



## **REQUEST FOR QUALIFICATIONS**

### **SALE AND DEVELOPMENT OF**

### **TIRED CREEK LAKE PROPERTY**

**May 30, 2018**

The Board of Commissioners of Grady County ("Grady BOC") and the Grady County Lake Authority ("GCLA") request submittals of qualifications for the sale and development of the Tired Creek Lake property in northern Grady County, GA.

#### **SECTION 1.0 GENERAL INFORMATION**

This request for qualifications (RFQ) is for the sale and development of the Tired Creek Lake property located in northern Grady County, Georgia. The location of the property is north of Cairo, GA and within a 60 mile drive of over 1 million people, creating a particularly attractive development opportunity.

##### **1.1 Offering**

The development of the property must be in compliance with and consistent with the goals and objectives of the Section 404 Permit under the Clean Water Act, the Tired Creek Lake Master Development Plan (TCLMP), and the Tired Creek Lake Watershed Management Plan (WMP). A copy of these documents are available upon request. A main goal of the TCLMP is to leverage Lake real estate to support the development of the Lake property, to increase the commercial and residential opportunities in the area, to create jobs, and to provide a quality destination that enhances the economic and cultural quality of life for residents and visitors alike. The various land uses contemplated include hospitality, commercial, restaurant and residential. In addition, the development proposal should reflect a strong cultural design and understanding of maximizing water access. Public access to the lake will be required at certain points. The concepts should be used to help understand the type of design features desired for the Property. The focus is to promote a mixed-use development with strong pedestrian scale and cultural design characteristics that include connectivity throughout the property and to the commercial area to be located at the west side of the dam. Other potential uses such as a commerce park, light industrial and the like will be considered.

## 1.2 Vision / Concept

The RFQ contains both required and desired elements. Respondents to this RFQ are not expected to present detailed plans intended for immediate development approval. Instead, they are encouraged to exercise creativity in defining a vision that aligns with the goals of an active development that incorporates a mix of uses that may include residential, commercial, restaurant uses, hospitality and entertainment opportunities. Loose concepts such as bubble diagrams may aid in explaining this vision. These features and uses are listed below. Respondents are not limited to these features/uses only, but must address them in their response to the RFQ.

The development team selected through this RFQ will work closely with GCLA and Grady BOC staffs to prepare a development proposal that will be approved by these entities. Once a developer is selected, GCLA and Grady BOC anticipate a series of plan reviews, discussions and collaborations to prepare a design that takes maximum advantage of the development potential of the Tired Creek Lake property. Phased implementation is expected. This RFQ is seeking a development vision that meets the desired development features and uses of the property, and provides a starting point for further development discussions.

Grady County may assist in development of roads and infrastructure, depending on the vision provided, the developer's commitment, and available funds through grants or other funding sources. Grady County will also work with the developer regarding zoning of the property and surrounding land. Potable water and sanitary sewer are to support most of the development.

### Tier 1: Required Features/Uses

- Maintain required buffers per the TCLMP.
- Respect and comply with all permit requirements federal, state and local, including the Permit 404, the TCLMP and WMP. It is key the developer familiarize themselves with and any submittals comply with permit requirements.
- Provide public lake access.

### Tier 2: Desired Features/Uses

- Concept and/or conceptual plans.
- Proposals regarding zoning, including type and mix of uses.
- Proposals regarding phasing of development.
- Public/private partnership ideas.
- Governance ideas.
- Architectural style / design guideline ideas.
- Single family residential development.
- Maintain quality trees on the Tired Creek Lake property where feasible.
- Consider additional property acquisition and access to property.

The RFQ submission should provide examples of innovative, creative and successful development projects in which members of the Respondent's development team have had a direct and meaningful role.

### 1.3 Property

The Property consists of the Tired Creek Lake which is approximately 960 acres and sits on the overall property which is approximately 3,000 acres owned in fee simple by Grady County. It is located in the northern portion of the County. **This lake is unique as the County owns and controls the entire lake and all adjacent uplands.** The County property surrounding the lake is mostly covered in a forest of pines and mixed hardwood along with some areas that are farmed. There is a 75 acre area cleared and graded at the marina area. The lake will have a marina, boat ramps, limited public access, and limited pier/dock locations. A commercial zone is foreseen at the southwest corner of the lake where State Park Road terminates at the lake property. Infrastructure serving the site is currently limited only to nearby power. Grady EMC is delivering 3-phase power. Surrounding homes and buildings are on septic and well. Conduit has been installed beneath the lake to allow for a future circular delivery system of sanitary sewer and potable water. There is currently no potable water, gas, sanitary sewer or storm water in place. The intent and desire is to work with the City of Cairo to provide utility connections in the future. The western span of Cedar Springs Road is a dirt road which connects to the lake from the west. State Park Road is intended to be paved and lead from Highway 84 to the southwest corner of the lake and the eastern span of Cedar Springs Road was paved in July 2017 which leads from Gainous Road to the Cedar Springs East Boat Ramp. The two main highways nearby are Highway 112 which crosses the easternmost finger of the lake and Highway 84 which is 1.5 miles south of the site. The lake is located in a predominantly rural, agricultural area. The closest community is Cairo, GA (population +/-9,800), which is the County Seat of Grady County (population +/-27,000). Nearby communities of note are Thomasville, GA (population +/-18,700 within 20 miles), Bainbridge, GA (population +/-12,500 within 20 miles), Tallahassee, FL (population +/-190,000 within 40 miles) and Albany, GA (population +/-75,800 within 56 miles). The overall population within a 60 mile radius of the lake property is around one million people. Outdoor activities of the region are predominantly hunting and fishing.

Although there are no specific development plans or approvals for the property at this time, there has been discussion regarding a mixed product proposal which could include ¼ acre lots up to 10 acre lots. Two boat ramps have been constructed - one to the east of the marina and jetty at the end of State Park Rd, and one at the western end of Cedar Springs Rd East. Two other boat ramps could potentially be built based on the currently approved TCLMP, locations to be determined. The additional ramps may be private access only. A public park area was designed for the commercial zone. The expectation is that a developer will build in the already designed public area or in a public area that is approved by the GCLA and County BOC.

A map of Parcel 0036008 located on State Park Road is available upon request.

## **1.4 RCLCO Key Findings and Recommendations of Market and Feasibility Analysis**

RCLCO has previously provided TCLA and Grady BOC with a Market and Feasibility Analysis. A copy of this Analysis will be provided upon request; however, the developer is not to be restricted by or to these recommendations and they are only provided for consideration purposes. Despite what is stated in this Analysis, the GCLA and Grady BOC will not at this time consider restriction of the use of gasoline-powered boats. Their mere popularity demands that these boats be allowed. Other types of boats, including electric boats, canoes, kayaks, etc. are relatively unobtrusive and should certainly be permitted. Public access and/or a public park is envisioned by the GCLA and Grady BOC. GCLA and Grady BOC may consider establishment of a trust to insure the preservation and protection of the lands around the lake. The land around the lake must be maintained as a residential community and natural recreation area and in accordance with permit restrictions and regulatory requirements.

## **1.5 Financial and Other Support**

No financial assistance from the GCLA or Grady BOC will be offered toward the purchase of the property. However, assistance from the GCLA or Grady BOC may be available to offset the costs of required and/or desired development features/uses identified in Subsections 1.2 (Concept) and 3.0 (Qualifications Response Requirements) for submittals that demonstrate financial incentives are necessary to achieve these objectives.

## **1.6 Permits, Zoning, Stormwater and Environmental Considerations**

It is paramount that the selected developer be familiar and in full compliance with permit requirements tied to the United States of America Corps of Engineers (USACE), including the Section 404 Permit under the Clean Water Act and any additional requirements referenced in the Permit, including but not limited to the Tired Creek Lake Master Development Plan (TCLMP) and the Tired Creek Lake Watershed Management Plan (WMP).

There is currently no zoning in Grady County. Both the GCLA and Grady BOC will be cooperative partners in the development process, including assistance in pursuing permits or approvals that may be required to expedite the selected development plan.

Stormwater requirements tied to the TCLMP, federal, state and local requirements shall be met. However, a stormwater management plan is not required as part of the RFQ response. Any stormwater management plan, as well as other required development features and elements, will be addressed during development proposal discussions between the selected respondent, the GCLA and the Grady BOC.

A Phase I Cultural Resource Assessment (CRA) was completed on the Property in November 2014 by Environmental Services, Inc. The Phase I CRA found 21 archaeological sites with three deemed potentially eligible for the National Register of Historic Places. The other sites were deemed to be ineligible and no further work warranted. The Phase I CRA requires that the potentially eligible site are to be avoided

or that further coordination is required under Section 106 of the Historic Preservation Act with USACE and SHPO. A copy of the Phase I CRA for the property is available upon request.

## **SECTION 2.0 STATEMENT OF WORK**

### **2.1 General Process for Respondents**

The response to this RFQ will address the vision and program issues. It is to be submitted, as described in Section 3.0.

Respondent is expected to prepare a vision for the project that includes, at a minimum, the following:

- A vision describing and discussing the uses planned for the Property. Conceptual plans are encouraged but not required. The vision (and conceptual plans if provided) should address the features/uses described in Subsections 1.2 (Concept) and 3.0, Tabs 3 (Project Vision) and 4 (Preferred Uses and Design Criteria);
- An estimated timeline for implementation of the project, including a phasing plan if appropriate;
- A description of the development approach and structure;
- An outline of the financial plan for the development that demonstrates a firm understanding of financial markets for projects of this size and complexity, as well as access to capital; and
- A description of the respondent's team, including a list of partners to be assigned to the project and their respective roles and responsibilities;

A detailed listing of the items that should be included in the project (s) is provided in Section 3.0 "Qualifications Response Requirements."

### **2.2 Preliminary Review and Oral Presentations**

A Scoring Committee will conduct a preliminary review and scoring of all responses to this RFQ. Following the preliminary review and scoring of submissions, the top-ranked respondents (not to exceed three (3)) may be asked to make oral presentations of their submittal.

### **2.3 Review of Submissions**

A Scoring Committee composed of members of the GCLA and Grady BOC, or their respective designees, will review and rank the submissions received by the deadline. No further information shall be accepted after the deadline except that which may be provided or requested by the Scoring Committee, or required as part of an oral presentation. There will be no communication with parties other than those specifically noted in 9.0 below, and such communication will be exclusively for clarification regarding procedures and objectives. The Grady BOC's purchasing policies prohibit communication to or with any

department, bureau or employee during the submission process other than as provided in section 9.0 below. In addition, no communications may be initiated by a Respondent to any GCLA or Grady County Official or persons involved in evaluating or considering the submittals of qualifications prior to the time an award decision has been made. Communication with any parties for any purposes other than those expressly described herein may cause an individual or firm to be disqualified immediately from participating in the development solicitation.

It will be necessary for responding parties to comply fully with the general terms and conditions outlined in this document if they are to be considered. A letter attesting that the Respondent has read and understands all procedures is a part of the submission requirements.

## **2.4 Requests for Qualifications Process**

Responses to the RFQ will require precise descriptions of the proposed vision/concept as noted in Subsections 1.2 (Vision/Concept); and 3.3, Tabs 3 (Project Vision), 4 (Preferred Uses and Design) and 5 (Project Schedule and Financial Terms).

The Development Team selected for the project shall submit a ten thousand dollars (\$10,000.00) earnest money deposit in the form of a cashier's check prior to the initiation of negotiations with the GCLA/County. The refundable \$10,000.00 earnest money deposit will be credited towards the purchase price. Assuming the negotiations are successful, the Development Team selected will be required to submit an additional fifteen thousand dollars (\$15,000.00) earnest money deposit upon execution of Purchase Sale Agreement (PSA) and/or Development Agreement.

## **2.5 Development Agreement and Real Estate Contracts**

Subsequent to the selection of the Development Team, a Purchase Sale Agreement (PSA) and Development Agreement for the property will be negotiated and finalized. The terms of the PSA and Development Agreement must be approved by a majority vote of the GCLA and County BOC.

## **SECTION 3.0 QUALIFICATIONS RESPONSE REQUIREMENTS**

**3.1** A prospective Development Team's response to this RFQ should include the following information at a minimum. Please note that the submittal should address the requirements in a clear and concise manner in the order stated herein.

Submittals must be tabbed as follows and must include the information/documents specified in the applicable tab. Submittals that do not adhere to the following format or include the requested information/documents may be considered incomplete and therefore unresponsive by the GCLA and Grady BOC.

**3.2** The GCLA and Grady BOC reserve the right to seek additional/supplemental representation on specific issues as needed.

**3.3** Respondents shall construct their submission in the following format and a tab must separate each section.

### **(NO-COST) SUBMITTAL OF QUALIFICATIONS**

In a **sealed envelope (or other packaging)**, provide **ONE (1) ORIGINAL (SO IDENTIFIED) and FOUR (4) COMPLETE COPIES** of your **technical proposal** for the design and program issues described in Tabs 1 to 6, below. Also, provide **ONE (1)** copy on a CD Disc of the Original Submission.

### **TRANSMITTAL LETTER**

A transmittal letter must accompany the submittal signed by a principal of the proposed Development Team. The letter should provide a statement attesting that the Respondent has read and understands all procedures and submission requirements.

#### **TAB 1 - EXECUTIVE SUMMARY (0 points)**

Present in brief, concise terms, a summary level description of the contents of the submittal of qualifications and your company and its capabilities. Give the names of the person(s) who will be authorized to make representations for the proposer, their title(s), address(es), and telephone and fax number(s). The summary is limited to a maximum of two pages and the signer of the submittal of qualifications must declare that the submittal of qualifications is in all respects fair and in good faith without collusion or fraud and that the signer of the submittal of qualifications has the authority to bind the principal proponent.

#### **TAB 2 – DEVELOPMENT TEAM EXPERIENCE and PAST PERFORMANCE (30)**

##### **Development Team Information and Experience**

- Primary contact name and contact information for all correspondence and notifications, including email address of primary contact.
- Principal officers authorized to negotiate with the GCLA and Grady BOC.
- Resumes for the project manager, senior executives and other key personnel, listing of major projects under development and pending projects awaiting approval.
- Information on proposed design firm(s) (architect, landscape architect, urban design professional, etc.), including resumes of key personnel, and examples of work both written and graphic.
- Information on other prospective team members including proposed role in project and resumes of key personnel.
- Team organizational structure chart.
- Description of proposed structure of the development team (i.e. joint venture, partnership, etc.).

##### **Development Team Experience**

- Describe the firm(s)' development experience with comparable public/private lake or waterfront developments. Descriptions of former projects should include dates, nature of involvement both from a financial standpoint and from a management and implementation standpoint, implemented developments, size and uses, both projected and actual dates for completion, project cost, project architect, location and references.
- Financial information that shows the financial strength of the development entity, its connections to equity markets, ability to finance similar mixed-use projects, and success in the implementation of public/private partnerships.

### **TAB 3 – PROJECT VISION/CONCEPT (20)**

The proposed project vision will be a significant factor in evaluating Development Team Submissions.

#### Project Vision

- Provide a written description of the proposed development vision, noting the overall concept and its relationship to GCLA and Grady BOC goals as stated in this proposal, TCLMP and its permitted purpose.
- Discuss the process by which the development vision would be executed.
- Provide any thoughts on public/private partnerships and any other considerations previously mentioned.
- Provide any insight on grants that may be available in the process
- Identify proposed uses and location of uses if possible .
- Discuss the process by which the development vision would be executed.
- For commercial portions of the development specify potential commercial types and conceptual footprints for each type of use.
- Provide examples of other existing and successful projects that are comparable to the quality and market target of the proposed development project. The Development Team should have some direct participation in the development and/or operation of those projects.

#### Project Conceptual Plans if Applicable (optional)

- Describe any development concept plan proposed for the Property. This concept plan should be of sufficient detail to generally discern the density, scale, mix of uses, and overall architectural quality as well as the treatment/interface between the residential and commercial realm based on the TCL Guidelines.
- The proposed concept plan can be photographic examples of projects previously developed by the proposing team, sketch illustrations or computer renderings. The intent is to provide the reviewers with a solid understanding of the proposer's commitment to the County's design principles as well as the ability to provide a quality infill development that

establishes the standard for subsequent development and development projects in the area.

#### **TAB 4 – PREFERRED USES AND DESIGN CONSIDERATIONS (20)**

The GCLA and Grady BOC desire to encourage certain features and uses on the Property, including water access and recreation that will further promote the objectives of the GCLA and Grady BOC. These features and uses are described in Section 1.2 (Concepts) and are provided below.

##### **Tier 1: Required Features/Uses**

- Maintain required buffers per the TCLMP.
- Respect and comply with all permit requirements federal, state and local, including the Permit 404, the TCLMP and WMP. It is key the developer familiarize themselves with and any submittals comply with permit requirements.
- Provide public lake access.

##### **Tier 2: Desired Features/Uses**

- Concept and/or conceptual plans.
- Proposals regarding zoning, including type and mix of uses.
- Proposals regarding phasing of development.
- Public/private partnership ideas.
- Governance ideas.
- Architectural style / design guideline ideas.
- Single family residential development.
- Maintain quality trees on the Tired Creek Lake property where feasible.
- Consider additional property acquisition and access to property.
- Use as many local vendors/suppliers/workers as possible.

The RFQ submission should provide examples of innovative, creative and successful development projects in which members of the Respondent's development team have had a direct and meaningful role.

#### **TAB 5 – PROJECT SCHEDULE AND FINANCIAL TERMS (30)**

Significant consideration will be given to the projected project/development schedule, the financial strength of the development team and/or financial partners, projected project costs and related financial information, and any anticipated financial assistance request from the GCLA and/or Grady BOC. The following information will be used as part of the response evaluation.

- Identify the projected project schedule, including key development and financial milestones, construction commencement, anticipated completion and opening of first phase.
- Estimate the total project cost (an estimate of the taxable value of the completed project).

- Outline the financial plan for the development that demonstrates a firm understanding of projects of this size and complexity, as well as access to capital/debt.
- If financial incentives are anticipated from the GCLA or Grady BOC, outline the desired type and potential level of assistance that is necessary.

**TAB 6 GRADY COUNTY COMMISSION DOCUMENTS**

Complete and attach the Representations/Certifications form.

**TAB 7 INTERVIEWS**

After the submittals of qualifications have been evaluated, the Scoring Committee may shortlist the submissions from the top Development Teams (not to exceed three (3)) to make oral presentations to, and be interviewed by (questions and answers), the Scoring Committee. At a minimum, the top Development Teams will be expected to address the following:

- articulation of their vision/concept
- understanding of project and project requirements.
- the relevance of Development Team's previous development (completed or under construction) to the proposed development of the Property.
- how well the proposed vision enhances the overall property and surrounding area.
- the approach to be used through the various development phases.
- the potential impact from other actual, planned and proposed development projects of a similar scope, both in the downtown and other sections of the community.

Nothing in this RFQ shall preclude the Scoring Committee from selecting more or fewer than three (3) firms/submittals for oral presentations or to select none of the submittals for further consideration following the oral presentations.

**TAB 8 SUBMITTALS INFORMATION**

Submittals shall be submitted as follows.

All submittal of qualifications must be delivered to Grady County Joint Development Authority Executive Director Julian Brown at the address below no later than **4:30 P.M. ET on June 20, 2018**. Late submittals will be rejected. Failure to comply with this, or any other paragraph of the Request for Qualifications, shall be sufficient reason for rejection of the submittal.

Please mark an original and four (4) copies of the written qualifications envelope(s) as follows:

Sale and Development of Tired Creek Lake Property  
Written Qualifications

Do Not open Until 4:30 P.M. ET, July 20, 2018

Please address the mailing envelope(s) as follows:

Julian Brown  
Executive Director, Grady County Joint Development Authority  
P.O. Box 374  
Cairo, GA 39828

The front of each qualifications envelope/container shall contain the following information for proper identification:

- the name and address of the Respondent
- the statement "Qualifications for Sale and Development of Tired Creek Lake"
- the time/date specified for receipt of submittals
- the number of each envelope/container submitted (i.e. "1 of 3", "2 of 3", "3 of 3")

**ALL SUBMITTALS OF QUALIFICATIONS MUST BE RECORDED (CLOCKED-IN) BY GRADY COUNTY JOINT DEVELOPMENT AUTHORITY EXECUTIVE DIRECTOR JULIAN BROWN ON OR BEFORE THE TIME AND DATE INDICATED.** The responsibility for submitting the qualifications on or before the above stated time and date is solely that of the Respondent. Delays in mail delivery or delays caused by any other occurrence will be no excuse. **LATE SUBMITTALS WILL NOT BE ACCEPTED.**

All submittals of qualifications must be in writing. Non-responsive submittals may not be considered. The signer of the submittal of qualifications must declare that the submittal is in all respects fair and in good faith without collusion or fraud and that the signer of the submittal has the authority to bind the principal Respondent/Development Team.

Neither the GCLA nor the Grady BOC shall be liable for any costs incurred by a Respondent prior to entering into a contract. Therefore, all Respondents are encouraged to provide a simple, straightforward, and concise description of their ability to meet the project requirements.

## SECTION 4.0 SCHEDULE

The proposed time schedule as related to this procurement is as follows:

EVENT	DATE/TIME
Release of RFQ	May 30, 2018
Deadlines for requests for clarification, questions, etc. (Responded to by GCLA/Grady BOC as an addendum if necessary)	July 6, 2018
Deadline for submittal of qualifications	July 20, 2018
Preliminary scoring and ranking of submittals, identification of short-listed firms	August 3, 2018
Oral presentations and interviews by/of short-listed firms*	August 20, 2018
Anticipated final scoring and selection of recommended firm	August 31, 2018
Contract negotiations	September 2018

\*Shortlisted firms may be required to make oral presentations to the Scoring Committee.

## SECTION 5.0 EVALUATION OF SUBMITTALS

Evaluation of qualifications will be performed using the following criteria and weighted values:

Preliminary Evaluation Criteria	Rating Points
Development Team Experience	30
Project Vision / Concept	20
Preferred Uses and Design Considerations Criteria	20
Project Schedule and Financial Terms	30
<b>SOQ Criteria Subtotal</b>	<b>100</b>
Interview Criteria	Rating Points
Understanding of project and project requirements	25
How the team's previous experience relates to the proposed project and how is that experience relevant in a county like Grady County	20
How the proposed design enhances Tired Creek Lake	10

Approach to be used through the development phases	10
Potential impact from other actual, planned and proposed projects of a similar scope, both in the region and the community	10
Use of permit requirements by regulatory agencies	25
<b>Interview Criteria Subtotal</b>	<b>100</b>
<b>Maximum Points Allowed</b>	<b>200</b>

## **SECTION 6.0 CONTRACT AWARD**

This RFQ shall not create a contractual relationship and shall not be considered the Contract for Services. Any contract finally agreed upon and executed by the parties shall be the sole Agreement of the parties.

## **SECTION 7.0 RIGHT OF REJECTION**

The GCLA and Grady BOC reserve the right to waive any informality in any submittal, to reject any or all submittals in whole or in part, with or without cause, and/or to accept the submittal that in its judgment will be in the best interest of the GCLA, the Grady BOC and its citizens.

## **SECTION 8.0 REQUESTS FOR CLARIFICATIONS, INTERPRETATIONS & ASSISTANCE**

All questions concerning this Request for Qualifications must be directed through:

Julian Brown  
Executive Director, Grady County Joint Development Authority  
TELEPHONE: 229 516 0752  
E-MAIL: gradyjda@gmail.com

All telephone conversations are to be considered unofficial responses and will not be binding. Questions, verifying the Request for Qualifications' content, if appropriate, will be responded to in writing. The written response will be the GCLA and/or Grady County BOC's official response and will be mailed to all Respondents that requested the Request for Qualifications.

The development of the property must be in compliance with and consistent with the goals and objectives of the Section 404 Permit under the Clean Water Act, the Tired Creek Lake Master Development Plan (TCLMP), and the Tired Creek Lake Watershed Management Plan (WMP). A copy of these documents are available upon request. Other documents in the possession of the GCLA and/or County related to the property that may be helpful to Respondents in preparing their submission may also be produced upon request.

## **SECTION 9.0 GENERAL TERMS AND CONDITIONS**

### **9.1 EQUAL OPPORTUNITY AGREEMENT**

By submitting a proposal in response to this solicitation, the Respondent agrees to:

- (a) Not discriminate against any employee or job applicant because of their race, creed, color, sex, sexual orientation, marital status or national origin;
- (b) Post a copy of this pledge in a conspicuous place, available to all employees and job applicants;
- (c) Place or cause to be placed a statement in all solicitations or advertisement for job applicants, including subcontracts, that the respondent is an "Equal Opportunity Employer".

### **9.2 INDEMNIFICATION**

The Respondent shall indemnify and save harmless the GCLA, Grady County, its officials and employees, from all losses, damages, costs, expenses, liability, claims, actions, and judgments of any kind whatsoever brought or asserted against, or incurred by Respondent including without limitation attorney's fees and costs of litigation, to the extent that the same arise out of or are caused by any act or omission of the Respondent, its sub-consultants or subcontractors, or by the employees, officers, directors, or agents of the Respondent, or its subcontractors.

### **9.3 ISSUANCE OF ADDENDA**

9.3.1 If this solicitation is amended, the GCLA and Grady BOC will issue an appropriate addendum to the solicitation. If an addendum is issued, all terms and conditions that are not specifically modified shall remain unchanged.

9.3.2 Respondents shall acknowledge receipt of each addendum to this solicitation using one of the following methods:

- By signing and returning the addendum;
- By signed letter; or
- By signed facsimile (subject to the conditions specified in the provision entitled "FACSIMILE DOCUMENTS".)

9.3.3 The GCLA and Grady BOC must receive the acknowledgment by the time and date, and at the location specified for receipt of submittals.

### **9.4 INSURANCE/BOND REQUIREMENTS**

The County envisions that as part of the Purchase Sale Agreement (PSA) and/or Development Agreement entered into between the parties certain bonds/insurance may be required, potentially including but not limited to bid bond, performance bond, and payment bond.

## **9.5 ACCESS TO MEETINGS**

Persons with disabilities requiring reasonable accommodations to attend meetings, please contact the Grady County ADA Coordinator (229)377-15-12 at least forty-eight (48) hours in advance (excluding weekends and holidays). Public notice of all GCLA and Grady BOC meetings will be given in accordance with Georgia's Open Meetings Act.

## **9.6 CONFIDENTIALITY**

**9.6.1** By submitting a response, a Respondent acknowledges that GCLA and Grady BOC are governmental entities subject to Georgia's Open Records Act and Georgia's Open Meetings Act. The Respondent further acknowledges that any materials or documents provided may be "public records" and, as such, may be subject to disclosure to, and copying by, the public unless otherwise specifically exempt by statute. Should a Respondent provide any materials which it believes, in good faith, contain information which would be exempt from disclosure or copying under Georgia law; the Respondent shall indicate that belief by typing or printing, in bold letters, the phrase "Proprietary Information" on the face of each affected page of such material. The Respondent shall submit to GCLA and Grady BOC both a complete copy of such material and a redacted copy in which the exempt information on each affected page, and only such exempt information, has been rendered unreadable. In the event a Respondent fails to submit both copies of such material, the copy submitted will be deemed a public record subject to disclosure and copying regardless of any annotations to the contrary on the face of such document or any page(s) thereof.

**9.6.2** Should any person request to examine or copy any material so designated, and provided the affected Respondent has otherwise fully complied with this provision, GCLA and Grady BOC, in reliance on the representations of the Respondent, will produce for that person only the redacted version of the affected material. If the person requests to examine or copy the unredacted version of the affected material, GCLA and Grady BOC shall notify the Respondent of that request, and the Respondent shall reply to such notification, in a writing that must be received no later than 4:00 p.m., ET, of the second business day following Respondent's receipt of such notification, either permitting or refusing to permit such disclosure or copying. Failure to provide a timely written reply shall be deemed consent to disclosure and copying of the complete copy of such material. If the Respondent refuses to permit disclosure or copying, the Respondent agrees to, and shall, hold harmless and indemnify GCLA and Grady BOC for all expenses, costs, damages, and penalties of any kind whatsoever which may be incurred by GCLA and/or Grady BOC, or assessed or awarded against GCLA and/or Grady BOC, in regard to GCLA and Grady BOC's refusal to permit disclosure or copying of such material. If litigation is filed in relation to such request and the Respondent is not initially named as a party, the Respondent shall promptly seek to intervene as a defendant in such litigation to defend its claim regarding the confidentiality of such material.

## **9.7 GRIEVANCE PROCEDURE**

**(a)** Right to Protest. Any Respondent who is aggrieved in connection with the evaluation of proposals, provided that such bidder or respondent would have been awarded the contract but for the aggrieved action, may protest such evaluation or award recommendation.

**(b)** Filing a Protest. A written protest shall be considered filed, for purposes of this procedure when all related items are actually delivered to and received by Julian Brown, Executive Director of the Grady County Joint Development Authority. Such protest shall be filed no later than 5:00 p.m., ET, on the seventh (7th) calendar day following the date on which the vote selecting the chosen firm. Such written protest shall state, with particularity the facts and grounds upon which the protest is based, and shall include references to applicable laws, statutes, ordinances, policies, or other authority on which the protest is based. Failure to timely file the written protest including the protest bond/cashier's check, shall constitute a waiver of such protest.

**(c)** Protest Bond. Any person who files a formal written protest shall post at the time of filing the formal written protest a cashier's check or bond payable to Grady County in an amount of \$5,000.00.

**(d)** Final Decision. The Grady BOC shall consider each protest and shall render a final determination by majority vote. If the decision upholds the action taken, then the County shall retain the amount in payment of a portion of the cost and expense, including but not limited to, time spent by staff in responding to the protest and in conducting the evaluation of the protest. If it does not uphold the action, the funds shall be returned.

## **9.8 PRE-QUALIFICATIONS CONFERENCE**

**9.8.1** A Non-Mandatory Pre-Proposal Conference may be scheduled, and if so, all Respondent Developers will be notified in writing of the date/time/location. This is not a mandatory meeting. Therefore, prospective respondents do not have to attend this conference in order to qualify as a respondent.

**9.8.2** Respondents are cautioned that in no event shall failure to familiarize themselves with the requirements of this solicitation, or to resolve ambiguous or inconsistent terms or conditions of this solicitation or the proposed contract, constitute grounds for a claim of any kind after contract award.

## **9.9 PROHIBITED COMMUNICATIONS**

The Grady BOC's purchasing policies prohibit communication to or with any GCLA or Grady County elected or appointed official or employee during the submission process, or any member of the Scoring Committee, other than to Will Butler as outlined above. A copy of this policy is available upon request. In addition, no communications may be initiated by a Respondent to any GCLA or Grady County Official or persons involved in evaluating or considering the submittals of qualifications prior to the time an award decision has been made. Communication with any parties for any purposes other than

those expressly described herein may cause an individual or firm to be disqualified immediately from participating in the development solicitation.