



MUNICIPALITY OF THE DISTRICT OF YARMOUTH

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TOWN OF YARMOUTH – YARMOUTH, NOVA SCOTIA

REQUEST FOR PROPOSALS – RFP160706

**Purchase and Development of a portion of the land at
45 Jody Shelley Drive - (PID 90290719)**

DUE DATE: August 26, 2016 –
3:00 p.m. local time

SUBMIT TO: Town of Yarmouth
400 Main Street
Yarmouth, NS B5A 1G2

ATTENTION: Jeff Gushue
Chief Administrative Officer

INVITATION

Town of Yarmouth and the Municipality of the District of Yarmouth (Owners) are issuing a Request for Proposals (RFP) to interested parties for the Purchase and Development of a portion of the land at 45 Jody Shelley Drive (PID 90290719) for the purpose of commercial development.

The intent of the RFP is to provide a fair and open process for interested parties to submit proposals for purchase and development.

BACKGROUND

The Town of Yarmouth, the fifth largest Town in Nova Scotia and the regional centre of southwestern Nova Scotia, is not your typical small Town.

The Town was established in 1882 primarily for the purpose of ensuring the necessary infrastructure was in place for the Town's future prosperity. Nearly 125 years later, the Town of Yarmouth is a leader in responsible investment in our infrastructure assets.

The Town of Yarmouth is also moving to take a progressive approach to land-use planning and overall priorities. Responding to the OneNS report, the Town of Yarmouth is revamping its Municipal Planning Strategy (MPS) and Land Use By-laws (LUB) to be more enabling and appropriate for our circumstances. With declining population and a challenged economy, now is the time to send the message that we are open for innovative investment opportunities. Following on that theme, the Town of Yarmouth has adopted the OneNS Strategic Directions as our priorities, reflecting the fact that our future is dependent on all of us internalizing the call to action, and responding with our best efforts.

The Town of Yarmouth and the Municipality of the District of Yarmouth leverage inter-municipal partnerships more than any other two municipalities in Nova Scotia. While some municipalities compete with their neighbours on issues, the Town of Yarmouth and the District of Yarmouth have developed a set of relationships and partnerships that have led to some innovative arrangements and economic efficiencies. This initiative is an example of this collaboration.

PURPOSE

Since the Mariners Centre opened in November 2001, the owners have been approached by various interested parties with unsolicited proposals to acquire a portion of the lands at 45 Jody Shelley Drive. In all cases, those proposals were rejected on the basis that the owners would only consider sale through a competitive process. At this juncture, the owners have decided to move forward with considering proposals for sale and development of a portion of the property, 3-5 acres, fronting on Starr's Road.



Mariners Centre is now 15 years old and capital reinvestment requirements are expected to increase in future years. As well, a feasibility study is presently underway for the expansion of the centre to accommodate aquatic and curling facilities. Transforming surplus land holdings into commercial development is the purpose of this initiative. Through sale proceeds and future associated revenue, such as property taxes, the community facilities at Mariner Centre will benefit from growth and development on and around its grounds.

The Owners are seeking proponents that are prepared to undertake the purchase and timely development of the site, consistent with our goals, land use by-law and terms of sale. A preferred proponent may be selected through this process to enter into a mutually agreeable Agreement of Purchase, Sale, and Buy Back Agreement for the site.

THE PROPERTY

Situated at the southwestern tip of Nova Scotia, the Town of Yarmouth is the economic centre of the region, providing goods and services to 75,000 residents in its catchment area. Yarmouth's unique geography connects two of the province's major highways, Highway 101 and Highway 103, at two main entrances of the Town, to the commercial district at Starr's Road. Annual average daily count (AADC data 2015) of vehicles accessing Starr's Road from Highway 101 is 19,700 vehicles and from Highway 103, 9,800 vehicles, making Yarmouth one of the top traffic rural urban areas outside of Halifax Regional Municipality.

The region's other significant transportation infrastructures are its International Ferry Terminal, providing seasonal service to over 50,000 passengers between Nova Scotia and the United States to Portland, Maine, with an arrivals and departures schedule that is favourable to the local hospitality sector, and an International Airport, able to serve a full suite of air services.

Starr's Road is home to well-known national and international retailers such as Canadian Tire, Atlantic Superstore, Winners, Kent Hardware, Home Hardware, Wal-Mart, Giant Tiger, Staples and a regional shopping centre, the Yarmouth Mall. As a main shopping hub of the region, Starr's Road has been the preferred location for automotive retail showrooms, restaurants chains, a motel and entertainment destinations such as Cineplex and the Mariners Centre.

The Mariners Centre located at 45 Jody Shelley Drive is a 65,000 square feet entertainment and multi-purpose double ice rink complex built in 2001 with two access points from Starr's Road. It is the host to international sports events, exhibitions, concerts, galas and shows as well as host to community events.

MPS POLICY AND ZONING

The Town of Yarmouth has recently adopted a new and progressive Municipal Planning Strategy and Land-Use By-law. In the past, the Town relied heavily on Development Agreements to the point where it became a burden to do so, both for Staff and Council and for the development community. The current Strategy reflects Council's desire to rely much less on development agreements. Instead, it sets forth an innovation called Statement of Community Interest, developed through public consultations and ratified by Council, that planning staff will use as a framework to consider development proposals in certain parts of the Town, under a Site Plan Approval process. The goal is to ensure the broad community interest is considered when development occurs. Eight (8) areas have Statements of Community Interest including the Starr's Road commercial area.

SITE PLAN APPROVAL

Site-planning is a development control tool permitted under Section 231(4) of the *Municipal Government Act of Nova Scotia* that enables a municipality, through its planning process, to negotiate certain site specific items with a developer as a condition of receiving a development permit.

This new method of approvals was introduced to remove the lengthy and sometimes costly process required for development agreements. Unlike development agreements, site plans are not written contracts, though they do require a signature of agreement by the developer. Site plans involve mainly a drawing that may include written notations. The negotiated plans and notations may deal with the criteria set out in the Municipal Planning Strategy and Land Use By-law but it cannot regulate land-use, the heights of buildings, and hours of operation or required parking. Instead, it can regulate such items as buffering, retention of existing vegetation, management of storm or surface water, and so forth, if provided for in the MPS and LUB.

STARR'S ROAD COMMERCIAL AREA – STATEMENT OF COMMUNITY INTEREST

Starr's Road is the retail hub for the Region and Town Council is proud of the concentration and variety of businesses along the street. It is readily accessible, has extensive available parking, and the retail outlets are all well known. It generates numerous jobs in the Region and tax revenue for the Town.

However, Starr's Road is one of the principal entrances to the Town and it does not present the most appealing first impression. Part of this is a function of the current MPS and LUB, which require buildings to be set far back from the street and also to have large amounts of parking. There is a lack of pedestrian infrastructure and broad expanses of asphalt, along with very limited vegetation, which makes the area less than visually appealing. Town Council recognizes that some current planning regulations, particularly its mandatory parking requirements, work against growth and improvement in the Starr's Road area.

It is therefore in the interest of the community as well as the business owners to initiate a change in this image. Council wishes to encourage business expansion and, in particular, see a number of smaller buildings constructed adjacent to Starr's Road providing an opportunity for local business and start-ups. This concept will be facilitated by removing the mandatory parking and setback requirements and using a site plan approval process to speed up approval. Parking lots should be assessed to identify places for vegetation and beautification. The Town will collaborate with the business community to improve pedestrian circulation as well as add environmentally appropriate vegetation where possible. This will help to create a more urban looking environment, reduce heat island effects, as well as support walking and cycling.

Council has already taken steps towards implementing a transit service linking important nodes in the Town such as Starr's Road, the Downtown Commercial area, the hospital, and residential area. Through this partnership with the business community, the Starr's Road area will grow and become more attractive as a principal entrance to the community.

The Municipal Planning Strategy and Land-Use By-Law are available on the Town of Yarmouth website www.townofyarmouth.ca

ELIGIBLE RESPONDENT

Respondents shall be qualified individuals, legally incorporated entities, or groups formed by such as joint ventures with a demonstrated history of projects of similar scope and size.

COST OF SUBMISSION

The Respondent shall bear all costs associated with the preparation and submission of the Proposal, and the Owners will in no case be responsible or liable for those costs.

EXAMINATION OF SOLICITATION DOCUMENTS

The Respondent is expected to examine all instructions, forms, terms and specifications in the Solicitation Documents. Failure to comply with these documents will be at the Respondent's risk and may affect the evaluation of the Request for Proposals documents.

CLARIFICATION OF SOLICITATION DOCUMENTS

A prospective Respondent requiring any clarification of the Solicitation Documents may notify the Town Contact in writing at the address indicated in the Request for Proposals document. The response will be made in writing to any request for clarification of the Solicitation Documents that are received at least three (3) business days prior to the deadline for the Submission of Proposals. If deemed material to all interested parties, written copies of the response (including an explanation/description of the query but without identifying the source of inquiry) will be posted as addenda on the Province of Nova Scotia public tenders website. Requests for individual meetings with the Town of Yarmouth during the solicitation period shall not be granted.

TOWN CONTACT

Jeff Gushue, Chief Administrative Officer

Town of Yarmouth
400 Main Street
Yarmouth, Nova Scotia B5A 1G2

Tel: 902-742-8565, Fax: 902-742-6244

Email: cao@townofyarmouth.ca

ADVISORY COMMITTEE

The proposals will be reviewed by an advisory committee who will make a recommendation to the Owners. The advisory committee's recommendation is not binding on the Owners, as they both reserve the right to accept or reject any proposal. A proposal will only be accepted if agreed to by both Owners.

Developers submitting proposals shall refrain from making direct approaches to individual Council members, Mariners Centre Board members and staff, or communicating with the Councils until the process is complete, with the exception of specific presentations that may be requested through the CAOs (of the Town of Yarmouth or Municipality of Yarmouth) in order to clarify proposals to either the advisory committee or Councils.

PROPOSAL SUBMISSIONS

The developer will prepare a clear description of the development being proposed with conceptual design of any structures on the property and a full description of the intended use of the property, with details for review. The proponent must ensure that all intended purposes are appropriate for the location and are acceptable under the Town of Yarmouth's Land Use Bylaws.

Provide a brief history of your company including years in business, areas of expertise, availability of financial resources for this project, number of staff, locations, etc. Include a description of the project, company or joint venture name, contact person, address, telephone and email address.

DISQUALIFICATION OF PROPOSALS

Proposals will only be considered when:

- They are received before the closing time on the stipulated date;
- They are complete, legible and without erasures.

AMENDMENT OR WITHDRAWAL OF PROPOSALS

Proposals submitted prior to submission deadline may be amended or withdrawn by letter, e-mail or facsimile.

CLARIFICATION OF PROPOSAL

To assist in the examination, evaluation and comparison of proposals, the advisory committee may at its discretion ask the Respondent for clarification of its Proposal. The request for clarification and the response shall be in writing and no change in substance of the Proposal shall be sought, offered or permitted.

PRELIMINARY EXAMINATION

Prior to the detailed evaluation, the advisory committee will determine the substantial responsiveness of each submission. A substantially responsive offer is one which conforms to all the terms and conditions of the Request for Proposals without material deviations. The advisory committee will examine the Proposals to determine whether they are complete, whether any computational errors have been made, whether the documents have been properly signed, and whether the submissions are generally in order. A Proposal determined as not substantially responsive will be rejected by the advisory committee and may not subsequently be made responsive by the Respondent by correction of the nonconformity.

CONTRACT

Neither the submission of a Proposal nor the acceptance of the respondent's Proposal shall be construed as a contract.

EVALUATION

Proposals will be evaluated by the following criteria:

Financial Offering including: <ul style="list-style-type: none">• Purchase Price; Closing Date; Condition Period; Key Term and Conditions of Offer and Agreement;• Financial or other forms of guaranteed performance to implement major aspects of the proposed development;• Expected final property assessment value of the development when complete.	40%
Experience and Team Structure including: <ul style="list-style-type: none">• Composition and experience of team including the principal developer and all team members – emphasizing a strong design, development and operating team;• Demonstrated experience in commercial development including; successful financing, construction and operation of similar sized projects;• Experience working in partnership with community for successful commercial developments that enhance the community.	20%
Quality of the Proposed Development Plan and Program including: <ul style="list-style-type: none">• Complimentary to Mariners Centre, Starr's Road, Town and the Municipality of the District of Yarmouth communities;• Efficient use of land mass proposed for the development;	30%

<ul style="list-style-type: none"> • Creativity in design and attention to quality urban design and built form including (but not limited to): scale and integration of built components, walk-ability and connectivity on the site and to the surrounding amenities; • An adequate quality and quantity of landscape and attention to streetscape design; • Thoughtful architectural design and sensitivity to the character and identity of the surrounding neighborhood; • Timeframe for initiating and completing components of the plan. 	
<p>Attention to Value-Added Components including:</p> <ul style="list-style-type: none"> • Elements of cross-collaboration with Mariners Centre; • Elements that support an identified need within the community. <p>Potential for Innovative Partnerships</p>	10%

ACCEPTANCE OF PROPOSALS

The proposals will not be opened publicly. It is the intention of the Advisory Committee to choose the proposal with the highest score. A recommendation will be provided to the Owners, the Town of Yarmouth and the Municipality of the District of Yarmouth. Agreement between the owners on the preferred proposal is necessary to proceed to the preparation of the detailed contract. Prior to award, the Advisory Committee and/or the Owners may require the Proponents to provide further detail or to present their proposal in person. A proposal submission may be accepted as soon thereafter as is practicable.

Upon approval by Council, the selected Proponent will be notified by the Town Contact of the decision. A contract will be signed as soon as practicable.

Companies not awarded will be contacted by email by the Town Contact.

THE HIGHEST BIDDER PROPOSAL MAY NOT NECESSARILY BE ACCEPTED

The Owners reserve the right to reject any or all proposals, not necessarily accept the highest scoring proposal, or to accept any, which it may consider to be in the best interest of the Owners. The Owners also reserve the right to waive formality, informality or technicality in any bid.

COMPLIANCE WITH APPLICABLE LAWS

Proponents agree that they will comply with all applicable federal, provincial, and local laws, regulations, ordinances and other requirements under law that apply to the scope of work, including all reporting and registration requirements. Proponents further agree that this RFP and any contract awarded pursuant to it will be governed under the laws of the Province of Nova Scotia, Canada.

SUBMITTING PROPOSALS

The bidder is to provide a single digital media copy, on a USB flash drive, and three (3) hard copies of proposals in a sealed envelope clearly marked “45 JODY SHELLEY DRIVE LAND DEVELOPMENT PROPOSAL” and addressed to the Chief Administrative Officer, Town Hall, 400 Main Street, Yarmouth, Nova Scotia, B5A 1G2. Proposals are to be received by Chief Administrative Officer no later than 3:00 pm local time, August 26. It is the responsibility of the bidder to deliver the sealed proposal to Town Hall before the time indicated. Proposals received after the submission deadline will be returned unopened. Faxed or emailed submissions will not be accepted.