carolina 29528**

**Physical Address:
City of Conway - City Shop
2940 Jerry Barnhill Blvd.
Conway, South Carolina 29527**

Requests for information regarding this Request for Proposals should be directed in writing by either letter or e-mail to the Amanda Hooper (procurement@conwaysc.gov).

CITY OF CONWAY

The City of Conway is accepting sealed proposals for development of City owned properties in the Riverfront area on the Waccamaw River located in downtown Conway, SC.

Established in 1732, the City of Conway, South Carolina, has had a rich history tied to the Waccamaw River. The river “frames” downtown Conway and was once a key source of trade for the community. Over time, this area has become largely vacant as old riverfront industries have faded. However, the City of Conway has been proactive in reconnecting with the Waccamaw River through the River Walk – a park trail that lines the river and connects to downtown. It has often been said that the next phase of the River Walk is private investment through development.

To that end, the City entered into a Public/Private Partnership with the Burroughs Company in 2016. As part of that partnership, the City obtained a large amount of property for public use, including parking, landscaping and other common areas. The City agreed to help facilitate the development of the remaining building sites.

Over the last few years, the City has sought developers to partner with for the commercial development of two sites, one at Kingston and Fourth Avenue, one on the Riverfront next to the Bonfire Restaurant. The City has selected a private partner for the parcels adjacent to the Bonfire and now seeks a partner for the lots at Kingston and Fourth Avenue.

The bids for Downtown Development will be received in the Procurement Office which is located at 2940 Jerry Barnhill Blvd., until **Friday, May 10th 3:00 PM**, at which time only the names of the Offerors and bids amounts will be announced. Any proposal received later than the specified time /date will **not** be accepted /considered. Before the final selection is made, all evaluation factors will be taken into consideration before awarding a contract for services. City reserves the right to accept or reject any or all bids.

All proposals shall be sealed and list the title of the current bid.

To mail, please send the bid to:

**City of Conway
c/o Amanda Hooper
PO Drawer 1075
Conway, SC 29528-1075**

Physical Address:

**City of Conway
c/o Amanda Hooper
2940 Jerry Barnhill Blvd.
Conway SC 29527**

Please submit Two (2) original responses and One (1) digital copy in PDF format on USB. Any negotiated contract is subject requirements provided for in any applicable City of Conway Codes and Ordinances.

REQUEST FOR PROPOSAL

I-1 PURPOSE The Request for Bid) is for development proposals for City owned properties in the Riverfront area identified as PIN# 33916040019 and 36701010066. Proposals should:

1. Detail the proposed use of the property.
 - Detailed plans should be included showing any improvements, structures, landscaping, etc. proposed for the site.
 - How the proposed development will tie into the existing Riverwalk.
 - How the proposed development will be open to the public and to what extent this will happen.
2. State clearly whether the proposal is seeking to purchase or obtain in fee simple ownership of the site or a lease of the site. If a lease is proposed, outline the length and terms offered by the Proposer for the site. If fee simple ownership is requested, detail the terms being sought for the purchase or transfer of the ownership from the City.
3. Detail any actions requested of the City to facilitate the proposed activity outlined in the RFP submission.
4. Include any renderings, plans, and details needed to fully explain and strengthen the proposal.

I-2 Procurement This RFP is issued for the City of Conway, South Carolina. The Procurement Department is the sole point of contact for this RFP.

I-3 TYPE OF CONTRACT A contract shall be awarded to the most qualified firm at compensation deemed reasonable to the City of Conway, utilizing standard contract form. Should it be impossible to negotiate a satisfactory contract, negotiations shall be formally terminated. It is the City's intention that the most qualified bidder, based on both bid amount and bidders qualifications, be selected for this project.

I-4 FIRM RESPONSIBILITIES The selected firm shall be required to assume responsibility for all services offered under this proposal. Furthermore, the City shall consider the selected firm to be the sole point of contact for contractual matters, including payment of any and all charges resulting from the contract.

I-5 EVALUATION FACTORS All qualified proposals will be reviewed by City Council and evaluated for consistency with the vision that Council has for the future of downtown Conway.

I-6 INCURRING COSTS The City shall not be liable for any cost incurred by firms prior to issuance of a contract.

I-7 ECONOMY OF PREPARATION Proposals should be prepared in a timely and economical manner, providing a straight forward, concise description of the firms' ability to meet the requirements of the RFP. Emphasis should be on completeness and clarity of content.

I-8 RESPONSE DATE To be considered, proposals must arrive at the Procurement Department on or before the date and time specified in the cover letter. Firms mailing proposals should allow normal mail delivery time to ensure timely receipt of their proposals. It is the responsibility of the submitting entity or entity to ensure the delivery of the proposal package on time. Telefacsimile submissions are not permissible.

I-9 ACCEPTANCE OF PROPOSAL CONTENT The contents of the proposal of the successful proposer may become part of the contractual obligations, if a contract ensues. Failure of a successful proposer to accept these obligations may result in cancellation of the award. All bids are to remain in effect for ninety (90) days from the date of bid opening.

I-10 GRIEVANCE Any actual or prospective bidder or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Procurement Department. The protest shall be submitted in writing within fourteen -(14) days after such aggrieved person knows or should have known of the facts giving rise thereto provided that grievance has been made in accordance with bid proposal requirement. The Procurement Department will consult with the City Administrator to try and resolve the issue. If the protest is not resolved by mutual agreement, a decision will be issued in writing within 10 days after the last meeting to reach an agreement. If all attempts have failed to resolve the disagreement, the protester has the right to bring the issue to City Council.

I-11 TIE BIDS Tie Bids will be resolved in accordance with the City of Conway's purchasing regulations. If the city receives two or more bids that are identical in nature and amount, the contract shall be awarded to the local bidder (if applicable). If two or more of the tie bids are submitted by local bidders, the contract shall be awarded to one of the local bidders by drawing of lots in the public. If local bidders are not involved in the tie bids, the contract shall be awarded to one on the non-local tie bidders by drawing of lots in public.

I-12 LOCAL VENDOR PREFERENCE The City of Conway uses local vendor preference component in its purchasing process in order to promote business with local vendors. The entire local vendor preference ordinance can be viewed on the city's website at www.cityofconway.com or you may obtain a copy of the ordinance upon request from Amanda Hooper, City of Conway, PO Drawer 1075, Conway, SC 29528.

INSTRUCTIONS TO PROPOSERS

Sealed proposals shall be enclosed and secured in an envelope/package and properly marked and displayed on outside of envelope/package bearing the name, license number (if applicable) and address of proposer, proposal number and project identification. No other information shall be included or written on the outside of the proposal envelope/package. The City of Conway shall not be responsible for unidentified proposals. Proposals should be addressed to:

**Amanda Hooper
City of Conway
PO Drawer 1075
Conway, South Carolina 29528**

Physical Address:

**Amanda Hooper
City of Conway
2940 Jerry Barnhill Blvd.
Conway, South Carolina 29527**

Email Address:

procurement@conwaysc.gov

Hand delivered proposals should be delivered to the above physical address.

Proposals shall be submitted no later than **Friday, May 10th, 2024 at 3:00 PM** at the address stated above. **Only the names of the offerors and bid amounts will be announced.** Proposals received later than the 3:00 PM deadline will be considered "**LATE PROPOSALS.**"

Examination of the Bid Document - Prior to submitting a proposal, each proposer shall carefully examine the RFP documents, study and thoroughly familiarize himself/herself with the specifications/requirements thereof and notify Owner of all conflicts, errors, or discrepancies.

The proposer shall sign his proposal correctly. All offers shall be entered in ink or typewritten. Proposals may be rejected if any omissions, alteration of form, additions not called for, or any irregularities of any kind are shown. The proposer's name and solicitation number shall be included when specifications or descriptive papers are submitted with their proposal.

By submission of a proposal, the proposer guarantees that all goods and services meet the requirements of the solicitation during the contract period.

Questions - Submit written questions to Amanda Hooper at: Fax # (843)397-2883, e-mail procurement@conwaysc.gov . Proper reference to this Request for Proposals is required. Deadline for questions is seven - (7) calendar days prior to the proposal receipt date.

All changes to RFP documents shall be in the form of an addendum and furnished to all proposers. Verbal information obtained otherwise will not be considered in the awarding of the proposal.

Deviations - Any deviations from the RFP requirements indicated herein must be submitted in writing and clearly noted and explained in detail on a separate form and attached to the submitted

proposal, otherwise it will be considered that items offered are in strict compliance with these requirements and successful proposer shall be held responsible therefore.

City of Conway reserves the right to reject any or all proposals and further reserves the right to waive technicalities and formalities in proposals as well as to accept in whole or in part such proposal or proposals where it deems it advisable in protection of the best interest of the City. The City shall be the sole judge as to whether proposals submitted meet all requirements contained in this solicitation. Proposers are reminded that proposals will be considered exactly as submitted. Points of clarification will be solicited from proposers at the discretion of the City. Those proposals determined not to be in compliance with provisions of this RFP and the applicable law and/or regulations may not be processed.

This solicitation does not commit the City of Conway to award a contract, to pay any costs incurred in the preparation of the proposal, or to procure or contract for goods or services listed herein. All costs incurred by the proposer associated with RFP preparations and subsequent interviews and/or negotiations, which may or may not lead to execution of an agreement, shall be borne entirely and exclusively by the proposer.

The City of Conway reserves the right to accept multiple proposals and to negotiate terms based upon the proposal that may be different than proposed. The City may also reject all proposals and re-offer the RFP at a later date solely at its discretion.

Freedom of Information Statement

Procurement information shall be public record to the extent required by Chapter 3 of Title 30 (The Freedom of Information Act), South Carolina Code of Laws, 1976, with the exception that commercial or financial information obtained in response to a "Request for Proposals" which is privileged and confidential if so designated by the proposer shall not be disclosed. Such information must be clearly marked as "**CONFIDENTIAL**" by the offeror for each section of information so affected. Privileged and confidential information in specific detail nor customarily released to the general public, the release of which might cause harm to the competitive position of the party supplying the information. Examples of this type of information would include:

- 1) Customer lists:
- 2) Design recommendations and identification of prospective problem areas under a RFP;
- 3) Design concepts, including methods and procedures:
- 4) Biographical data on key employees of the bidder/proposal.

Liability Coverage- The successful proposer shall provide certificates of all required insurance(s), including worker's compensation, premises liability and general liability. Worker's compensation shall include a minimum limit of \$100,000 and comprehensive general liability coverage shall provide minimum limits of liability of \$1,000,000 per occurrence. Insurance shall indemnify the City of Conway against any and all claims arising under or as a result of the performance of the contract. The City of Conway shall be named as an additional insured on all liability policies. The City of Conway must be provided thirty (30) days notice prior to cancellation, modification or reduction in limits of any stipulated insurance.

Acceptance or Rejection of Bid

The City of Conway reserves the right to accept or reject any/or all bids when such rejection is in the best interest of the City of Conway to reject Proposal of Bidder who has not met the prerequisites on the bid proposal, who has previously failed to perform properly or complete on time contracts of a similar nature; and to reject proposal of bidder who is, in the opinion of the City of Conway, not in a position to perform the contract. The City of Conway also reserves the right to waive any information and technicalities in bidding. The City of Conway reserves the right to waive irregularities and to reject any and all bids.

INFORMATION REQUIRED FOR CONSIDERATION

(Exact format of this must be followed in response)

Proposal format:

The format requirements were developed to aid submitters in their RFP development. They also provide a structured format so reviewers can systematically evaluate several proposals. These directions apply to all proposals submitted.

The purpose of the RFP is to further the development opportunities along Conway's Riverfront. Proposer's proposal must address all the points outlined herein as required, in the following order.

1. Transmittal Letter: A transmittal letter must be submitted which shall include:
 - The RFP subject.
 - Name of the individual, team, business or other entity responding, including mailing address, e-mail address, telephone number, and names of contact person.
 - A brief profile of the responding party, outlining the history, philosophy, and target market of the individual or team.
 - The signature of the person authorized to make representations on behalf of the submitting firm or team.
2. Statement of Understanding and Project Approach Outline: The submitter shall prepare a one-page statement of understanding of the scope of work as well as a project approach narrative that reflects the tasks outlined in the Objectives and Purposes above.
3. Project Examples: Proposer is required to provide a description of related projects of similar scope.
4. Detailed Proposal: As outlined in **I-1**, a detailed proposal is required.

THE PROPOSAL SHALL INCLUDE THE FOLLOWING:

- **COST ESTIMATION**
- **Performance Bond if Required**
- **Proof of liability Insurance**
- **Indemnification Form**
- **Non-Collusion Affidavit Form**
- **Acknowledgement of Addenda**
- **Bid Proposal Form**
- **Three References**

Make sure that all of this information is included in Proposal Package.



INDEMNIFICATION

(This form is Part of the Response)

The Offeror/Contractor will indemnify and hold harmless the **OWNER**, the **City of Conway** and their agents and employees from and against all claims, damages, losses and expenses, including attorney's fees, arising out of or resulting from the performance of the **WORK** provided that any such claims, damage, loss, or expense is attributable to bodily injury, sickness, disease or death, injury to or destruction of tangible property, including the loss of use resulting there from, and is caused by any negligent or willful act or omission or the Offeror/Contractor, and anyone directly or indirectly employed by him or anyone for whose acts any of them may be liable.

In any and all claims against the **OWNER**, the **City of Conway** or any of their agents or employees by an employee of the Offeror/Contractor, and anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, the indemnification obligation shall not be limited in any way to the amount or type of damages, compensation or benefits payable by or for the Offeror/Contractor under the workman's compensation acts, disability benefit acts, or other employee benefit acts.

The obligation of the Offeror/Contractor under this paragraph shall not extend to the liability of the City of Conway or its agents or employees arising out of the reports, survey, **CHANGE ORDERS**, designs, or **SPECIFICATIONS**.

OFFEROR/CONTRACTOR: _____

AUTHORIZED SIGNATURE: _____

DATE: _____

TELEPHONE: _____ FAX: _____



NON-COLLUSION AFFIDAVIT FORM
(This form is Part of the Response)

STATE OF _____)

COUNTY OF _____)

CITY OF CONWAY

Being duly sworn, disposes and say that he/she is

(Sole Owner, a Partner, President, Secretary, etc.)

of _____

the party making the foregoing Proposal that such proposal is genuine and not collusive or sham; that said proposer has not colluded, conspired, connived, or agreed, directly or indirectly with any PROPOSER or person , to put in a sham proposal, or that such other person shall refrain from proposing and has not in any manner, directly or indirectly sought by agreement or collusion, or communication or conference, with any person to sought by agreement or collusion, or communication or conference, with any person to fix the proposal of affiant or any other PROPOSER or to fix any overhead, profit or cost element of said Proposal or of that of any other PROPOSER or to secure any advantage against OWNER any person interested in the proposed contract; and that all statements in said Proposal are true ; and further, that such PROPOSER has not , directly or indirectly submitted this Proposal, or the contents thereof , or the contents thereof, or divulged information or date relative thereto any association or to any member or agent thereof.

Proposer

Sworn to and subscribed before this _____ day of _____, [2024]
Notary Public for South Carolina

My Commission Expires _____



REFERENCES

Please list a minimum of three (3) references for jobs performed in the past five (5) years that are similar in size and scope to this project with contact names and telephone numbers. Attach additional sheets if necessary.

Reference: _____ Contact: _____

Address: _____ Phone: _____

Fax: _____

Description and date(s) of project and service provided: _____

Reference: _____ Contact: _____

Address: _____ Phone: _____

Fax: _____

Description and date(s) of project and service provided: _____

Reference: _____ Contact: _____

Address: _____ Phone: _____

Fax: _____

Description and date(s) of project and service provided: _____



ACKNOWLEDGEMENT OF ADDENDA RIVERFRONT DEVELOPMENT

Proposer hereby acknowledges receipt of all Addenda through and including:

Addendum No. _____, dated _____.

Addendum No. _____, dated _____.

Addendum No. _____, dated _____.

Addendum No. _____, dated _____.

Company _____

Authorized Signature _____

Print Name _____

BID PROPOSAL

Riverfront Development Project – City of Conway

I/we, the undersigned, are pleased to submit a not to exceed bid amount of \$_____ for the above referenced project. The following section has been left blank for you to provide us with a breakdown of your proposed fees based upon this request for proposal.

Total Bid Amount _____

Authorized Signature _____ Print Name _____

Company Name _____ License # _____

Company Address _____

City/State/Zip _____ Email Address _____

***** Make sure all forms are included.**