

NOTICE OF INVITATION TO SUBMIT
PURCHASE PROPOSALS
ACTIVE LIVING CENTER/JAYNE SNYDER TRAILS CENTER

Public notice and invitation is hereby given by the City of Lincoln Parks and Recreation Department (LPRD) seeking proposals from qualified developers/retailers interested in purchasing space available for retail in the Active Living Center / Jayne Snyder Trails Center located at 250 No. 21st, on the Antelope Valley Union Plaza in Lincoln NE. This space is proposed for private retail development for health and fitness retail/concession or related business and offers 2116 square feet of prime retail space. This facility also has the Jayne Snyder Trails Center and the office of the Community Health Endowment located in it. Further information, including proposal requirements, may be obtained at the Urban Development Department website: Lincoln.ne.gov, key word "urban" then select "Redevelopment Opportunities," "IFRPs," then scroll to Invitation/Notice for Antelope Valley Projects. Information may also be obtained by calling 402-441-7939, by e-mail at Parks and Recreation parks@lincoln.ne.gov, or at the Parks and Recreation Office located at 2740 "A" Street in Lincoln Nebraska. LPRD will consider all proposals and the financial and legal ability of the prospective developers/retailers to carry out the proposals. LPRD may also negotiate with any developers/retailers which will include the sale of real property located in the Active Living Center. Financial assistance may be available. Specific proposals are subject to final approval by the Lincoln City Council.

All interested developers or interested parties may submit proposals to LPRD at any time. Further information as is available may be obtained as described above. Proposals will be considered as they are received with closing of proposals being when a selection has been made.

**REQUEST FOR PROPOSALS
ACTIVE LIVING CENTER/JAYNE SNYDER TRAILS CENTER – RETAIL SPACE
LOCATED AT 250 No. 21 AT UNION PLAZA**

FOR QUALIFIED DEVELOPERS/RETAILERS

1. INTENT

- 1.1 The City of Lincoln Parks and Recreation Department is seeking proposals from qualified developers/retailers for a proposed private, retail development project for health and fitness retail/concessions at the Antelope Valley Union Plaza Park as part of the Active Living Center/Jayne Snyder Trails Center – (ALC).
- 1.2 The project is located at the northwest corner of Union Plaza Park bounded by Q Street on the north and 21st Street on the west.
- 1.3 The City is accepting proposals for construction and operation of approximately 2,116 square feet retail building connected to the ALC, for health and fitness related retail that may also include concessions for trail and park users.
- 1.4 The successful developer/retailer will be selected on the basis of criteria that include qualifications, experience, financial capability to accomplish the project, and response to this proposal. Financial assistance may be available.

2. SITE

- 2.1 See Attachment A – A-4 for the site plan.

3. PROJECT OBJECTIVES

- 3.1 The goal of this project is the private construction and operation of a retail facility adjoined to, and part of, the planned ALC.
 - 3.1.1 The City will construct, own, and operate the public portion of the Center including an approximately 1,100 square foot meeting and classroom area, public rest rooms and mechanical equipment.
 - 3.1.2 Community Health Endowment will own and operate the second floor of the facility, approximately 2853 square feet.
 - 3.1.3 The purpose of the ALC is to serve an urban area and embody an active lifestyle.
 - 3.1.4 A health and fitness retail/concessions component will help encourage an active lifestyle and serve as a trailhead to Lincoln's many bike trails.
 - 3.1.5 The retail must be compatible with the goals of the ALC and be a compatible use.
- 3.2 The retail component of the building will be owned and operated by the developer/retailer with ownership of the land maintained by the City.
 - 3.2.1 The land will be leased to the building owner at a negotiated price.
 - 3.2.3 City retains the option to eventually purchase the retail building.
 - 3.2.3 Ownership of the building will be by a condominium regime, to be negotiated with the City.
 - 3.2.4 The project may be owned by a developer and leased to a retail business.
- 3.3 Construction of the retail space will be complementary or similar to the design of the public portion of the ALC.
 - 3.3.1 The ALC has been designed to reflect the design themes inherent with the Union Plaza Park including sustainable design concepts and sensitivity to both the new streetscape plaza and new open water channel.
 - 3.3.2 The ALC was also designed with the recognition that it is located in a park setting that requires all four building elevations to be receptive to public view.
 - 3.3.3 The design and construction of the retail portion of the building will match the scale, architectural features, color, and materials used to construct the public portion of the building.

- 3.3.4 In addition, the retail building will comply with the City of Lincoln Downtown Design Standards (reference City of Lincoln Design Standards, Chapter 3.76).
- 3.4 Retail Space shall be permitted to be used only for the following purposes; provided that, the Unit owner is able to comply with the City of Lincoln, Nebraska parking requirements for said use:
 - 3.4.1 Retail or other activities that support the use of the community's trails, parks and recreation system.
 - 3.4.1.1 For example, sales, rental, or repair, of equipment and supplies related to biking, running, walking and other trails, parks and recreation activities.
 - 3.4.2 Retail or other activities that provides opportunities for community trail, parks and recreation users to gather and socialize.
 - 3.4.2.1 For example, selling and serving of food (which includes healthy menu options), nonalcoholic beverages (which includes healthy menu options) and alcoholic beverages for consumption on the premises (provided that, if alcoholic beverages are served, then at least 60% of the gross sales of the combined food, nonalcoholic beverages and alcoholic beverages must be from the sale of food and nonalcoholic beverages).
 - 3.4.3 Any other business or activity associated with improving the health of individuals, families and/or the community that is approved by the unanimous written consent of all Unit Owners.
 - 3.4.3.1 The owner of the retail space agrees to seek the prior input and recommendation of the Community Health Endowment and Jayne Snyder Trails Network, or its successor or assign.
- 3.5 The retail business may have usage of the public classroom space (Jayne Snyder Trails Center) for demonstrations and public gathering space if compatible with the overall health and fitness goals of the ALC.
- 3.6 Completion of the retail portion of the building can be coordinated with construction of the public portion of the building, anticipated to be completed in the spring/summer of 2012.
 - 3.6.1 If possible, it would be beneficial for the retail developer to coordinate construction of the interior retail portion with the City portion. Because some of the funds for this building are coming from the American Reinvestment and Recovery Act of 2009, certain requirements will need to be followed during construction. See attachment B.

4. DEVELOPMENT PROCESS

- 4.1 The City's role in this project is that of land owner, catalyst and coordinator.
- 4.2 The public responsibility involves provision of the site for lease, coordination, construction of the public building and monitoring development of the retail building construction and use.
- 4.3 The City is responsible to ensure that all necessary actions are undertaken in a timely, orderly and mutually supportive fashion, within the context of all subsequent agreements, guidelines, and ordinances.
- 4.4 The City reserves the right to accept or reject any or all proposals.
- 4.5 City departments that may review plans for this project include Public Works and Utilities, Planning, Building and Safety, Parks & Recreation and Urban Development in addition to the Community Health Endowment.

5. PROPOSAL CONTENTS

- 5.1 Statement of development concept, including consistency with building design (see section 3.3), estimated costs, and retail use.

- 5.2 Statement of respondents experience and data on any recent, similar development or retail business.
- 5.3 Statement describing and listing the development team, owner, partners, and including name, business addresses, phone numbers, and description of roles and responsibilities on this project.
- 5.4 Concept plan for finishing the interior space.
- 5.5 Pro Forma on proposed development including operating costs and income, debt and equity.
- 5.6 Timeline of the project to include schedule of estimated start of construction, completion of construction, and proposed opening date.
- 5.7 Source of equity and debt financing.
- 5.8 Specify the form of entity that will take title to the condominium space, execute the construction work and operate the completed retail business.
- 5.9 Submit four (4) copies of the proposal.

6. SPECIFIC PROVISIONS TO BE INCLUDED IN A CONTRACT

- 6.1 The lease of the land will be for the purpose of a retail building connected to the public portion of the Active Living Center.
- 6.2 The land will be built upon and improved in conformity with the goals and objectives of the Active Living Center.
- 6.3 All exterior improvements, including architectural treatments, design and building materials are subject to prior approval by the City.
- 6.4 Interior connectivity of the retail building and public portion of the building will be determined with, and subject to, prior approval by the City.
- 6.5 Construction will commence and be completed within an agreed period of time which will be discussed and stated in the contract.
- 6.6 Lease amount for the land will be negotiated.
- 6.7 Two parking spaces are available for lease and public parking will be available on the street.

7. SUBMISSION AND REVIEW PROCESS

- 7.1 Proposals must be submitted to Terry Genrich, Natural Resources and Greenways Manager, Lincoln Parks and Recreation, 2740 "A" Street, Lincoln, NE 68502. Date submittals are due will remain open until a selection has been made.
- 7.2 The review of the proposals shall be conducted by the Director of Parks and Recreation, representative from the Community Health Endowment Board, representative from the Urban Development Dept., representative from City Finance, staff and members from the bicycling community.
- 7.3 Submitters may be required to make a presentation to the committee reviewing the proposals.
- 7.4 The findings and recommendations of the Director of Parks and Recreation Department shall be approved by the Mayor.
- 7.5 All who submit a proposal will be notified of the results of the evaluation of their proposals.
- 7.6 Upon notification of selection, the successful proposer will be expected to execute a contract with the City of Lincoln, prepared by the City Law Department.
 - 7.6.1 This contract shall cover all matters pertaining to the project.
 - 7.6.2 Following the approval by the Mayor, the contract shall be executed and project shall proceed in accordance with its terms.
- 7.7 The City reserves the right to hold each proposal for a period of thirty (30) days from the date received for the purpose of review and confirmation of qualifications and financial capabilities of the respondents.
- 7.8 The City further reserves the right to accept or reject any or all proposals received.

7.9 The selected proposal is selected in concept only. Details are to be negotiated with the Parks and Recreation and City Law Department.

8. SELECTION CRITERIA

8.1 The City will evaluate the extent to which prospective developers and retailers propose to use the building, in accordance with the goals and objectives of the Active Living Center and the terms of this Request for Proposals.

8.2 **Legal and Financial Ability**

The extent to which prospective developers and retail owner/operators show legal and financial ability to carry out the scope of their proposal.

8.3 **Implementation Ability**

The extent to which prospective developers and retail owner/operators demonstrate the experience, qualifications, and ability to complete and operate projects of the scope and complexity of their proposal.



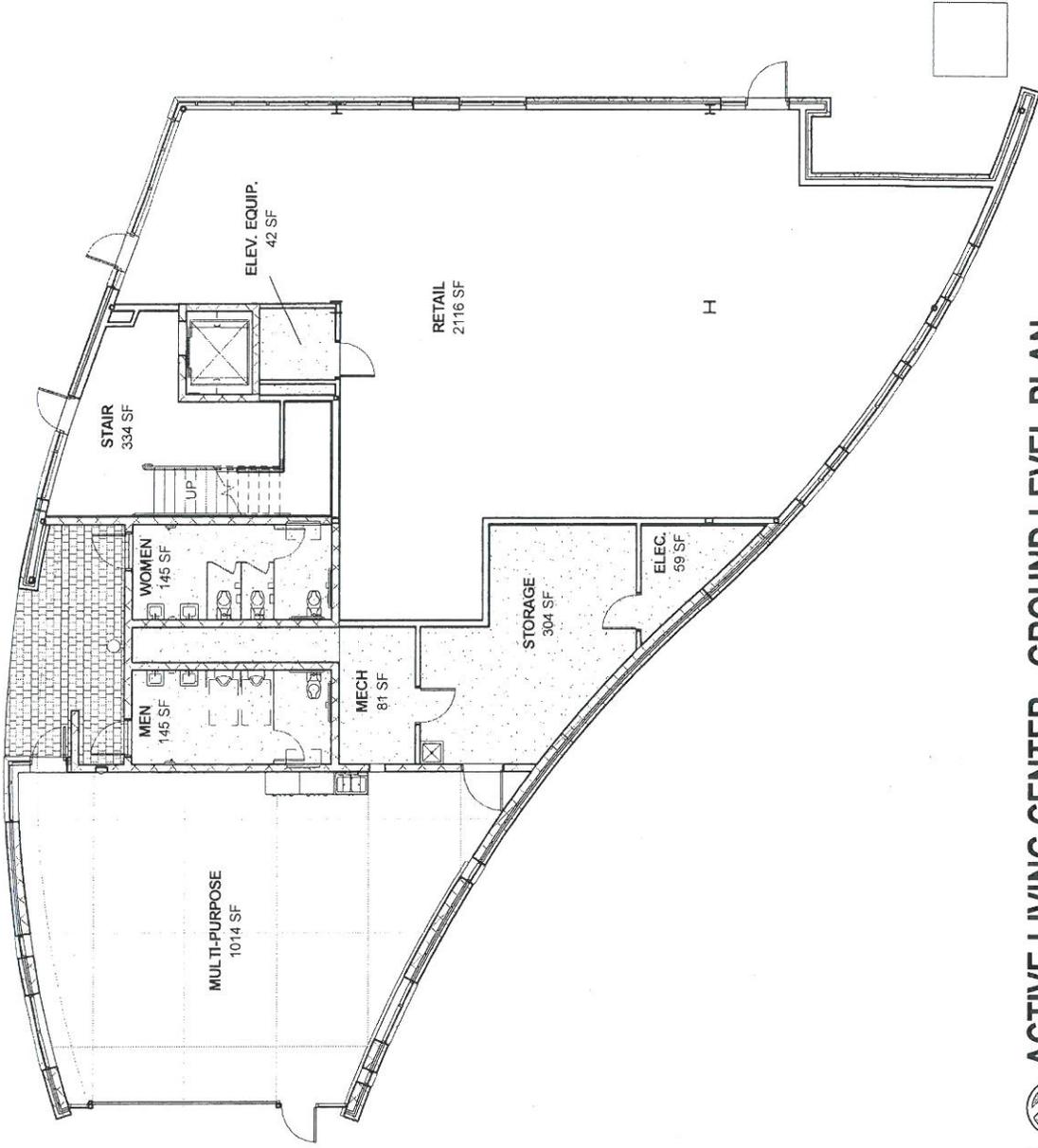
Architecture
Landscape Architecture
Engineering
Interiors

www.clarkeriksen.com

Lincoln, Nebraska
1010 Lincoln Mall, Suite 200
Lincoln, NE 68502-2883
402-477-9291 Fax: 402-477-6542
Kansas City, Missouri

Antelope Valley Union Plaza
Park
21st. St. 'O' to 'R' Street
Lincoln, NE
TCEP No.: 669-004-08

First Floor Diagram
Supplemental Drawing: SD A1.1
Date: 10/28/10

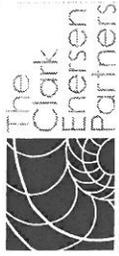


ACTIVE LIVING CENTER - GROUND LEVEL PLAN

SCALE: 1" = 10'-0"



1



Architecture
Landscape Architecture
Engineering
Interiors

www.clarkensers.com

Lincoln, Nebraska

1010 Lincoln Mall, Suite 200

Lincoln, NE 68508-2883

402.477.9291 Fax 402.477.6542

Kansas City, Missouri

Antelope Valley Union Plaza

Park

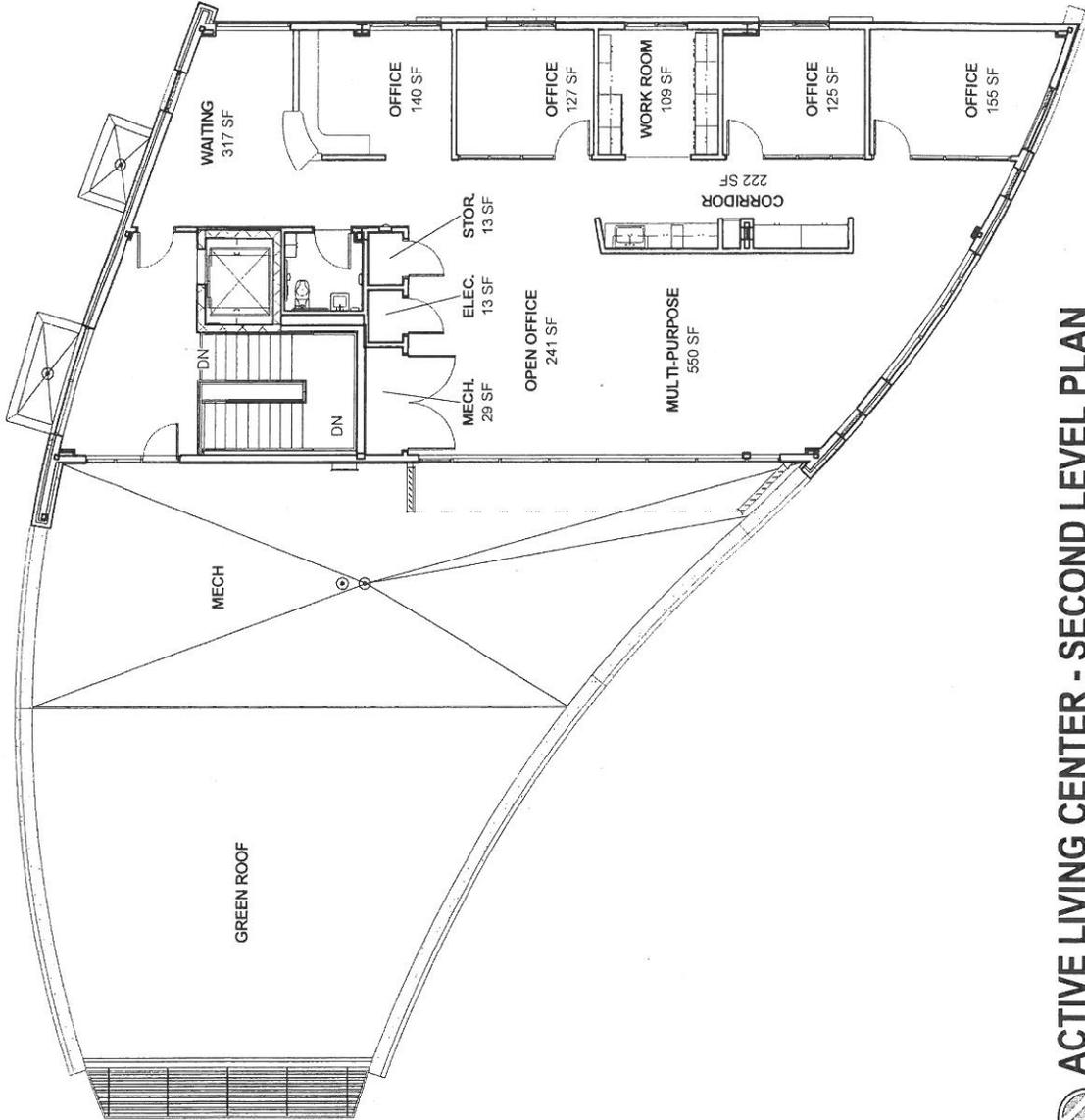
21st St. 'O' to 'R' Street

Lincoln, NE

TCEP No.: 669-004-08

Second Floor Diagram
Supplemental Drawing: SD A1.2

Date: 10/28/10

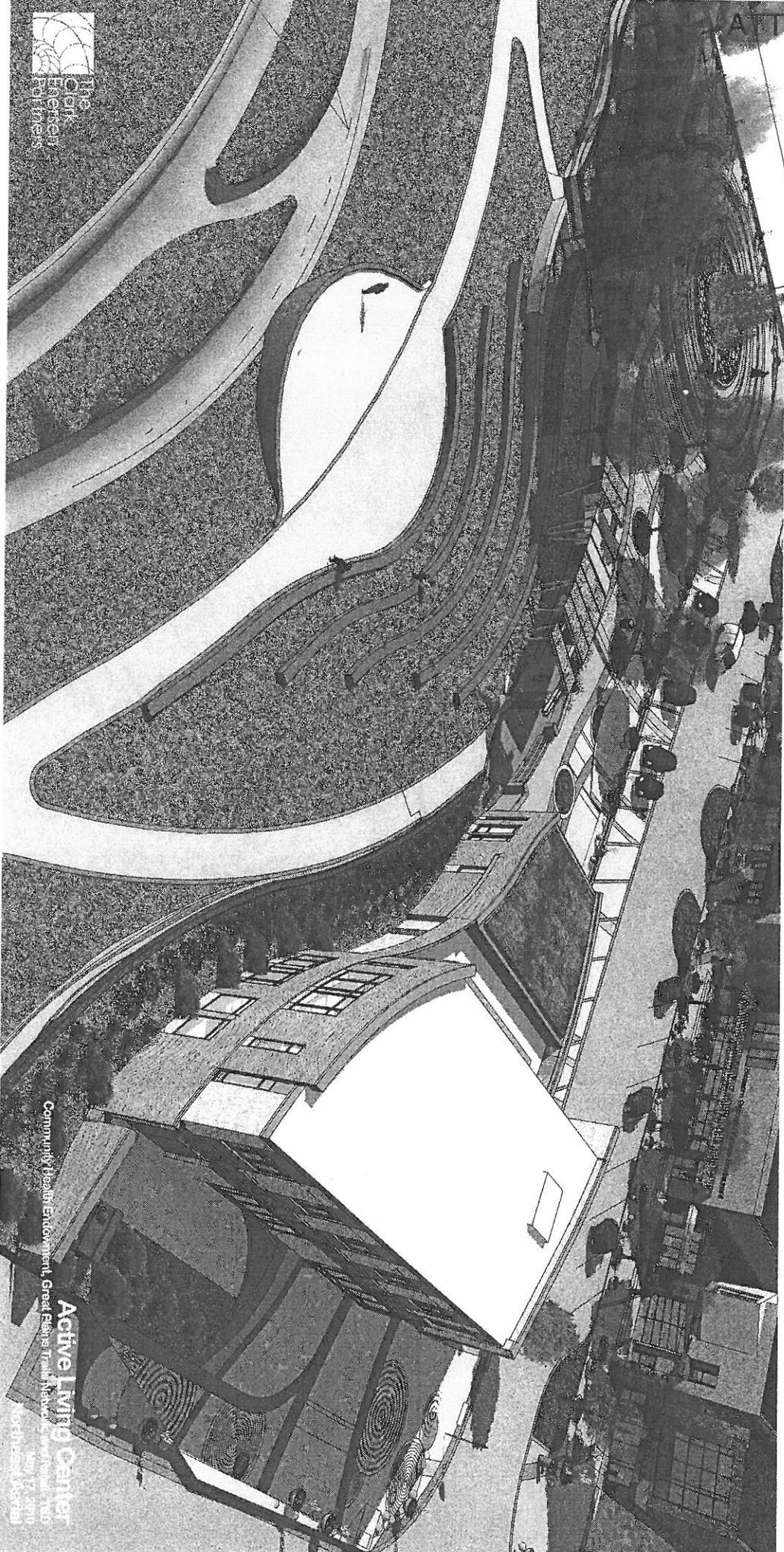


ACTIVE LIVING CENTER - SECOND LEVEL PLAN

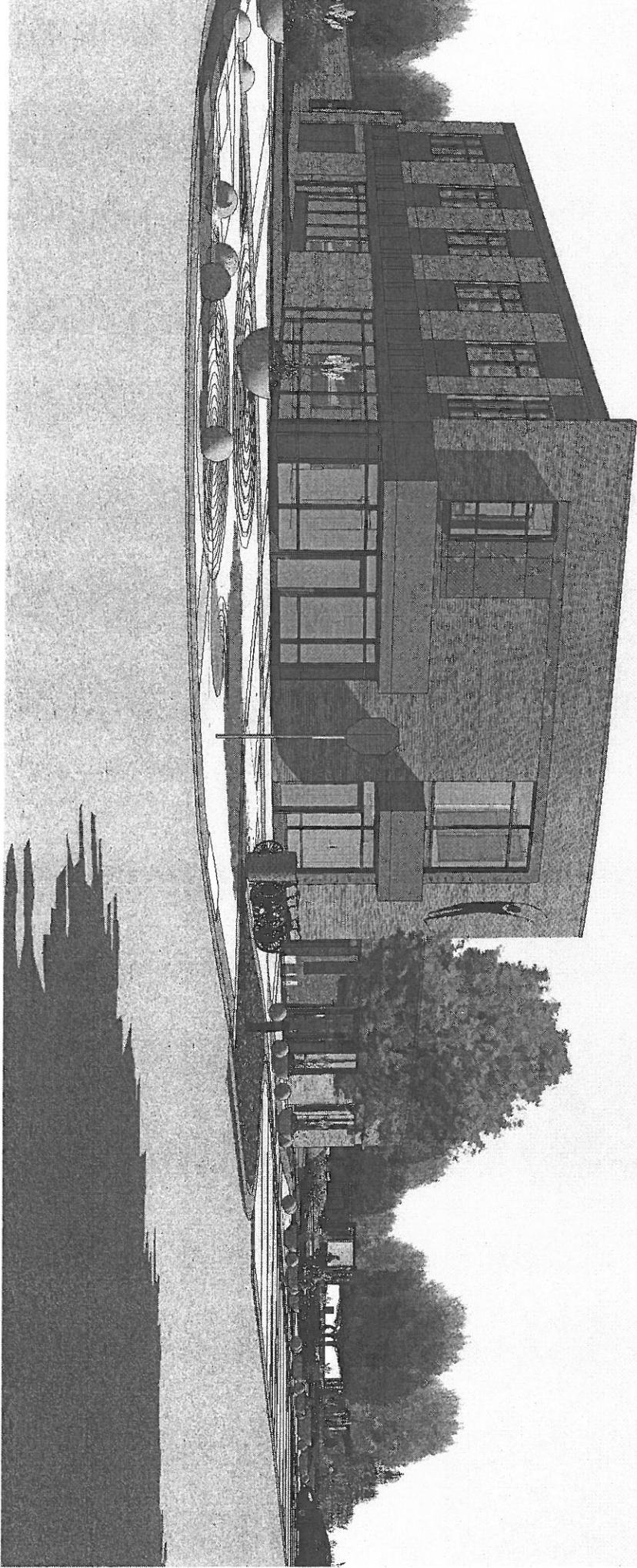
SCALE: 1" = 10'-0"



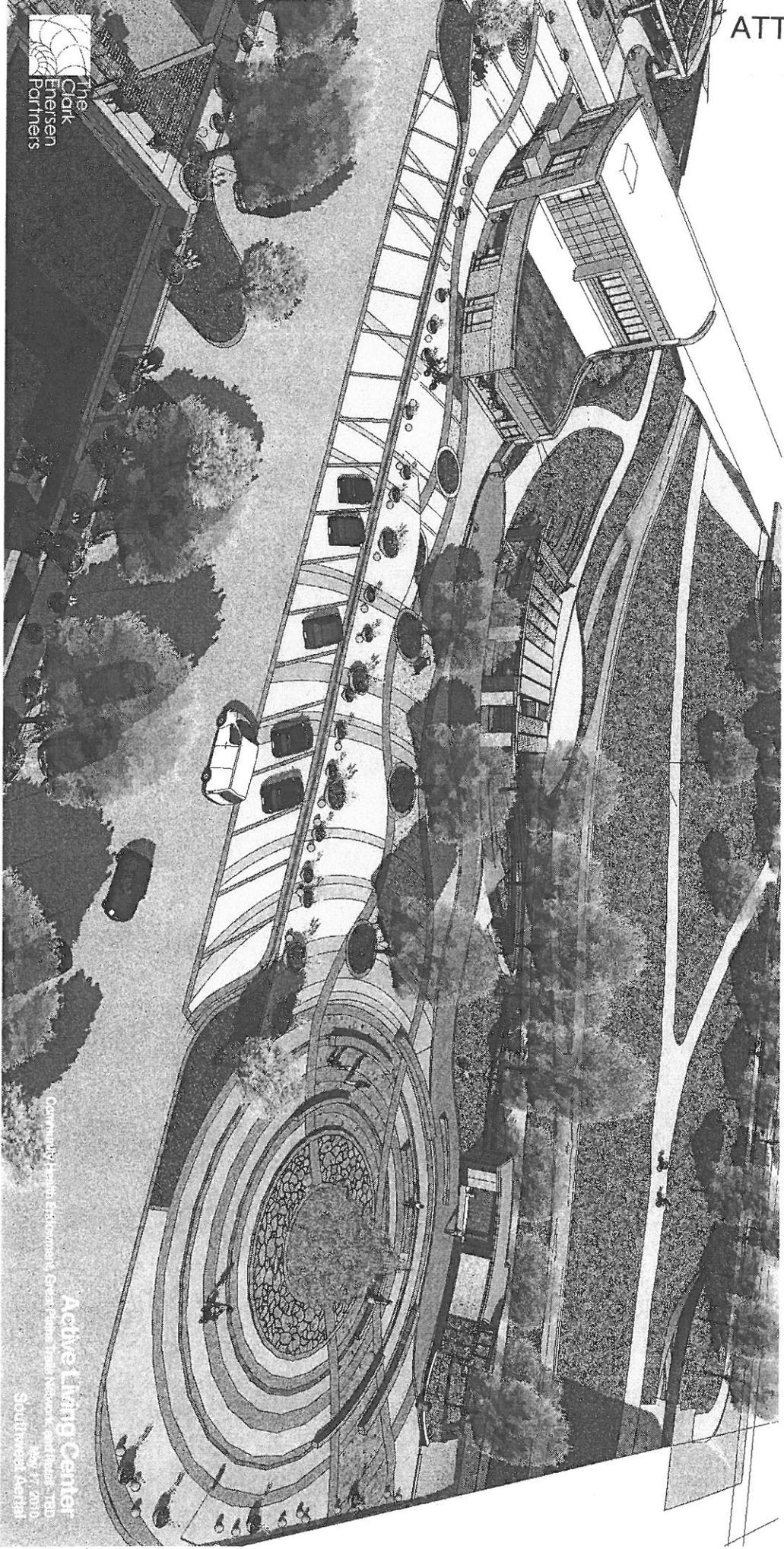
1



Active Living Center
Community Health Endowment, Great Fish's Trails Haven, and Revival Hub
May 17, 2010
Northwood, Northall



Active Living Center
Community Health Endowment, Great Plains Trails Network, and Retail - TBD
May 17, 2010
Northwest Perspective



The
Clark
Ehrisen
Partners

Active Living Center
Community Health Enhancement, Green Public Transportation, and
Southwest, Atlanta
Aug. 17, 2010
Southwest, Atlanta

Buy American Requirement of the American Recovery and Reinvestment Act of 2009

The contractor acknowledges to and for the benefit of the City of Lincoln (“EECBG grantee - Energy Efficiency Community Block Grant”) that it understands the goods and services under this Agreement are being funded with monies made available by the American Reinvestment and Recovery Act of 2009 (Recovery Act) (or are being made available for a project being funded with monies made available by the Recovery Act) and section 1605 of such law contains provisions commonly known as “Buy American.” The Buy American requirement prohibits the use of Recovery Act funds for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States (“Buy American requirement”) including iron, steel, and manufactured goods provided by the Contractor pursuant to this Agreement. The Contractor hereby represents and warrants to and for the benefit of the EECBG grantee that (a) the Contractor has reviewed and understands the Buy American requirement, (b) all of the iron, steel, and manufactured goods used in the project will be and/or have been produced in the United States in a manner that complies with the Buy American requirement, unless an exception to the requirement is approved, and (c) the Contractor will provide any further verified information, certification of assurance of compliance with this paragraph, or information necessary to support an exception to the Buy American requirement, as may be requested by the EECBG grantee or EECBG. Notwithstanding any other provision of this Agreement, any failure to comply with this paragraph by the Contractor shall permit the EECBG grantee to recover as damages against the Contractor any loss, expense or cost (including without limitation attorney’s fees) incurred by the EECBG grantee resulting from any such failure (including without limitation any impairment or loss of funding, whether in whole or in part from EECBG. Neither this paragraph (nor any provision of the Agreement necessary to give this paragraph force or effect) shall be amended or waived without the prior written consent of the EECBG grantee.

Certification that the City of Lincoln will require from a contractor or bidder

1. Identification of American-made Iron, Steel, and Manufactured Goods: Consistent with the terms of the EECBG grantee’s bid solicitation and the provisions of Section 1605 of the Recovery Act, the Bidder certifies that this bid reflects the Bidder’s best, good faith effort to identify domestic sources of iron, steel, and manufactured goods for every component contained in the bid solicitation where such American-made components are available on the schedule and consistent with the deadlines prescribed in or required by the bid solicitation.
2. Verification of the U.S. Production: The Bidder certifies that all components contained in the bid solicitation that are American-made have been so identified, and if this bid is accepted, the Bidder agrees that it will provide reasonable, sufficient, and timely verification to the EECBG grantee of the U.S. production of each component so identified.

3. Documentation Regarding Non-American-made Iron, Steel, or Manufactured Goods: The Bidder certifies that for any component or components that are not American-made and are so identified in this bid, the Bidder has included in or attached to this bid one or both of the following, as applicable:
 - a. Identification of and citation to a categorical exception published by Dept. Of Energy (or another federal agency) in the Federal Register that is applicable to such component or components, and an analysis that supports its applicability to the component or components;
 - b. Verifiable documentation sufficient to the EECBG grantee, as required in the bid solicitation or otherwise, that the Bidder has sought to secure American-made components but has determined that such components are not available on schedule and consistent with the deadlines prescribed in the bid solicitation, with assurance adequate from the Bidder under applicable conditions stated in the bid solicitation or otherwise.
4. Information and Detailed Justification Regarding Non-American-made Iron, Steel, or Manufactured Goods: The Bidder certifies that for any such component or components that are not so available, the Bidder has also provided in or attached to this bid information, including but not limited to the verifiable documentation and a full description of the bidder's efforts to secure any such American-made component or components, that the Bidder believes are sufficient to provide and as far as possible constitute the detailed justification required for an exception under section 1605 with respect to such component or components. The Bidder further agrees that, if this bid is accepted, it will assist the EECBG grantee in amending, supplementing or further supporting such information as required by the EECBG grantee to request and, as applicable, implement the terms of an exception with respect to any such component or components.

E-Verification of New Employees.

In accordance with Neb. Rev. Stat. 4-108 through 4-114, the contractor agrees to register with and use a federal immigration verification system, to determine the work eligibility status of new employees performing services within the state of Nebraska. A federal immigration verification system means the electronic verification of the work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, 8 USC 1324a, otherwise known as the E-Verify Program, or an equivalent federal program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work eligibility status of a newly hired employee pursuant to the Immigration Reform and Control Act of 1986. The Contractor shall not discriminate against any employee or applicant for employment to be employed in the performance of this section pursuant to the requirements of state law and 8 U.S.C.A. 1324b. The contractor shall require any subcontractor to comply with

the provisions of this section. For information on the E-Verify Program, go to www.uscis.gov/everify

Job Creation and Retention

The City of Lincoln is required to report the number of jobs created or retained as a result of Recovery Act-funded work. Definitions are:

- a. A job created is a new position created and filled, or an existing unfilled position that is filled, that is funded by the Recovery Act;
- b. A job retained is an existing position that is now funded by the Recovery Act.

A funded job is defined as one in which the wages or salaries are either paid for or will be reimbursed with Recovery Act funding.

Bidders are advised that jobs created or retained for the Project will be required to be documented. Payroll forms and accounting systems are adequate documentation. The City of Lincoln will work with the successful bidder to determine acceptable documentation.