

**TOWN OF TIVERTON, RHODE ISLAND
REQUEST FOR PROPOSALS
OPPORTUNITY FOR DEVELOPMENT
TIVERTON INDUSTRIAL PARK LAND – 172 ACRES**

A. Introduction

The Town of Tiverton, Rhode Island (Town) requests proposals from qualified firms and/or individuals seeking to purchase and develop municipally owned vacant industrial land in the Town of Tiverton, Rhode Island hereafter referred to as the Tiverton Business Park (TBP).

Five copies of the Proposal are due by **Noon, November 26, 2013** at the following address:

Town of Tiverton Town Hall
Attn: Mr. James C. Goncalo
Town Administrator
343 Highland Road
Tiverton, R.I. 02878
Fax Number: 401.625.6777

The Town reserves the right to reject any or all Proposals, to negotiate an agreement with anyone submitting a proposal, or to waive any informalities or irregularities. Issuance of this RFP does not obligate the Town to undertake any action. Proposals will not be publicly opened. The Proposal package shall be plainly marked with the name, current mailing address and telephone number of the Proposer and state: "*Proposal for the Purchase of Tiverton Business Park Land.*" It is the sole responsibility of the Proposer to see that its Proposal is received before the submission deadline. A Proposer shall bear all risks associated with delays in mail, courier services or hand delivery. Requests for clarification with respect to this Request for Proposals must be submitted in writing by mail or fax to Mr. James Goncalo, at the address indicated above. Requests to review maps

and documents that are in the Tiverton Planning Office shall be directed to Kate Michaud at 401-625-6718 or at planningboard@townoftivertonri.com.

B. Goals

The goal is the disposition of the Town owned TBP land in a way that will produce the highest quality development and the best overall financial return for the Town. Only Proposals offering to purchase the entire area will be considered. The Site will be sold “as-is.” The Town will not be responsible for any land re-zoning or extension of any utilities. The selected Proposer (if any) will be the one, in the Town’s sole opinion, who has the most relevant experience, reputation, creditworthiness and offers a proposal that maximizes both short and long term financial returns to the Town and its citizens.

C. The Site

TBP land comprises approximately 172.05 acres, of which 100 +/- acres are deemed to be suitable for development. The TBP consists of two (2) land parcels (Assessor’s Plat 107, Lot 105 and Plat 109, Lot 101) located within the Town of Tiverton at the intersection of Route 24 and Fish Road. Access to the site is via Industrial Way which runs adjacent to the easterly side of Route 24 to Progress Road, a 3,500’ +/- paved road running through the center of the TBP land. Progress Road is owned by the Town and currently serves as an access way to property owned by Tiverton Power, a fully operational gas to energy power plant. Above ground telephone and electric service runs along Progress Road to service the Tiverton Power facility. Public water service also extends along the length of Progress Road. There is no public sewer or gas service on the TBP land. A sewer district owned pumping station is located on Industrial Way approximately 1,100 feet southwest of the TBP site. Significant sewer capacity is currently available at this pumping station and more information can be obtained by contacting the local sewer authority directly.

The TBP is being sold “as-is.” Subsequent developers and purchasers will be responsible for bringing any additional services to the Site and constructing and/or installing any other off-site improvements that may be required such as the extension and/or installation and construction of sanitary sewers, storm sewers, gas, electric, telephone, cable and water facilities if needed. The Town has existing conditions plans that indicate the approximate location of existing utilities. A complete set of Existing Conditions -Tiverton Industrial Park (prepared by DiPrete Engineering, of Cranston, R.I.) is available by contacting the Town Planning office

listed above. The Town accepts no responsibility for any discrepancy or inaccuracy in the plans or in the information presented herein. It is the Proposer's responsibility to verify all site condition information.

For more complete information, contact the following utilities directly:

Water: North Tiverton Fire District / 401-624-8432

Sanitary Sewer: John Lincourt, Wastewater Management Superintendent / 401-625-6701 / j_lincourt@tiverton.ri.gov

Drainage: Stephen Berlucchi, PE, Director of Public Works / 401-625-6760 / dpwdirector@townoftivertonri.com

Electric/Gas: National Grid

D. Background

The Town purchased the TBP land in the 1980's with the intention of creating a fully serviced industrial park that would allow the Town to expand its tax base and create new employment opportunities for Town residents. Except for some preliminary engineering and soil suitability reports, there was no development progress made until the early late 1990's when the Town sold a parcel of land to a gas to energy power plant that is owned today by Tiverton Power, Inc. To support that project, the power plant developer constructed the existing street improvements referred to as Progress Road. While Progress Road was built as a "private road", it was later deeded to the Town.

In 2012, the Town initiated the planning and engineering of the TBP land into a 66 lot subdivision with minimum lot sizes of 40,000 sq. ft. The plan, as prepared by DiPrete Engineering of Cranston, R.I., included roadway and utility design, wetland designation and verification and a complete storm water management plan. The subdivision plan has received approval from the Tiverton Planning Board and has received wetland and storm water approvals from the R.I. Department of Environmental Management. Copies of the approved subdivision plan and accompanying documentation can be viewed by appointment through the Tiverton Planning Office listed in the introductory section.

E. Zoning, Land Use Controls and Development Controls

The property is regulated under the Zoning Ordinance Article IV, Section 19 – *Planned Development Park*. Copies of this ordinance, as well as the accompanying *Development Standards and Guidelines* can be obtained from the Tiverton Planning Office.

F. Permitted uses in the TBP (Planned Development Park)

The following uses are permitted in a PDP subject to the issuance of permits and licenses as may be required by R.I.G.L. or the Town of Tiverton:

1. All uses allowed by right in the Industrial Zone in which the PDP is permitted.
2. Motel or hotel (with restaurant, including entertainment and/or liquor).
3. Any public or semipublic uses as described in [Zoning Ordinance] Article IV, Section 4.
4. Professional office and bank, credit union or office building as permitted in [Zoning Ordinance] Article IV, Section 7 (b) and (c) of this zoning ordinance.
5. Any restaurant or entertainment use as described in [Zoning Ordinance] Article IV, Section 8 (including entertainment and/or liquor but excluding adult entertainment).
6. Any retail business permitted in [Zoning Ordinance] Article IV, Section 10, excluding Section 10 (f) Retail sales with open lot storage; Section 10 (i) Adult book / video store; or Section 10(j) Gasoline filling station, including retail sales as an accessory use.
7. Any wholesale business or storage as described in [Zoning Ordinance] Article IV, Section 12.
8. Any industrial use as described in [Zoning Ordinance] Article IV, Section 13.
9. Any facility primarily engaged in the creation or operation of information technology or financial services.
10. Any commercial office or office building not otherwise included in this Section 19 – Planned Development Park.

11. Any facility primarily engaged in scientific, medical, or technological research.
12. Any indoor recreational facility.
13. Any renewable energy facilities covered under the Siting Standards for Renewable Energy Facilities, Article (number to be assigned), Section (number to be assigned).

All uses as described in the Industrial Zone under [Zoning Ordinance] Article IV currently requiring a Special Use Permit and not provided for above (subsection E) shall require the issuance of a Special Use permit by the Zoning Board of Review.

G. Environmental Review

Sale of the TBP on an as-is basis does not require additional environmental review by the Town. The successful Proposer will be responsible at its own cost after closing to pursue the necessary site plan approvals or Land Use Changes from the Town.

H. Due Diligence and Deposit

The Town will require a minimum deposit, refundable under defined circumstances, of ten percent (10%) of the purchase price, prior to executing a Purchase and Sale Agreement. The Town will accept a due diligence period of up to 90 days commencing after execution of a mutually acceptable Purchase and Sale contract. Further due diligence periods or other extensions of time will only be considered in the context of nonrefundable option payments.

I. Procedures and Conditions for Responding to the RFP

Please note that any information provided to the Town in the Proposal will eventually be deemed public information and may be disclosed by the Town at any time in its sole discretion. If a Proposer must provide material of a confidential nature and not intended for disclosure to third parties, such as financial pro-forma information, the Proposer should clearly indicate the specific information it deems to be confidential and enclose it in a separate inner envelope. The Town assumes no responsibility for any loss or damage that may result from any determination requiring the disclosure of information pursuant to any Access to Public Records Act request.

All proposals must be submitted in accordance with the provisions, requirements, terms and conditions contained herein. The Town seeks proposals only for the entire Property.

Any reasonable inquiry to determine the responsibility of a Proposer may be undertaken. The submission of a Proposal shall constitute permission by the Proposer for the Town to verify all information contained therein. If the Town deems it necessary, additional information may be requested from the Proposer. Failure to comply with any such request may disqualify a Proposer from further consideration. The Proposer shall disclose any and all litigation within the past five years.

J. Organization of Proposal

All responses must include the names of the principals involved and their qualifications. Proposers are free to submit any material/data not specifically requested for consideration, such as sales brochures, photographs of past projects, promotional material, generalized narrative or supplementary information and graphic materials. Five hard (5) copies of responses, and one electronic copy in pdf format on CD or DVD, are to be submitted.

The following information is required:

1. Price:

Proposers must indicate the price offered to purchase the Site.

2. Experience:

Submit a statement of Proposer's business experience in the planning, development, sales and/or management of large-scale industrial land development projects.

3. Financial Capability:

Submit sufficient data to substantiate that the proposed Purchase Price can be promptly paid. Data should include the sources, amounts, terms and conditions of financing and the Proposer's equity to be employed in the transaction.

K. Selection Process

It is anticipated that the Town will be able to identify the best responsible Proposal within 90 days of the Proposal due date. The Town reserves the right to extend

this review period or take no action whatsoever at its own discretion. In reviewing and evaluating proposals the Town will consider such criteria that, in the Town's sole and absolute discretion, are in the best interests of the Town. The criteria listed below are of significant concern to the Town:

1. The amount of the proposal;
2. Proposer's qualifications and financial capability;
3. Proposer's compliance with the requirements, provisions, terms and conditions of this RFP;
4. Proposer's integrity and previous record of performance and dealings with any state, municipal and federal entities.
5. The potential economic development impact of the proposal on both the expansion of the Town's tax base and the creation of well-paying job opportunities for Town residents.

If a Proposer is selected ("Selected Proposer"), it will, upon being informed by the Town, have 30 days to execute Purchase and Sale Agreement upon terms and conditions satisfactory to both parties and submit a check representing ten percent (10%) of the purchase price (the "Deposit"). Upon the receipt of the Deposit, a ninety (90) day due diligence period for inspecting the Site will commence. During this due diligence period purchaser can cancel the Contract and receive the return of its Deposit in accordance with the negotiated terms of the agreement. Closing will occur as soon as possible after the expiration of the due diligence period, in accordance with the negotiated terms of the agreement.

L. Brokers

Proposals shall be accepted from principals only. No brokerage fees, finder's fees, commissions or other compensation shall be payable by the Town in connection with the selection of the developer or disposition of the Site.