



City of O'Fallon
Real Estate Consulting Services for Downtown O'Fallon
Request for Proposals #23-048

CITY OF O'FALLON, MISSOURI

REQUEST FOR PROPOSALS

RFP NUMBER 23-048

Real Estate Consulting Services for Downtown O'Fallon

May 12, 2023

INCLUDED ARE:

Proposal Instructions

Terms and Conditions

Scope of Work/Services

Proposal Form

Affidavits (Worker Eligibility, Anti-Collusion)

CITY OF O’FALLON, MISSOURI

PROPOSAL INSTRUCTIONS

PURPOSE

The purpose of this Request for Proposal (RFP) is to obtain competitive proposals from qualified companies capable of providing real estate consulting services for Downtown O’Fallon.

This RFP provides prospective companies with sufficient information to enable them to prepare and submit proposals for consideration by the City of O’Fallon (City) to satisfy the needs as outlined in the scope of work.

SCHEDULE OF ACTIVITIES

Release and advertisement of RFP:	May 12, 2023
Deadline for submission of questions:	May 24, 2023 at 12:00 P.M. CDT
Proposal submission deadline:	June 2, 2023 at 12:00 P.M. CDT

PROPOSAL SUBMISSION

Sealed proposals must be received by the City of O’Fallon, Missouri; Purchasing Office, 100 North Main Street; O’Fallon, Missouri 63366 prior to June 2, 2023, at 12:00 P.M. (prevailing central time). Each proposal shall consist of one original (identified as such) and one electronic copy on flash/thumb drive of the complete proposal. The file submitted on flash/thumb drive shall include all attachments and signatures, where applicable.

It is the responsibility of the proposer to ensure that their proposal is received in the Purchasing Office, prior to the deadline. Companies mailing proposals should allow ample mail delivery time to ensure timely receipt of their proposals. Proposals received after the deadline for receipt of proposals will not be opened or considered.

Proposals will be opened and evaluated in private by City staff. A public opening will not be held.

To make delivery of proposals for this project, the delivery vendor or bidder may hand deliver the proposal during City Hall hours of Monday – Friday 8:30 am – 4:30 pm. Mailed proposals are accepted with regular mail service each day.

Proposals must be clearly identified as a proposal for the City of O’Fallon, Missouri “**RFP # 23-048 Real Estate Consulting Services for Downtown O’Fallon**” and shall show such information on the outside of the proposal packet. Proposals will not be accepted by facsimile or email transmittal. *Do not staple or submit bid in any type of binder; binder clips are acceptable.*

QUESTIONS

All questions must be submitted in writing to Christine Grabin, Purchasing Agent, no later than 12:00 P.M. (CDT) on May 24, 2023, via email cgrabin@ofallon.mo.us. The City will only respond, via addendum, by the end of day on May 26, 2023 to questions from Respondents. Answers to questions will only be distributed via addendum and posted on our website. <http://www.ofallon.mo.us/bid-opportunities>

AMENDMENTS TO RFP

In the event it should be necessary to revise any portion of this RFP, addenda will be provided to all proposers who received the original RFP from the City of O’Fallon. This does not relieve the submitting company the responsibility of regularly checking the City website listed below for

updates regarding any addenda associated with this proposal request. Addenda are available on our website at: <http://www.ofallon.mo.us/bid-opportunities>. If you received this RFP by means other than the bid system, you must furnish your company name, address, and telephone number to the Purchasing Agent identified in the Proposal Instructions section in order to receive any addendum to this RFP. Proposers shall acknowledge receipt of each addendum issued in the space provided on the RFP form.

END OF PROPOSAL INSTRUCTIONS

CITY OF O'FALLON, MISSOURI

TERMS AND CONDITIONS

QUALIFICATIONS:

All companies shall be licensed, insured, and bonded and shall furnish satisfactory evidence to the City that they have previously performed/provided the types of services as specified below.

LAWS AND ORDINANCES, REGULATIONS, LICENSING FEES:

Firm shall conform to all rules, regulations, ordinances, laws, or directives set forth by the City of O'Fallon and/or the State of Missouri.

LAW GOVERNING:

All State of Missouri and/or Federal Laws shall be hereby specifically made a part of this contract as set forth herein.

NON-DISCRIMINATING:

The Contractor, its employees and subcontractors, agree not to commit unlawful discrimination and agree to comply with applicable provisions of the U.S. Civil Rights Act and Section 504 of the Federal Rehabilitation Act, and rules applicable to each.

Firm shall comply with Section 285.525 – 285.550 RSMo regarding enrollment in a federal work authorization program. **A signed, notarized affidavit (attached) and supporting documentation affirming enrollment in a federal work authorization program must be submitted with proposal. Failure to comply with this provision may result in rejection of proposal.**

E-VERIFY:

Company shall be E-verify compliant and shall provide documentation to support this requirement within the proposal including the memorandum of understanding (MOU) and the electronic signature page completed in its entirety.

METHOD OF AWARD / SELECTION:

The proposals will be evaluated by the City. A response summary of proposals will be available by contacting Christine Grabin, Purchasing Agent. The response summary will only include the names of the companies that submitted proposals that were delivered by the required RFP submittal date and time. Until award of the contract, the Responses shall be held in confidence and will not be available for public review.

TERMS/CANCELLATION AND DAMAGES:

This contract may be terminated by either or both parties upon thirty (30) days written notice or upon mutual agreement of both parties.

If the City, because of the Vendor's breach, terminates this Contract, the City shall have the right to purchase service elsewhere and to charge the Vendor with any additional cost incurred.

Notwithstanding the above, the Vendor shall not be relieved of any liability to the City for damages sustained by the City by virtue of any breach of this contract by the Vendor and the City may withhold any payments to the Vendor until such time as the amount of such damages due the City from the Vendor shall be determined.

AWARD REQUIREMENTS:

Once the City is prepared to award the contract to the selected company, the company will need to provide the following documents to the City.

- Signed contract agreement
- Current certificate of insurance

Once all of these items are received and fully executed, then the City will issue the Notice to Proceed.

It is the desire of the City to award a single contract for the entire scope of services outlined in this request for proposals. All proposals are subject to staff analysis. The City of O'Fallon reserves the right to accept or reject any and all proposals received.

CONTACT WITH CITY OF O'FALLON PERSONNEL:

As specified above, all contact with the City should be channeled through the Purchasing Agent. No contact with other City employees, officials, or City Council members is to be made by responding proposers throughout the entire process.

RESPONSE MATERIAL OWNERSHIP:

All proposals become the property of the City of O'Fallon, Missouri upon receipt and will only be returned to the proposer at the City's option. Selection or rejection of the proposal will not affect this right. The City shall have the right to use all ideas or adaptations of the ideas contained in any proposal received in response to this RFP. Disqualification of a proposal does not eliminate this right.

PROPRIETARY INFORMATION:

All material submitted in response to this RFP will become public record and will be subject to inspection after an Intent to Award notice is issued. Any material requested to be treated as proprietary or confidential must be clearly identified and easily separable from the rest of the proposal. Such request must include justification for the request and approval by the City Clerk. Neither cost or pricing information nor a total proposal will be considered proprietary.

CONFIDENTIALITY:

The Vendor agrees that it will not permit the disclosure or duplication of any information received from the City or stored on City systems unless such disclosure or duplication is specifically authorized in writing by the City, or as required by law.

The City agrees that it will not disclose or duplicate any information designated in advance by the Vendor as "Confidential/Proprietary" information to any person (other than City personnel who must have access to such information) unless such duplication, use or disclosure is specifically authorized in writing by the Vendor or is required by law. The term "Confidential/Proprietary" does not include ideas, techniques, or concepts that are in the public domain.

EVALUATION RIGHTS:

The City reserves the right to: a) reject any or all proposals, or to make no award, b) require modifications to initial proposals, c) make partial or multiple awards, or d) further negotiate costs submitted in proposals. The City reserves the right to award the contract in any manner deemed in the best interest of its citizens.

REJECTION OF PROPOSALS:

The City of O’Fallon, Missouri reserves the right to reject any or all proposals received in response to this RFP, or to cancel this RFP if it is in the best interest of the City to do so. Failure to furnish all information or to follow the proposal format requested in this RFP may disqualify the proposal. Any exception to the Scope of Work must be identified in the proposal.

INCURRING COSTS:

The City of O’Fallon, Missouri shall not be obligated or be liable for any cost incurred by proposers prior to issuance of a contract. All costs to prepare and submit a response to this solicitation shall be borne by the proposer.

SUBMISSION OF PROPOSALS AND SUPPLEMENTAL MATERIALS:

Proposals shall be submitted to the Purchasing Office. If supplemental materials are required or requested, then they must be submitted to the Purchasing Office as part of the proposal. Supplemental materials will not be accepted after the proposals have been opened, unless requested by the Purchasing Office. Submission or distribution by the company of unsolicited supplemental materials to City employees or Officials may result in rejection of the proposal.

DISCRIMINATION POLICY:

The City of O’Fallon advises the public that it does not discriminate against any person on account of race, color, religion, creed, sex, age, ancestry, or national origin, and that such nondiscrimination is extended to procurement of materials and/or the provision of municipal services.

WAIVER:

The City reserves the right to waive any variances from the original RFP in cases where the variances are considered to be in the best interest of the City.

INSURANCE:

The firm or company that is awarded a contract shall maintain during the life of the agreement and furnish to the City the appropriate Professional Liability, Commercial General Liability, and Workers Compensation insurance certificates listing the City of O’Fallon as an “Additional Insured” during the Term of the Agreement, and a copy of such “Additional Insured” endorsement must accompany the certificate.

INDEMNITY:

The Vendor shall, at all times, fully indemnify, hold harmless, and defend the City and its officers, members, agents, and employees from and against any and all claims and demands, actions, causes of action, and cost and fees of any character whatsoever made by anyone whomsoever on account of or in any way growing out of the performance of this contract by the Vendor and its employees, or because of any act or omission, neglect or misconduct of the Vendor, its employees and agents or its subcontractors including, but not limited to, any claims that may be made by the employees themselves for injuries to their person or property or otherwise.

Such indemnity shall not be limited by reason of the enumeration of any insurance coverage herein provided.

Nothing contained herein shall be construed as prohibiting the City, its directors, officers, agents, or its employees, from defending through the selection and use of their own agents, attorneys and experts, any claims, actions or suits brought against them.

The Vendor shall likewise be liable for the cost, fees and expenses incurred in the City's or the Vendor's defense of any such claims, actions, or suits.

PRICING:

The pricing stated by the bidder in the bid documents shall remain firm for a one (1) year period from the start date of the contract. No price increases will be allowed for the duration of the contract. Price decreases are allowed at any time.

RENEWAL & EXTENSION:

The successful bidder will be awarded a one (1) year agreement effective the date of award. Fees must not be increased for the entire agreement period. At the City's option, the agreement may be renewed for one (1) year at the terms of the original contract.

PAYMENT TERMS AND CONDITIONS:

The City's payment terms are Net 30 days. The City is exempt from Missouri sales and use taxes and will not pay taxes for any product or service. A copy of the City's tax-exempt certificate shall be presented to the firm or company that is awarded a contract.

Inquiries concerning this Request for Proposals shall be directed to:

Christine Grabin
Purchasing Agent
City of O'Fallon, Missouri
100 North Main Street
O'Fallon, Missouri
Phone: (636) 379-5527
cgrabin@ofallon.mo.us

END OF TERMS AND CONDITIONS

CITY OF O’FALLON, MISSOURI

RFP NUMBER 23-048

SCOPE OF SERVICES

The City of O’Fallon is seeking proposals from qualified firms to provide consulting services associated with evaluating the development assets, deficiencies, and opportunities in the downtown area; identifying strategic real estate opportunities and structuring potential purchases; analyzing mixed-use development projects to determine the highest/best use and greatest probability of success; and advising the city’s elected officials, leadership team, and staff members on real estate development efforts in the downtown area.

The intent of this request is to identify, evaluate, and select one or more consulting firms with the experience and capability to:

1. assess the existing buildings, land sites, and supporting infrastructure in downtown O’Fallon;
2. develop, in concert with elected officials, a long-term vision for O’Fallon’s downtown area along with key performance indicators to measure progress;
3. provide advice and recommendations on the city’s existing and future land holdings in the downtown area;
4. evaluate mixed-use development proposals and potential retail-commercial projects for feasibility and alignment with the vision for downtown O’Fallon; and
5. connect city leaders and staff to retail-commercial-residential developers with a strong desire to invest in O’Fallon’s downtown.

The primary goal of this project is to create the right conditions and take the necessary actions to attract new capital investment in the downtown area that improves its overall economic performance and attractiveness as a community gathering place.

GENERAL BACKGROUND:

The City of O’Fallon (MO) was founded in 1856 as a small agricultural community with a train station. Since the early 1990’s O’Fallon has grown from approximately 19,000 residents to the largest suburban community in the St. Louis metro area. O’Fallon is now home to more than 93,000 residents and almost 1,800 businesses ranging from hundreds of home-based sole proprietorships to well-known global firms like Mastercard and MEMC. Many other industry sector leaders like True Manufacturing, Flat World, DynaFlex, and Cosmos Corporation are headquartered in O’Fallon. Large retail and restaurant brands are present throughout the city and anchor many of O’Fallon’s 67 retail/shopping centers. The median age of O’Fallon’s residents is 35.8 years, and the average household income is \$97,868 per year. O’Fallon’s total labor force is near 55,000 and there are more than 53,000 individuals that hold jobs located within the community. The estimated number of housing units in O’Fallon exceeds 35,000 with a median value of \$281,700. O’Fallon is bisected by two U.S. interstates (I-70 and I-64) and located near the center of Missouri’s fastest growing and highly developed county with a total population of 410,000. Additional economic data and demographic information is available at www.selectOFALLON.com.

The City of O’Fallon completed an update to its Comprehensive Plan in 2021. The Plan can be found at: <https://drive.google.com/file/d/1UR7WloQQdyQrb8ejRGZYiNiWYyCXnCJ8/view>. The 2021 Comprehensive Plan includes a targeted area scenario plan with recommendations for downtown. The O’Fallon City Council created, based upon staff recommendations, a Downtown Overlay District in 2019. The purpose of the District’s creation was to “...recognize the unique and historic attributes of the area

identified as Downtown O’Fallon on the Official Zoning District Map and to encourage the redevelopment and revitalization of this area with a mix of retail, service, office, government, institutional, religious, restaurant and hospitality uses together with residential uses.” The Overlay District’s regulations “...allow greater design flexibility in development than is permitted by the other district regulations. The regulations are further intended to enhance the aesthetic appearance and streetscape of the public and private spaces within the area.” O’Fallon’s planning staff is developing recommendations for a Planning & Zoning Code update to be completed by 4th quarter 2023.

The consultant(s) may find additional relevant information and data from the following resources:

- a) O’Fallon Downtown Overlay District 2018
- b) [O’Fallon Connected](#) – A Vision for Main Street O’Fallon 2015¹
- c) [Survey Report](#) O’Fallon Main Street 2015²
- d) City of O’Fallon Economic Development Incentives Policy 2014
- e) Grow in the ‘O’ – A Strategic Plan for Economic Development 2013
- f) Retail Analysis and Strategy by Development Strategies 2009

PROJECT SCOPE:

Responses to this RFP must include the team’s qualifications, experience, and capabilities to:

- a. conduct a cursory assessment of existing land and building uses within a defined area of downtown O’Fallon utilizing existing data and previous studies;
- b. identify immediate real estate development opportunities and advise elected officials and city leaders on the best strategies and tactics to maximize these opportunities;
- c. evaluate potential mixed-use developments in the downtown area and make recommendations on the retail-commercial-residential combination that has the highest return-on-investment and probability for success;
- d. develop a set of short- and long-term recommendations on viable retail, commercial, and/or residential projects for the downtown area;
- e. provide a list with contact information of local and regional developers that have the experience, means, and expressed interest in the development of downtown O’Fallon; and
- f. assist with the development and review of any subsequent RFP’s to be issued as a result of the evaluations and recommendations.

The consulting team shall have a good understanding and extensive experience with downtown development and a knowledge of development trends of downtown districts. The consulting team shall possess an awareness of potential external forces (physical, social, economic, and political) that may impact the future of O’Fallon’s downtown.

General guidance and direction on this project will come from the O’Fallon City Council, the city leadership team, and qualified staff members. Project oversight will be provided by O’Fallon’s economic development director and staff.

The total budget for this project is not to exceed \$50,000. Proposals should articulate how the goals and project priorities can be achieved within the budget.

1 See City Council Workshop Agenda for June 11, 2015 (<https://www.ofallon.mo.us/meeting-agendas>)

2 Ibid

RESPONSE:

Qualified responses shall follow the outline below with additional information and materials included in an addendum.

- a. Capability Statement: A company overview and mission statement, core competencies, notable clients, and brief description of recent project successes.
- b. Experience of Firm and Assigned Professionals: A detailed description of the firm’s experience in providing similar services and short bios on professionals that will manage and support this project.
- c. Project Plan: A description of how the team will provide the proposed services to address Project Scope.
- d. Availability Schedule: A statement of the firm’s availability and timeline to begin the project.
- e. Performance Measures: Recommended performance measures to properly assess the firm’s actions and results.
- f. Proposed Fees/Expenses: Proposals shall clearly state a pricing structure for proposed services, description of potential add-on services and their associated cost, any additional fees/expenses, and preferred payment process.
- g. Project References: Contact information for 3 previous or current clients along with permission to communicate with them.
- h. Primary Contact Information: Provide primary contact name, address, phone number, email address, and days/times of availability.

SELECTION CRITERIA:

All submissions will be reviewed by a team of O’Fallon city staff for completeness and qualifications. The team reserves the right to select the respondent best able to meet and exceed the stated purpose of this Request for Proposal.

Criteria used to make this selection include, but are not limited to the following:

- 1) qualifications, experience, and previous successes of the firm and staff assigned to this project;
- 2) completeness of the submission, especially on the Project Scope and Response requirements;
- 3) ability to provide the proposed consulting services in a timely and efficient manner; and
- 4) proposed fees and expenses.

The City of O’Fallon actively encourages submission of proposals from disadvantaged business enterprises and companies owned by minorities, women, immigrants, and veterans. The City does not discriminate on the basis of race, color, religion, creed, sex, sexual orientation, gender identity, age, ancestry, national origin, disability, or veteran status in consideration of this award.

END OF SCOPE OF WORK / SERVICES

CITY OF O'FALLON, MISSOURI

PROPOSAL FORM

Signature of proposer indicates that the proposer understands and will comply with all terms and conditions and all other specifications stated in this Request for Proposals and any subsequent award or contract. All terms, conditions and representations made in this invitation will become an integral part of the contract.

In compliance with this Request for Proposal Number 23-048 and to all the conditions imposed herein, the undersigned offers and agrees to provide Real Estate Consulting Services for Downtown O'Fallon in accordance with the scope of services and intent of the request for proposals contained herein.

Proposal Form shall be attached to respondent's proposal.

Indicate whether: () Individual; () Partnership; () Corporation

Incorporated in the state of: _____

COMPANY: _____

SIGNATURE: _____

ADDRESS: _____

NAME: _____

CITY: _____

TITLE: _____

STATE/ZIP: _____

PHONE NO.: _____

TAX ID NO.: _____

DATE: _____

EMAIL: _____

Acknowledge the receipt of addenda by initialing box below as appropriate.

Addenda 1 _____ Addenda 2 _____ Addenda 3 _____ Addenda 4 _____

WORKER ELIGIBILITY VERIFICATION AFFIDAVIT

STATE OF _____)
) ss
COUNTY OF _____)

On the ____ day of _____, 20____, before me appeared _____,
Affiant name

personally known to me or proved to me on the basis of satisfactory evidence to be a person whose name is subscribed to this affidavit, who being by me duly sworn, stated as follows:

• I, the Affiant, am of sound mind, capable of making this affidavit, and personally certify the facts herein stated, as required by Section 285.530, RSMo, to enter into any contract agreement with the City to perform any job, task, employment, labor, personal services, or any other activity for which compensation is provided, expected, or due, including but not limited to all activities conducted by business entities.

• I, the Affiant, am the _____ of _____, and I am duly
title business name
authorized, directed, and/or empowered to act officially and properly on behalf of this business entity.

• I, the Affiant, hereby affirm and warrant that the aforementioned business entity is enrolled in a federal work authorization program operated by the United States Department of Homeland Security, and the aforementioned business entity shall participate in said program to verify the employment eligibility of newly hired employees working in connection with any services contracted by the City of O’Fallon. I have attached documentation to this affidavit to evidence enrollment/participation by the aforementioned business entity in a federal work authorization program, as required by Section 285.530, RSMo.

• I, the Affiant, also hereby affirm and warrant that the aforementioned business entity does not and shall not knowingly employ, in connection with any services contracted by the City, any alien who does not have the legal right or authorization under federal law to work in the United States, as defined in 8 U.S.C. § 1324a(h)(3).

• I, the Affiant, am aware and recognize that, unless certain contract and affidavit conditions are satisfied pursuant to Section 285.530, RSMo, the aforementioned business entity may be held liable under Sections 285.525 through 285.550, RSMo, for subcontractors that knowingly employ or continue to employ any unauthorized alien to work within the state of Missouri.

• I, the Affiant, acknowledge that I am signing this affidavit as a free act and deed of the aforementioned business entity and not under duress.

Affiant Signature

Subscribed and sworn to before me in _____, _____, the day and year first above-written.
city (or county) state

My commission expires:

Notary Public

[Attach documentation of enrollment/participation in a federal work authorization program]

ANTI-COLLUSION STATEMENT

STATE OF _____

CITY/COUNTY OF _____

_____ being first duly sworn, deposes and says that he/she is the

_____ *Title of Person Signing*

of _____

_____ *Name of Bidder*

and that all statements made, and facts set out in the proposal for the above project are true and correct. In addition, the bidder (the person, firm, association, or corporation making said bid) has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with said bid or any contract which may result from its acceptance.

Affiant further certifies that bidder is not financially interested in, or financially affiliated with, any other bidder for the above project.

BY _____

BY _____

BY _____

SWORN to before me this _____ day of _____ 20 ____.

_____ *Notary Public*

My Commission Expires _____