



CITY OF KYLE, TEXAS

REQUEST FOR PROPOSAL

**DOWNTOWN RETAIL DEVELOPMENT PARTNER
FOR 104 S. Burleson Street**

REQUEST FOR PROPOSALS

DOWNTOWN RETAIL DEVELOPMENT PARTNER

The City of Kyle is seeking proposals for the development of 104 S. Burleson Street, a downtown parcel owned by the City. Sealed proposals, addressed to James R. Earp, will be received by electronic submission, addressed to the City Manager's attention at the following email address: **RFP@cityofkyle.com**, with the subject line stating "**K 04-20 DOWNTOWN DEVELOPMENT R33592**", until 12:00 P.M. on May 28th, 2020, and then considered by City Council in Executive session under Economic Incentives at the closest regular council meeting.

Details of what the City seeks may be secured from the City website ((www.cityofkyle.com/rfps)) and are also available from the office of the City Secretary, Kyle, Texas.

The City reserves the right to accept or reject any and all proposals and to accept only those proposals which are in the best interest of the City of Kyle.

Published:

DESCRIPTION

The City of Kyle desires to offer a long-term ground lease for a development partner who will demolish the existing structure and build a new multistory facility that will serve as an economic primer in Kyle's downtown

The City of Kyle owns a certain parcel at 104 South Burleson Street, a .45-acre lot (Exhibit A) and is currently seeking a proven business partner to develop a commercial building in the downtown district on the subject property. As a partner in this Economic Development Initiative, the City will offer the property on a long-term ground lease in a form acceptable to the City and deemed suitable by financial institutions for collateral toward construction loans, but at a minimum would be a 15 year lease with a 15 year extension option.

The partnering developer will propose a structure that would improve upon the architectural landscape currently utilized in downtown Kyle, and include, at a minimum, permanent tenant space on the ground (main) floor to be used solely for destination entertainment/dining/retail. The structure should additionally include outdoor seating for the main floor tenant and consist of multiple stories – any additional stories above the main floor are not required to meet the destination use and may be any use suitable to the downtown district. Uses above the main floor should include shared office and residential space.

The developer will be responsible for assuring that any tenant of the main floor will be required to support the City's trademark of the Pie Capital of Texas by providing custom branded pies, or other items as approved by the City Council that support the trademark in a significant way.

The business should bring in revenue that contributes to commerce, business development, tourism, local sales tax, or other revenue streams that align closely with the City of Kyle's core values and objectives for historic downtown. Proposals will be evaluated on the strength of supporting the brand. All real improvements to the property will be fully taxable. The tenant will be required to maintain set and dedicated hours of operation that promote a night life destination for families, Kyle's predominant demographic.

The developer will be expected to cover the construction costs associated with building the property to match the current architectural model (multi-story brick building) and will need to gain approval of the City Council on the elevation/design. If the property fails to adhere to the relevant restrictions, including having a tenant that satisfies the above requirements, the City shall require full payment of the retail rental (?) value of the land.

The City will place restrictions on the property, in the form of restrictive covenants or terms set forth in the performance agreement. These restrictions closely align with the City of Kyle's values for meaningful commercial and business development. Examples of such restrictions include:

1. The business shall contribute to the City of Kyle's branding as a point of destination for tourism within Central Texas.
2. The business should allow for friendly, inclusive participation of the citizenry of Kyle, Texas.ng, entertainment and retail options on the ground floor.
3. The business shall contribute to local commerce and development.

4. **The business should work closely with elected officials and City Management to develop and strengthen meaningful partnerships between businesses and local government**
5. **Architectural standards for structures built on the property.**
6. **Restrictions on land uses.**

REQUIRED

General Requirements

Permits, Fees, and Inspections; Onsite temporary facilities; dumpsters; construction documents; etc.

Existing Conditions

The proposal shall meet the construction and architectural specifications consistent with the City of Kyle's expectations for commercial development in historic downtown.

The proposer shall be subject to the standards for incremental review to be determined upon award of proposal.

TERMS AND CONDITIONS

Submission of Proposals

Proposals shall be submitted in a sealed envelope plainly marked in the left-hand corner, **PROPOSAL FOR "Downtown Development Partner"**

Deadline

All proposals must be submitted prior to 12:00 P.M. on May 28th, 2020. Any submittals received after closing time will be returned unopened. Due to COVID-19, proposals must be submitted electronically, addressed to the City Manager at the following email address: RFP@cityofkyle.com.

Name of Proposer

Proposing party must give full business name and address. Failure to manually sign the proposal will disqualify it.

Contract

Once a partner, satisfactory to the city, is selected, a detailed performance contract will be prepared with the participation of both parties.

Addenda

The City reserves the right to revise or amend the specific qualifications prior to the date set for opening bids. Such revisions or amendments, if any, will be announced by addenda or addendum to these specifications, copies of such addenda so issued will be furnished to all prospective proposing parties.

Documentation

Proposer shall provide all documentation required by this request for proposal. Failure to provide this information may result in rejection of proposal.

MINIMUM STANDARDS FOR PROSPECTIVE PROPOSERS

A proposer must affirmatively demonstrate proposer's abilities and qualifications. A proposer must meet the following requirements and address these items the submittal.

1. Have adequate financial resources, or the ability to obtain such resources as required.
2. Be able to comply with the requirements of the project as outlined in this proposal.
3. Have a satisfactory record of business performance.
4. Have a satisfactory record of integrity and ethics.
5. Be otherwise qualified and eligible to receive an award.
6. Make a presentation outlining the proposer's proposal including financing arrangements, elevation sketches and tenant mix.
7. Meet the expectation to acquire Certificate of Occupancies within 24 months of award.
8. Enter into a performance-based contract within a reasonable time after being awarded the bid.

The City of Kyle, Texas may request information sufficient to determine proposer's ability to meet the minimum standards listed above.

Termination for Default

The City of Kyle, Texas reserves the right to enforce the performance of the performance contract(s) in any manner prescribed by law or deemed to be in the best interest of the City in the event of a breach or default of this contract. The City of Kyle, Texas reserves the right to terminate the contract immediately in the event the successful proposer fails to:

1. Meet schedules
2. Pay any required fees; or,
3. Otherwise perform in accordance with the bid specifications or performance agreement.

In the event the successful proposer shall fail to perform, keep or observe terms and conditions of this proposal, the City of Kyle, Texas shall provide written notice of such default, and in the event said default is not remedied to the satisfaction and approval of the City of Kyle, Texas within two (2) working days of receipt of such notice by the successful proposer, default may be declared and the successful proposer's rights shall terminate.

Remedies

The successful proposer and the City of Kyle, Texas agree that both parties have all rights, duties, and remedies available as stated in the Uniform Commercial Code.

Silence Of Specifications

The apparent silence of these specifications, terms, and conditions to any detail, or to the apparent omission of a detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail. All interpretations of these specifications shall be made on the basis of this statement. The City reserves the right to revise or amend the specifications prior to the date set for opening bids. Such revisions or amendments, if any, will be announced by addenda or addendum to these specifications, copies of such addenda so issued will be furnished to all prospective bidding parties.

Bid Bond

A bid bond based on the final project may be required as a condition of a future contract/RFP.

Performance Bond

A performance bond based on the final project may be required as a condition of a future performance contract.

Award

The City of Kyle will select a development partner from those that respond to this Request for Proposals and intends to enter into a performance contract with the selected proposer. That award will be given to the proposer who provides goods or services most closely aligned with the description of the request. In awarding the proposal, the following criteria will be used:

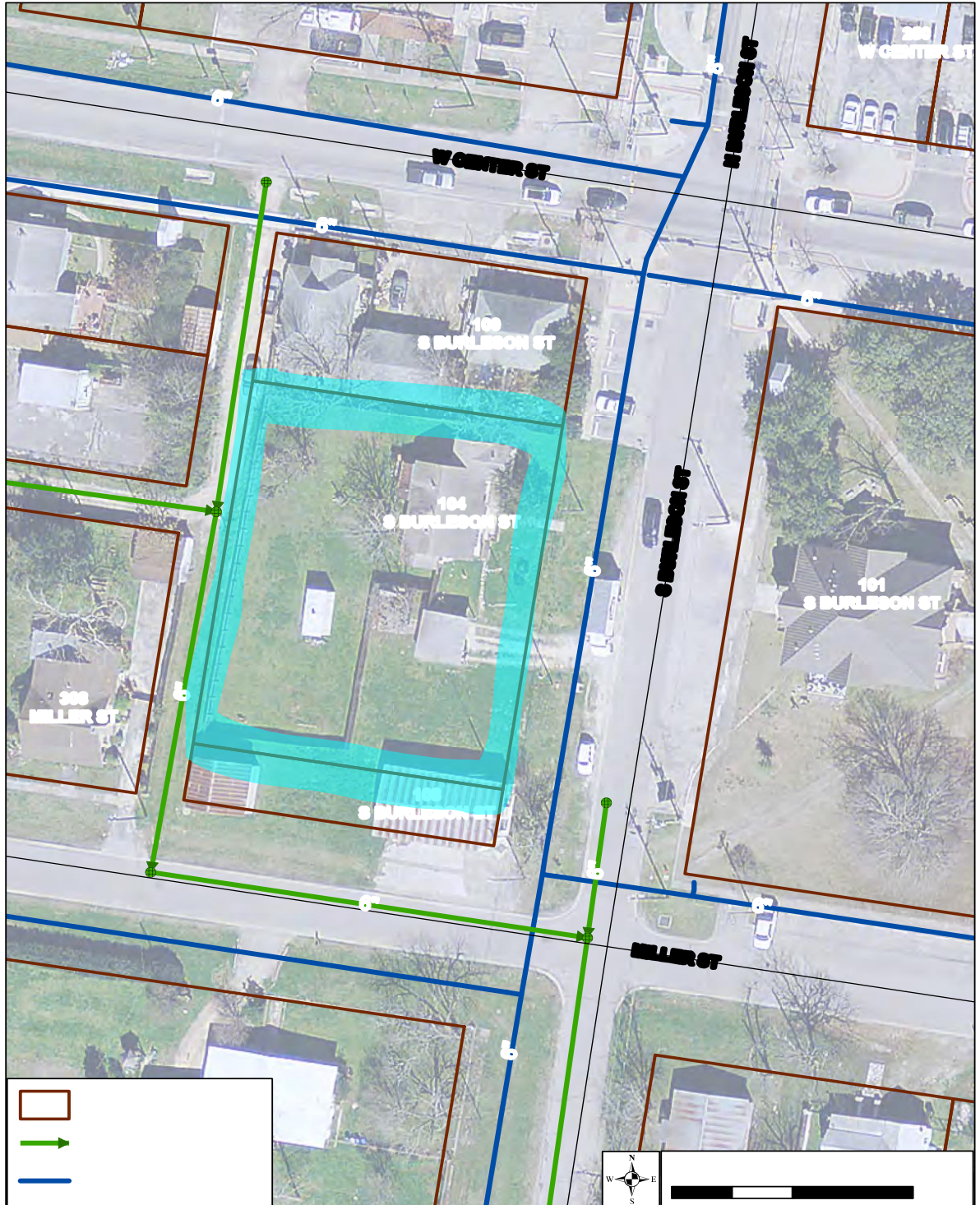
1. A comprehensive business plan; and
2. The reputation of the proposer and the proposer's experience; and
3. The quality of the proposer's submittal, proposed plans, and prior experience; and
4. The extent to which the proposal aligns with the City of Kyle's objectives for downtown development; and
5. The proposer's past relationship with the City of Kyle; and
6. The impact on the ability of the City of Kyle to comply with laws and rules relating to contracting with historically underutilized businesses and non-profit organizations employing persons with disabilities; and
7. The total long-term cost to the City of Kyle in entering into an agreement with the successful proposer; and
8. The criteria set out in the section entitled "Minimum Standards for Prospective Proposers".

Additional Provisions Related to Proposals:

1. City of Kyle reserves the right to reject any and all proposals received as a result of this RFP; If a proposal is selected it will be the most advantageous quality of submittal, plan, qualification, experience, objectives or other factors which the City of Kyle may consider. The city does not intent to award a contract fully on the basis of any response made to the proposal; the City reserves the right to consider proposals for modifications at any time before a contract would be awarded, and negotiations would be undertaken with that proposer whose proposal is deemed to best adhere to the City's specifications and needs.
2. The City reserves the right to waive or not waive informalities or irregularities in proposals, and to accept to negotiate terms, or conditions of any proposal determined by the City to be in the best interests of the City.
3. Proposals must be signed by an official authorized to bind the proposer to its provisions for at least a period of 90 days. Failure of the successful proposer to accept the obligation of the contract may result in the cancellation of any award.
4. The proposer will be an independent contractor, and the performance agreement will not constitute a joint venture.
5. Proposals should be prepared simply and economically providing a straight-forward, concise description of the contractor's ability to meet the requirements of the RFP. Proposals shall be written in ink or typewritten. No erasures are permitted. Mistakes may be crossed out and corrected and must be initialed in ink by the person signing the proposal.

LOCATION

Please find the attached GIS imagery of the location, R33592.



**CITY OF KYLE, TEXAS
PROPOSAL
FOR "K 01-20 DOWNTOWN DEVELOPMENT R33592"**

PLEASE ATTACH THE FOLLOWING DOCUMENTS AND MATERIALS:

1. Comprehensive business plan
2. Supporting financial documents
3. A summary of the proposed project
4. Special terms or conditions required for your submittal
5. Completed Chapter 176, Conflict of Interest Questionnaire. A list of local government officers can be found at the following link: <https://www.cityofkyle.com/cityadministration/kyle-city-departments>

"By the signature hereon affixed, the proposer hereby certifies that neither the proposer nor the firm, corporation, partnership, or institution represented by the proposer, or any acting for such firm, corporation, or institution has violated the antitrust laws of the State, codified in Section 15.01 et. seq., Texas Business and Commerce Code, or the Federal antitrust laws, nor communicated directly or indirectly the bid made to any competitor or any other person engaged in such line of business".

SIGNED: _____

NAME (Please Print) _____

PROPOSER _____

ADDRESS _____

PHONE _____

BID DATE:

BID LOCATION: Email Address: RFP@cityofkyle.com

Mark on email: "K 04-20 DOWNTOWN DEVELOPMENT R33592"

EXCEPTIONS TO SPECIFICATIONS LIST: *(Please list page, paragraph and item, then list item substituted or excepted)*

**CITY OF KYLE, TEXAS
PROPOSAL**