

Request for Development Concept Proposals
Union Hotel Redevelopment

Request for Development Concept Proposals Union Hotel Redevelopment Borough of Flemington, New Jersey

August 17, 2012



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The Borough of Flemington, located in the County of Hunterdon, New Jersey is requesting redevelopment concept proposals from qualified real estate developers (as more specifically defined herein) for the redevelopment of the Union Hotel, located on Main Street in the center of downtown Flemington, NJ (referred to herein as the "Union Hotel" or the "Property"). The site is a 1.0 acre property located at 76 Main Street, Block 22, Lot 4. The Property has approximately 120 feet of frontage on Main Street and approximately 140 feet of frontage on Spring Street.

Copies of this Request for Development Concept Proposals ("RFDC") and the Union Hotel Redevelopment Plan (the "Redevelopment Plan"), which details the zoning and development standards governing the Property, may be obtained from, or examined at the office of the

Borough of Flemington Clerk
38 Park Avenue
Flemington, NJ 08822
Tel: (908) 782-8840

after August 17, 2012, or reviewed at the above address during regular business hours (8:30 a.m. to 4:00 p.m.), Monday through Friday. You will be responsible for any copying fees for any documents provided by the Borough.

A copy of the RFDC and Redevelopment Plan will also be posted on the Borough's website at www.historicflemington.com under the "Union Hotel" Menu Item.

It shall be the responsibility of those wishing to respond to this RFDC to monitor the Borough's website. Should it become necessary for the Borough to revise or clarify any portion of this RFDC, such revisions or clarifications will be posted on the website under the Union Hotel Menu Item. The Borough assumes no responsibility for transmission of information beyond posting on the website.

Each proposal must be submitted in a clearly marked, sealed envelope. Each proposing company shall submit eight (8) copies of the development concept proposals to the Office of the Borough Clerk. In order to ensure delivery and acceptance of eligible proposal submissions, each proposal package shall be labeled with the submitting company's name, the project name (Union Hotel Redevelopment RFDC), and the submission due date.

Questions concerning this request for proposals shall be submitted by 4:00 p.m., September 7, 2012. Questions about the proposal submission process and requirements should be directed to via email to Robert Beckelman, Esq. Questions may be e-mailed to rbeckelman@greenbaumlaw.com or faxed to 732-476-2449. Copies of all questions and answers to such questions shall be posted on the Borough's website under the Union Hotel Menu Item (without identification of the author of the questions) by September 13, 2012.

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Members of all proposing firms or teams shall refrain from contacting or discussing this project or their concept proposals with any other Flemington public official, professional staff person, or elected official. Proposing firms that do not adhere to this requirement may be disqualified from further consideration.

Proposal Submission Deadline: Friday, September 28 , 2012, 4:00 p.m. (prevailing time)

All proposals will be received and opened by a representative of the Borough Redevelopment Agency in the office of the Clerk, Borough Hall, 38 Park Avenue, Flemington, NJ 08822.

1.1. BUILDING AND SITE DESCRIPTION

The site is a 1.0 acre property known locally as the “Union Hotel”, named for the historic use of the site’s principal building. The site has approximately 120 feet of frontage on Main Street and approximately 140 feet of frontage on Spring Street. It is located in the Borough’s Downtown Business zone district.

The primary structure on the property, the Union Hotel building, is oriented toward Main Street. The rear of the property consists of surface parking lots and a small single story structure along the northern property line. The rear .46 acres of the property, which consists of approximately 47 parking spaces, is encumbered by a permanent easement by a neighboring property owner.

The Union Hotel has a long and important history in the center of Flemington Borough. Built in 1878 on the site of an earlier inn, the Hotel sits across from the historic Hunterdon County Courthouse, the Hall of Records and the Hunterdon County Administration Building. Since the 1950’s, it has been underutilized, with the cessation of the hotel use, with continued use of the lower floor for bar/restaurant and limited retail uses. Since 2008, it has been vacant. This vacancy of a crucial building in the center of downtown business district and its deteriorating condition are the driving forces behind this redevelopment effort.

1.2 THE UNION HOTEL REDEVELOPMENT PLAN sets forth the key planning objectives, design and program elements, and the zoning, design and land use standards applicable to the Union Hotel. Proposers should refer to the Redevelopment Plan for guidance and concept proposals should comply with the requirements set forth in the Redevelopment Plan.

The Flemington Business Improvement District (“FBID”), a non-profit district management corporation that manages the Flemington Special Improvement District, in which the Property is located, had a marketing study conducted by the Strategic Advisory Group (the “SAG Study”), which contains useful information about Flemington as well as a marketing analysis pertaining to the Flemington business community generally as well as certain specific properties, including the Union Hotel. Information concerning the SAG Study can be located on the FBID website at www.flemingtonbid.com. Please note that the SAG Study is referenced for informational purposes only and does not provide any development guidelines or requirements for the Union Hotel. The Redevelopment Plan is the controlling document for all redevelopment guidelines

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and requirements governing the Union Hotel and concept proposals are not required or expected to reference or incorporate any elements of the SAG Study.

1.3 CONDITIONS & CONSTRAINTS

The Union Hotel is currently privately-owned. It is anticipated that the chosen redeveloper of the property will negotiate with the owners to acquire title to the Property. The Borough reserves the right to assist in such acquisition if it determines such assistance to be in the best interest of the community.

An adjacent property owner entered into a parking easement agreement by which such owner obtained a right of first refusal to purchase the Property. It is anticipated that the Borough will obtain the support of such property owner for the redevelopment of the Property and that such owner will not seek to exercise such right to purchase the Property.

There is an easement held by a neighboring property owner for access to the use of 47 parking spaces on the Union Hotel site. It is the Borough's intention to preserve this property owner's right to access of 47 spaces, which may be provided in various alternative forms, as described in the Redevelopment Plan.

2.1 SUBMISSION INSTRUCTIONS & REQUIREMENTS

The development concepts components should be in narrative single-space format, shall not exceed eight (8) pages and shall adhere to the following outline as closely as possible.

(a) Identification and Qualifications of Developer and Key Individuals

Identify and describe the developer, including the form of business (corporation, partnership, sole proprietorship, etc.), the size of the entity (in terms of staff) and the length of operation as a developer, the principals holding an interest in such development entity, and the key individuals likely to be involved in the development project and their respective backgrounds and qualifications.

(b) Previous Development Experience

Provide names, locations, dates of completion, and descriptions of relevant, similar or other projects completed by the developer, including contact information for any persons and web site (if appropriate) for further information concerning such projects. For projects currently in the planning or construction phase, provide the status and anticipated completion dates. In addition to project narratives, proposers should provide actual, color visuals of such other projects, which may be provided via DVD/video, still photos, on-line materials or other appropriate media. Such additional graphic materials shall not count toward the eight (8) page narrative limit.

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(c) Project Concept

Provide a brief narrative of the proposed Project, along with a conceptual site plan or such other graphic materials as may be necessary to adequately describe the Project. Such additional graphic materials shall not count toward the eight (8) page narrative limit.

(d) Financial Capability & Project Funding Strategy

Provide evidence of the developer's financial capability to finance a proposed project, including access to equity, capital, estimated cash flow, and ability to obtain the development financing for the proposed project. Such evidence may include financial statements, prior letters of commitment, names and addresses of financial references who have provided developer with debt and/or equity financing, and examples and descriptions of how the developer has financed other projects, including the debt/equity ratio for such projects. With respect to the specific project proposed, identify all potential anticipated funding sources (public and private), the anticipated debt/equity ratio, and any other financing tools that developer might anticipate using for the proposed project. Proposers who cannot provide sufficient evidence of capability to finance a proposed project to satisfy the Borough that the project would likely be completed will be disqualified and will be given no further consideration.

(e) References

Other than financial and project-specific references, proposers shall provide at least three (3) references from individuals or firms (other than those anticipated to be on proposer's development team) with whom the proposer has worked. Include names, addresses, telephone and fax numbers, and emails for contact persons and description of the relationship.

2.2 EVALUATION OF PROPOSALS

(a) Selection Process

The Redeveloper Committee will evaluate and rank each proposal received based upon Selection Criteria contained in the Redevelopment Plan and this RFDC. From such ranking, a limited number of entities representing one or more of the best qualified proposers ("Short-List"), will be generated.

Short-Listed proposers shall be those whose proposal, in the sole opinion of the Borough, best reflect a project which is designed to achieve the goals and objectives of the Redevelopment Plan, provides the Borough with demonstrated evidence of the proposer's superior ability, experience and qualifications in developing and, as appropriate, operating the type, size and scope of the project proposed, and the proposer's demonstrated ability to finance such a proposed project.

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Short-Listed proposers may be asked to submit additional information and make a presentation to the Redevelopment Committee; and may be asked to make a separate presentation to the Borough Council.

Upon completion of the ranking and Short-List process, the Redevelopment Committee will recommend to the Borough Council the one or more proposers who, in the sole opinion of the Committee, are the most qualified, whose proposals most advance the goals and objectives of the Redevelopment Plan, and who have demonstrated the financial capability to develop the Property as per the proposal. Upon such recommendation, the selected proposers may be asked to make a formal presentation to the Borough Council, after which, the Council will be asked to conditionally-designate such proposer as the redeveloper for the Property. The Council will further be asked to authorize a specific period of time for the Borough to negotiate a Redevelopment Agreement with such conditionally-designated redeveloper, defining the rights and responsibilities of each party relating to the Project proposed.

The Redevelopment Committee and the Borough Council reserve the right to interpret the components of a proposal and the selection criteria herein at their discretion.

Should negotiations fail to result in a Redevelopment Agreement with a particular Redeveloper Candidate within the prescribed time period, the Borough reserves the right to end such negotiations, rescind Redeveloper Candidate status from the subject entity and commence negotiations with the next-ranked Respondent in the selection process.

(b) Selection Criteria

The evaluation and ranking of each proposal will be based upon the following criteria. The Borough reserves the right to interpret said criteria as it deems appropriate.

- (i) The financial capability of the proposer's as represented by the strength of its current financial position and its ability to obtain the financing required for the Project(s) proposed.
- (ii) The strength of the proposer's organizational and management structure as demonstrated by its business reputation, professional capability and past performance on similar or other notable development projects.
- (iii) The professional and technical competence and related experience of the proposer in developing and operating similar projects.
- (iv) The proposed project concept and the extent to which it achieves the goals and objectives of the Redevelopment Plan.
- (v) Strength of proposer's references.
- (vi) Demonstration of the financial viability and feasibility of the proposal project.
- (vii) Experience and success in developing similar projects.
- (viii) and such other factors as the Borough deems relevant.

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(c) Public Records

The Borough shall consider each proposal to be potential redevelopers and shall therefore consider all response materials as integral components of the negotiations process. As such, the Borough shall be under no obligation to release any component of any response until the conclusion of all negotiations, at which time the Borough will be bound by the New Jersey Open Public Records Act as it may be constituted at such time. Within this context, proposer's may request that certain components of their responses be redacted or withheld from public dissemination. Such requests will be reviewed within the context of the Borough's legal obligations under OPRA. The Borough assumes no liability for any costs incurred by those responding to this RFDC or in responding to any requests for additional information, interviews or other "OPRA" items prior to the execution of a redevelopment agreement. Cost and other responsibilities arising *after* execution of a redevelopment agreement shall be specified within such agreement.

2.3 RESERVATION OF RIGHTS BY THE BOROUGH

The Borough reserves the right to make any and all decisions regarding the selection of a redeveloper and to waive any formality and to take any action that the Borough determines, in its sole discretion, to be in the best interest of the Borough. The Borough reserves the right to reject any and all proposals in its sole discretion. The provisions of the RFDC are made for the benefit of the Borough and no right shall be deemed to accrue to any person submitting a proposal by reason of the submission of such proposal, or by the waiver or non-enforcement of any provisions or requirements of the RFDC or by reason of any term or terms thereof.

The Borough of Flemington shall be the sole judge of each proposer's conformity with the requirements of this RFDC and the merits of the concept proposal. The Borough of Flemington reserves the right to amend, modify, or withdraw this RFDC, to reject any proposal from further consideration based upon non-compliance with the requirements of this RFDC, to negotiate or hold discussions with one or more of the proposers, which may result in a redevelopment agreement, to issue a subsequent request for a shortlist of proposers or a list based upon a new competitive basis, to correct deficient responses that do not completely conform with RFDC, to accept or reject any or all proposals and to cancel this RFDC, in whole or in part, for any reason or no reason, in the City's sole discretion. The Borough of Flemington may exercise any such rights at any time, without notice or liability to any proposer(s).

The Borough of Flemington is issuing this RFDC pursuant to its powers under the Local Redevelopment and Housing Law, N.J.S.A., 40A:12A-1, et seq., which gives the Borough the power to use any reasonable means to identify potential redevelopers and to negotiate with a developer of its choosing without any formal open public process. Accordingly, this RFDC is not subject to public bidding requirements under the Local Public Contracts Laws, N.J.S.A. 40A:11-1, et seq., or any other laws. By issuing the RFDC, the Borough of Flemington specifically does not waive its right to select a redeveloper of its choosing that it determines in its sole discretion is in the best interest if the Borough, notwithstanding the evaluation criteria set forth herein,

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which serve as a guidelines for such decision, but not binding rules or restrictions upon the Borough's selection.

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CERTIFICATION

I, THE UNDERSIGNED, BEING DULY SWORN UPON MY OATH SAY: The information contained in the response and in all attachments submitted herewith is to the best of my knowledge and belief true, accurate and complete. I have the authority to submit this response to the Borough on behalf of the below. I understand that if such information is willfully false, I am subject to criminal prosecution under N.J.S.A. 2C: 28-2 and that the Borough, at its sole discretion, may reject or make any decision within its power with respect to the selection of proposer under this procedure.

NAME OF REDEVELOPER _____

SIGNATURE _____

NAME (PRINT OR TYPE) _____

TITLE _____

DATE _____

Subscribed and sworn
before me this ___ day of
_____, 2012.

Notary Public

My Commission expires: