

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: APRIL 13, 2015 AGENDA ITEM NUMBER: 12

**SUBJECT: RESOLUTION DECLARING A 6.07 ACRE PORTION OF COUNTY PROPERTY LOCATED ON STURMER PARK CIRCLE SURPLUS AND AUTHORIZING THE COUNTY'S PARTICIPATION IN A PROCESS TO SELL OR LEASE THE SAID PROPERTY BY NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BIDS PROCEDURE PURSUANT TO THE PROVISIONS OF N.C.G.S. 160A-269 AND THE REQUEST FOR PROPOSALS**

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:** Recommend Approval

**SUMMARY OF INFORMATION:**

See attached

ATTACHMENTS:  YES  NO

SIGNATURE: J. Ardley Watts, Jr. /cdh DATE: April 8, 2015  
COUNTY MANAGER

**RESOLUTION DECLARING A 6.07 ACRE PORTION OF COUNTY PROPERTY LOCATED ON STURMER PARK CIRCLE SURPLUS AND AUTHORIZING THE COUNTY'S PARTICIPATION IN A PROCESS TO SELL OR LEASE THE SAID PROPERTY BY NEGOTIATED OFFER, ADVERTISEMENT, AND UPSET BIDS PROCEDURES PURSUANT TO THE PROVISIONS OF N.C.G.S. 160A-269 AND THE REQUEST FOR PROPOSALS**

**WHEREAS**, it is the recommendation of the County Manager that the 6.07 acre portion of the County property located on Sturmer Park Circle will not be needed by the County for any County purpose and should be declared surplus and disposed of by sale or lease by negotiated offer, advertisement, and upset bids procedure pursuant to the provisions of N.C.G.S. 160A-269 and the attached Request for Proposals;

**NOW, THEREFORE, BE IT RESOLVED** that the Forsyth County Board of Commissioners, based on the recommendation of the County Manager, hereby determines that the 6.07 acre portion of the County property located on Sturmer Park Circle will not be needed by the County for any County purpose and should be declared surplus property.

**BE IT FURTHER RESOLVED** that the Forsyth County Board of Commissioners hereby authorizes the County Manager to initiate a process to sell or lease the subject property by negotiated offer, advertisement, and upset bids procedure pursuant to the provisions of N.C.G.S. 160A-269 and the attached Request for Proposals.

Adopted this 13<sup>th</sup> day of April, 2015.

**REQUEST FOR PROPOSALS  
FOR PURCHASE OR LEASE OF 6.07 ACRES OF COUNTY PROPERTY  
LOCATED ON STURMER PARK CIRCLE**

**FORSYTH COUNTY  
NORTH CAROLINA**

**GENERAL BACKGROUND**

Forsyth County will solicit proposals from parties interested in the purchase or lease of 6.07 acres of County property located on Sturmer Park Circle in Winston-Salem, N.C. The minimum offer which will be considered by the County for purchase of the subject property will be \$5,175,000 or a present day, financial equivalent amount for the lease of the said property.

**DESCRIPTION OF PROPERTY TO BE SOLD OR LEASED**

**OVERVIEW OF THE PROCESS**

A notice of this Request for Proposals will be advertised in the Triad Business Journal and the Winston-Salem Journal and sent to Business/Commercial real estate firms in the Triad area through the Triad Realtor's Association. All offers will be presented to the Forsyth County Board of Commissioners and with the Board's approval, the most competitive proposal will be subjected to the negotiated offer, advertisement, and upset bids procedure outlined in N.C.G.S. 160A-269. The successful bidder following the negotiated offer, advertisement and upset bid process will be required to execute an agreement for purchase and sale or lease of real property and pay a deposit of five percent (5%) of the bid, after Board approval of a purchase or lease agreement, which deposit will include a nonrefundable amount of \$50,000. The nonrefundable portion of the deposit will increase by an additional \$50,000 after 120 days and an additional nonrefundable deposit of \$50,000 will be charged for each additional sixty day extension up to a maximum of two sixty day extensions until the purchase or lease transaction is closed. All portions of the earnest money deposit shall be refundable if the bidder terminates prior to the expiration of the agreed upon due diligence period, if the bidder's offer is upset by a higher bid, or if the County exercises its authority under the agreement to terminate the agreement. The County will not impose any restrictions on the use of the property after it is purchased or leased beyond those imposed by applicable zoning regulations. The purchaser or lessee will be responsible for maintaining an adequate stormwater drainage area and any necessary improvements to the right of way along the subject property. Execution of sale or lease documents should occur within two hundred forty (240) days from the date of approval of a purchase or lease agreement or \_\_\_\_\_, whichever is later. The Board of Commissioners may at any time reject any and all offers.

## **PROPOSAL CONTENT**

Proposers shall provide the following information:

- Name of company as registered with the Office of the North Carolina Secretary of State.
- Proposed purchase and/or lease price of the subject property.
- Proposed Transaction Structure – including payment terms.
- Plans for paying the proposed purchase or lease amount.
- Plan to work with County in completing the sale or lease.

## **PROPOSAL FORMAT**

Proposals must be submitted in a sealed envelope containing **original** proposal(s) showing original signatures and seals on the complete proposal. All responses must be received by the County of Forsyth by 4:00 pm EST on \_\_\_\_\_, 2015 to be eligible for consideration. In addition, please include an electronic version of your proposal on a cd or flash drive. **No late, incomplete, e-mail, or fax submissions will be accepted.** The County will not be obligated for the expenses of any proposer arising out of preparation and/or submittal of responses to this RFP.

Proposals must be submitted to:

Ms. Davida W. Martin  
Office of Forsyth County Attorney  
Forsyth County Government Center  
201 N. Chestnut Street  
Winston-Salem, NC 27101

## **PROPOSER REQUIREMENTS/CONDITIONS/EXPERIENCE**

As a requirement for consideration, proposers will be expected to provide information and/or documentation of the following:

- Evidence of financial stability
- Demonstrated compliance with the proposed sale or lease agreement until the sale or lease transaction is complete

## **PROPOSAL INQUIRIES**

Any technical questions relating to the Request for Proposals should be directed to Mr. Jerry Bates in writing at 101 N. Main Street, Suite 300, Winston-Salem, N.C. 27101, or via e-mail at [jerryjb@cityofws.org](mailto:jerryjb@cityofws.org) . **Failure to follow these procedures will result in disqualification of the Proposal from the RFP process.**

Inquiries relative to this RFP may be received only by Jerry Bates at the address indicated above, and any such inquiries will not be answered unless the inquiry is made **in writing**. All inquiries must be made in writing by 4:00 PM on \_\_\_\_\_, 2015. Inquiries can be made by email (preferred), postal mail, or fax at (336) 747-9277, as long as they are received by 4:00 PM on \_\_\_\_\_, 2015. The County will provide written responses to all written inquiries received by the specified date, and the County's written response will be made available to all recipients of this RFP. Any oral responses made by any representative of the County may not be relied upon. Any supplements or amendments to this RFP must be in writing.

### **SELECTION CRITERIA**

All proposals received will be evaluated and considered based on the framework of the provisions of the RFP and the viability of any alternatives presented. In determining which proposal will best serve the interests of the County, emphasis will be given to, but not limited to, the following factors:

- 1) Compliance with the provisions of the RFP.
- 2) Financial competitiveness of the proposal.
- 3) Evidence of financial stability and the ability to complete the transaction(s).

### **SELECTION PROCEDURES**

Selection of prospective proposers with whom Forsyth County staff may negotiate will be made by the Forsyth County Board of Commissioners. All proposal submissions or parts thereof become property of Forsyth County.

The selection of a proposal shall be determined by the County in its sole discretion. The County reserves the right to select a proposal based solely on the quality of the responses to this RFP and the proposer's ability to meet the Selection Criteria as determined by the County and for any other reasons deemed sufficient to the County. At the end of the evaluation process, all proposers will receive written notification concerning their selection status.

Forsyth County does not discriminate on the basis of race, color, sex, national origin, religion, age or disability in any respect.

The contents of this Request for Proposals and any proposal submitted thereto are public record and are subject to public review pursuant to the laws of State of North Carolina.

**Forsyth County reserves the right to reject any and all proposals.**