

REQUEST FOR PROPOSALS FOR REDEVELOPER

THE BOROUGH OF WESTVILLE 1 DEADLINE DRIVE REDEVELOPMENT

SECTION 1 INTRODUCTION AND GENERAL INFORMATION

1.1 Introduction and Purpose

The Borough of Westville (“Borough”) is seeking a Redeveloper for 1 Deadline Drive (“Project”). The area to be redeveloped encompasses the majority of the 3.14 +/- acre parcel designated as Block 99, Lot 12, on the Official Tax Map of the Borough and the entirety of the parcel designated as Block 99, Lot 5, on the Official Tax Map of the Borough (“Project Site”). The Borough will retain a portion of Lot 12 demarcated by a hash tag line within the 20 foot egress/ingress easement marked on the map attached on Appendix 1 to develop as a billboard. The Borough would like to secure a Redeveloper to implement development, design, financing, construction and operation of a Class 1, 2, 3, or 4 cannabis establishment on the site. Optimally, the selected Redeveloper will be the cannabis user/operator, not merely a developer of the site, and will have a proven track record of successful operation in the cannabis industry.

The Project Site was formerly used as a printing facility but has been vacant since the printing facility’s closure in 2012. The warehouse structure is dilapidated, and the lot is overgrown with vegetation. Utilities at the site are over 50 years old.

The Borough hereby invites cannabis firms to submit a concept proposal. The Borough will review all proposals received by the deadline set forth in Section 5. The Borough may select a Redeveloper from the submitted proposals or may reject all proposals and re-advertise this Request for Proposal (“RFP”) if an acceptable proposal is not received.

This public advertisement constitutes the Borough’s formal solicitation for concept proposals from cannabis firms to assist in implementing the Borough’s vision.

1.2 Redevelopment Vision

Development of the Project Site is intended to be an extension of the Borough’s ongoing revitalization program. The Project Site was duly designated as a non-condemnation area in need of redevelopment by Resolution No. 79-2015 of the Borough Council in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (“Redevelopment Law”). Further pursuant to the Redevelopment Law, the Borough Council by ordinance 5-2015 adopted a redevelopment plan entitled “Deadline Drive Redevelopment Plan,” which includes the Project Site.

The Borough desires development of the Project Site in a manner that will complement the pending and completed redevelopment projects within the Borough in order to create a comprehensive, rejuvenated, inviting and thriving area.

1.3 The Project

Development of the Project Site shall be consistent with the Borough's redevelopment vision and this RFP. The Borough is seeking proposals that develop and operate the property as a licensed Class 1, 2, 3, or 4 cannabis establishment.

The property comprising the Project Site is owned by the Borough, and the successful Redeveloper will be expected to purchase the Project Site from the Borough. The Borough will be constructing a billboard on an adjacent site identified in Section 1.1 above.

Any Redeveloper selected by the Borough will be required to enter into a Redevelopment Agreement with the Borough. Development of the Project Site will require Planning Board approval of the Site Plan. The selected Redeveloper will be responsible for completing the necessary engineering studies and design of the Project for the Project Site and for obtaining Site Plan approval. All designs for work to be performed at the Project Site shall be prepared by licensed architects and engineers.

Additionally, the Redeveloper shall be responsible for obtaining all necessary permits and approvals for the completion of the Project and assumes all responsibility for compliance with all Borough, County, State and Federal codes and regulations. The Redeveloper will be responsible for all capital improvements and infrastructure improvements required for the Project. Any and all sewer and water connection fees due to Gloucester County, New Jersey for sewer and water connections for the Project, and any and all sewer and water connection fees due to the Borough for sewer and water connections for the Project shall be the responsibility of the Redeveloper. Such fees shall be due and payable at or before issuance of building permits for the Project. Additionally, through negotiation with the selected Redeveloper, the Borough will seek to recover costs incurred in undertaking the redevelopment designation, property assemblage, and various other costs associated with the Project.

SECTION 2 SCOPE OF SERVICES / ROLES & RESPONSIBILITIES

2.1 Redeveloper Responsibilities

Proposals will be received by the Mayor and Council of the Borough for a Redeveloper to create a strategic design and development plan for the creation of a licensed cannabis establishment to be incorporated into the Borough's redevelopment plans. The proposal shall include a proposed purchase price and outline operations for the project.

After selection as Redeveloper, the selected Redeveloper will be responsible for the following activities:

- a. Negotiation and execution of a redevelopment agreement with the Borough, which includes, at minimum, the statutory requirements set forth at N.J.S.A. 40A:12A-9;
- b. Securing financial commitments for construction and permanent financing;
- c. Conducting any environmental due diligence and performing any necessary environmental cleanup. The selected Redeveloper is not precluded from reaching any agreement with any responsible party for environmental liability or cleanup, subject to the approval of the New Jersey Department of Environmental Protection;
- d. Preparation of site plans and building designs;
- e. Applying for and securing all necessary permits and approvals for the Project, including, but not limited to, building permits;
- f. Providing for all capital improvements and infrastructure improvements necessitated by the proposed project;
- g. Coordination and completion of all construction activities;
- h. Ongoing property management, as applicable;
- i. Operation of a legally compliant cannabis establishment.

2.2 Borough of Westville Responsibility

The Borough will work closely with the selected Redeveloper and Redeveloper's consultant(s) to answer questions, make decisions, provide guidance and assist with coordination where needed. The Borough's responsibilities do not include doing research and design tasks for the Redeveloper. The Borough will consider and cooperate with zoning changes within a redevelopment plan for projects deemed suitable by the Borough.

The Borough makes no warranties as to the environmental condition of the Project Site. Further, the Borough makes no warranties as to the location, capacity, and condition of utility services at the Project Site. Any replacements, repairs, modifications, or upgrades to existing utility services or installation of new equipment or facilities (both on and off the Project Site) will be the sole responsibility of the selected Redeveloper.

SECTION 3 PROPOSAL REQUIREMENTS

Individuals and entities desiring to respond to this RFP ("Respondent") shall submit a proposal in accordance with the requirements set forth herein. The proposal should be divided into the individual sections listed below. Respondents are urged to include only information that is relevant to this specific Project so as to provide a straightforward, concise submission consistent with the requirements of this RFP. Proposals containing irrelevant material or an abundance of excessively vague language may be penalized in the screening process.

Anyone desiring to respond to this RFP shall submit their proposal in sufficient detail to allow for a thorough evaluation and comparative analysis. All Respondents are urged to be realistic in submitting their cost estimates and completion time frames.

All requirements and questions should be addressed and all requested data should be supplied. The Borough reserves the right to request additional information which, in its opinion, is necessary to ensure that the Respondent's competence, number of qualified employees, business organization and financial resources are adequate to perform the Redeveloper Responsibilities identified in Section 2.1 above.

The issuance of this RFP does not, under any circumstances, commit the Borough to pay costs incurred by any Respondent in the preparation and submission of their proposal. The Respondents are responsible for all costs associated with their response to this RFP. There shall be no claims whatsoever against the Borough, its staff, or its consultants for reimbursement or payment of costs or expenses incurred in the preparation of the proposal or other information required by the RFP.

To be responsive, all proposals and required documents must provide all requested information and be in strict conformance with the instructions set forth in this RFP. All proposals submitted shall comply with the following requirements:

3.1 Cover letter

Each proposal shall contain a cover letter. The cover letter must designate the officer, employee, or agent who will be the Respondent's contact for all communications regarding this RFP.

3.2 Executive Summary

Each proposal shall contain an executive summary of the proposal. The executive summary must include all of the following:

- a. Respondent's understanding of the Project;
- b. Identification of the proposal's solution highlights, key benefits and cost considerations to the Borough;
- c. A statement of what Respondent believes to be the Borough's primary objectives for redevelopment of the Project Site
- d. Articulation of a clear and cohesive vision for the Project Site, and a description of how Respondent's proposal meets those objectives, as well as how it complements the existing area development;
- e. Identification of any special benefits to the Borough and/or the community that will be provided as part of Respondent's proposal.

3.3 The Proposed Project.

Each proposal shall include a description of Respondent's proposed Project. The Project description must include the following:

- a. **Proposed Land Uses:** Identification of the proposed land uses, including the amount of square footage for proposed uses.

- b. **Design:** a description of design for the proposed Project, which must reflect an implementable plan based on budget considerations and the revenue generation potential of the design, as detailed in subsection (e) (Project Financing) below.
- c. **Parking Requirements:** A discussion of parking needs including the parking required by applicable zoning and how parking requirements for the Project will be met.
- d. **Project Work Plan:** A generic project work plan that (i) describes any proposed phases, activities and tasks of the Respondent; (ii) identifies key activities, milestones, dates, etc. necessary for the completion of the Project; and (iii) sets forth anticipated commencement and completion dates for capital improvements and for any applicable phase of the Project. All assumptions that were made when preparing the project plan should be documented in this section.
- e. **Project Financing:** Identification of Project costs, and the potential sources of all anticipated funds to meet those costs.
- f. **RFP Financial Obligations:** A discussion of the proposed primary terms of the purchase agreement. The Proposal shall include a proposed purchase price for the Project Site.

3.4 Special Benefits of the Project

Each proposal shall identify any special benefits of the proposed Project, as follows:

- a. Identify the estimated number of jobs to be created during and at the completion of the proposed Project;
- b. Identify any other special benefit that will be generated by Respondent's proposal.

3.5 Other Information

If the Respondent believes additional information is necessary, the proposal may contain a discussion of any other factors not mentioned above which Respondent believes are relevant to the Borough's selection of Redeveloper. This section of the RFP response shall include additional suggestions that are not specifically requested in this RFP, but are considered necessary to ensure the highest degree of information is provided to enable the Borough to accurately and properly evaluate Respondent's proposal. If the proposal assumes that the Borough will take certain actions or provide certain facilities, data or information, state these assumptions explicitly.

3.6 Insurance

The selected Redeveloper will be expected to provide customary and reasonable insurance for its Project construction and operations.

3.7 Format of Proposal

To the extent possible, proposals should be prepared on 8.5" x 11" paper and bound or stapled. Minimum font size should be the equivalent of 12pt Times New Roman. Each proposal should have a title page and a table of contents. The title page should include the title of the RFP, the name and address of the Respondent, and the date/time the proposal is due. Foldouts for charts, tables, or spreadsheets will be acceptable. Ten (10) hard copies of the proposal are required. In addition to the paper copies, please provide one (1) digital copy of the entire proposal in .pdf format.

3.8 Readability of Proposal

Respondents are advised that the Borough's ability to conduct a thorough evaluation of proposals is dependent on the Respondent's ability and willingness to submit proposals that are well ordered, detailed, comprehensive and readable. Clarity of language and adequate, accessible documentation is essential, and is the Respondent's responsibility.

3.9 Addenda or Amendments to this RFP

Addenda or amendments to this RFP may be issued during the period provided for the preparation of proposals. These addenda/amendments will be numbered consecutively and will be distributed to each of the individuals and entities who received a copy of this RFP. Any addenda/amendments, if issued, will be issued by, or on behalf of, the Borough and will constitute a part of this RFP. All responses to this RFP shall be prepared with full consideration of any and all addenda/amendments issued prior to the proposal submission date.

3.10 Questions & Letter of Interest

Only the Borough Administrator or Borough Redevelopment Counsel is empowered to speak for the Borough with respect to this Project. Potential Respondents seeking to obtain information, clarifications, or interpretations from other individuals are advised that such material is used at the Respondent's own risk and the Borough will not be bound by any such representations. Any attempt to bypass this procedure may be deemed grounds for the rejection of the Respondent's proposal.

All questions raised, along with subsequent official Borough responses, will be provided to all recipients of this RFP.

3.11 Borough's Use of Proposals

Upon submission, all proposals become the property of the Borough and will not be returned. All proposals will be made available to the public at the appropriate time, as determined by the Borough (in the exercise of its sole discretion) in accordance with the law. As such, the information contained in the proposal will be subject to public disclosure. In no event will the Borough assume liability for any loss, damage or injury that may result from any disclosure or use of the proposals.

SECTION 4 EVALUATION OF RESPONSES

4.1 Evaluation Criteria

Selection of the Redeveloper shall be based on several factors, including the Respondent's demonstrated track record of operating a cannabis establishment and the Respondent's ability to provide superior development that contributes to the overall development of the area, and the ability to maximize the financial benefit to the Borough given considerations of both short-term and long-term benefits.

The evaluation criteria are intended to be used to make a recommendation to the Borough Council, who will award the contract, but who is not bound to use these criteria or to award to a Respondent on the basis of the recommendation. Furthermore, the Borough reserves the right to vary from this procedure as it determines to be in the Borough's best interest.

4.2 Evaluation Method

4.2.1 Compliance Check: All proposals will be reviewed to verify that minimum requirements have been met. Proposals that have not followed the requirements in this RFP or do not meet minimum content and quality standards may be eliminated from further consideration.

4.2.2 Analysis: The proposal review team will consist of individuals from the Borough. Members of an evaluation team will independently analyze each proposal. The evaluation team will analyze how the Respondents' qualifications, experience, professional content, and proposed methodology to meet the Borough's needs. Each committee member will use the evaluation criteria below as a guideline. Selection of a single proposal will be based on the totality of the information contained therein.

At the discretion of the Borough, the evaluation team may decide to conduct interviews of a short list of Respondents.

4.2.3 Evaluation Criteria

Qualifications will be evaluated using the following criteria:

1. Respondent's Qualifications and Experience

Respondent's verifiable technical capacity to operate a cannabis establishment, experience on similar projects, and any outstanding record of successfully completed projects will be considered. Past performance on Borough projects may also be considered.

2. Personnel Qualifications and Experience

The strength of experience and educational background of Respondent's principal(s) and key personnel; certification and licensing will be evaluated.

3. The Development Proposal and Purchase Price

Evaluation of the proposal's viability as an independent project and its contribution value to the overall development of the Borough as well as the financial benefit to the Borough, including the proposed purchase price, will be considered. Each proposal will be evaluated based on the proposed project's sustainability and its consistency with the Borough's redevelopment vision.

4. Benefits of the Proposal

The extent of the benefits being provided under the proposal will be determined. Consideration will be given to the proposed project's impact on the Borough's image and reputation, its impact on the Borough's tax revenues, and any other factor determined to be in the best interest of the Borough.

5. Workload/Ability to Meet Schedule

Number, location and experience of personnel assigned to this Project, their projected workload and availability. History of completing projects according to schedule.

6. Cost/Cost Effectiveness

The extent to which the total cost presented to complete the project does not exceed the funds available and provides benefits worth the expense. Consideration will be given to the market feasibility of the proposed Project, the documentation evidencing the Project's feasibility and likelihood of completion and success, the adequacy of the draft proforma, and the appropriateness of any financing mechanism being proposed.

4.3 Right to Reject

This RFP is not a legally binding document, but merely an invitation to submit proposals on the terms and conditions described in this RFP. The Borough reserves the right, in its sole judgment, to reject for any reason, any and all responses and components thereof and to eliminate any and all developers responding to this RFP from further consideration for this RFP. The Borough reserves the right, in its sole judgment, to reject any developer whose submission is deemed to be non-responsive. In the event that the Borough rejects any or all proposals, no costs will be reimbursed for the preparation of the proposals.

4.4 Reservation of Rights

The Borough reserves, holds, and may exercise, at its sole discretion, the following rights:

- a. To verify the accuracy of all information submitted in any proposal;
- b. To reject, for any reason, any and all proposals and components thereof, and to eliminate any and all Respondents responding to this RFP from further consideration;
- c. To eliminate any Respondent who submits an incomplete, inadequate or non-responsive proposal;
- d. To waive any technical non-conformance of a proposal;

- e. To accept the proposal that, in the judgment of the Borough, best serves the interests of the Borough;
- f. To make any and all decisions regarding the selection of the Redeveloper; and
- g. To take any action that the Borough determines, in its sole discretion, to be in the best interests of the Borough.

The Borough shall be under no obligation to complete all or any part of the process described in this RFP. The provisions of this RFP are made for the benefit of the Borough, and no right shall be deemed to accrue to any person submitting a statement of qualifications or proposal by reason of the submission of any statement of qualification or proposal, or by the waiver or non-enforcement of any provisions or requirements of this RFP or by reason of any term or terms hereof.

4.5 Selection of a Redeveloper

In the event that the Borough selects a proposal, the successful Respondent will be required to enter into a redevelopment agreement with the Borough. Selection of a Respondent's proposal will not create or confer any legal rights on the Respondent whatsoever, other than the opportunity to negotiate terms of a redevelopment agreement with the Borough. The successful Respondent will have no legal rights to the Project Site or the Project until a redevelopment agreement is executed. To be valid and enforceable, any redevelopment agreement executed must be properly authorized by the Borough Council.

SECTION 5 SCHEDULE

5.1 Submittal Timeline. The following is the likely schedule and timing leading up to the execution of a Redevelopment Agreement. The Borough may change this schedule as appropriate:

- a. January 26, 2024—RFP Advertisement
(RFP will be available on the web or in the Municipal Clerks office)
- b. March 1, 2024 at 4:00 p.m.—Deadline to submit Proposals
- c. March 4 – March 20, 2024—Proposal Review
- d. March 6 – March 20, 2024—If necessary, interviews with Shortlist Firms
- e. March 22, 2024—Firm Selection
- f. April, 2024—Redeveloper Designation by Borough Council through resolution

5.2 Submittal Deadline and Location

To be considered responsive, proposals must address the manner of how the Respondent will proceed to meet the requirements under the Redeveloper Responsibilities (Section 2.1) and meet all the proposal requirements as stated in Section 3. Commitment must be made to adhere to and accomplish the specified tasks within the delineated time frames.

In order to be considered, ten (10) hard copies of the proposal and one (1) digital .pdf copy of the proposal must be received by the Borough on or before **March 1, 2024 at 4:00 p.m.** All proposals must be delivered in a sealed envelope marked: Request for Proposal – 1 Deadline Drive.

Proposals received after the deadline may not be considered. Postmarked proposals dated on the reception date received after the reception date will be deemed late and rejected. Respondents are solely responsible for ensuring that proposals are delivered on time.

Delays caused by any delivery service, including the U.S. Postal Service, will not be grounds for an extension of the proposal due date and time. The Borough shall not be responsible for the loss, non-delivery, or physical condition of proposals sent by mail or courier service. E-mailed or faxed submissions will not be accepted.

Proposals may be mailed or delivered to the Borough:

Borough of Westville
Attn: Borough Clerk
165 Broadway
Westville, NJ 08093-1148

ADDITIONAL INFORMATION

While every effort has been made to ensure the accuracy of the information contained in this RFP, it is not, and shall not be construed to be or constitute, a representation, warranty or guaranty regarding the content, completeness, or accuracy of such information, or the qualifications or expertise of the individual(s) or firm(s) providing or preparing such information. Each Respondent shall rely solely on its own inspection, investigation, confirmation and analysis of (a) the Project Site, (b) the information contained in or delivered pursuant to this RFP and (c) any other information that such Respondent deems necessary or prudent in evaluating and analyzing the feasibility and prudence of acquisition and development of the Project Site.

If you have any questions or concerns, please contact:

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Appendix 1

Approximate borders of parcels offered for development

