

RESOLUTION 2019-09-02

A RESOLUTION OF THE DOWNTOWN INVESTMENT AUTHORITY ACTING AS THE SOUTHSIDE AND COMBINED DOWNTOWN NORTHBANK COMMUNITY REDEVELOPMENT AGENCY BOARDS ADOPTING A POLICY REGARDING NOTICES OF DISPOSITION FOR PROPERTY WITHIN THE COMMUNITY REDEVELOPMENT AREA IN ACCORDANCE WITH FLORIDA STATUTE 163.380 AND CITY OF JACKSONVILLE ORDINANCES; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in accordance with F.S.163.380 and applicable City of Jacksonville Ordinances, the DIA is required to provide public notice of intent to dispose of City-owned property and invite proposals from others for a minimum of 30 days prior to entering into a contract for sale or lease; and

WHEREAS, in order to eliminate confusion among those who may wish to lease or purchase property and to insure compliance with statutory compliance while providing process flexibility to the Board to respond to different types or categories of transactions , a Notice of Disposition Policy should be established;

NOW THEREFORE, BE IT RESOLVED by the Downtown Investment Authority:

Section 1. The DIA hereby adopts the Notice of Disposition Policy attached hereto as **Exhibit 1** regarding sale, lease and disposition of property within Downtown.

Section 2. This Resolution shall become effective on the date it is signed by the Chair of the DIA Board.

WITNESS:

DOWNTOWN INVESTMENT AUTHORITY


Craig Gibbs, Chairman

9/18/19

Date

VOTE: In Favor: 6 Opposed: 0 Abstained: 0

EXHIBIT 1 to 2019-09-02

Notice of Disposition Policy Downtown Investment Authority (DIA) Community Redevelopment Areas

This Notice of Disposition Policy, as approved and established by the DIA Board on September 18, 2019 shall be used by the Downtown Investment Authority in selecting the disposition process to be followed and the applicable procedures for each type of process regarding the purchase or lease of City-owned property.

1. **Statutory notice requirement applicable to all dispositions to any private person or entity of City-owned property held for community redevelopment within a community redevelopment area:**
 - **Public notice of intended disposition must be published in a newspaper of general circulation at least 30 days prior to execution of any contract**
 - **Notice must invite proposals by interested parties within 30 days after date of publication**
 - **Notice must identify parcel or parcels**
 - **Notice must advise that such further information as is available can be obtained at a designated office**
 - **If less than fair value, shall require approval of City Council**
2. **Ordinance requirements: If sale price in excess of \$25,000 requires City Council approval.**
3. **Formal, Informal and Negotiated Disposition processes.** The DIA Board may utilize a Formal, Informal or Negotiated Disposition process, as outlined below, each of which is consistent with statutory requirements above, but which may be appropriate in differing circumstances.

Applicability:

- a. **Informal:** In general, an Informal Disposition Process shall be followed in cases where the proposed purchase price exceeds fair value and is less than \$25,000 (City Council approval not required).
 - The CEO of the Downtown Investment Authority shall be authorized to initiate an Informal Disposition Process for transactions meeting the criteria above, and determined by the CEO to be consistent with the applicable CRA and BID plan and in the best interest of the CRA. The DIA Board shall approve the disposition prior to execution of any contract but Board approval shall not be required prior to initiation of the notice process.
 - An Informal Disposition Process may also be utilized in other circumstances deemed appropriate by the Board, but such process shall be initiated by Board action.

- b. Formal:** In general, a Formal Disposition Process will be followed in cases where there are expected to be multiple bidders, where the purchase price is substantially less than fair value, where the use of the particular property is not narrowly defined in the CRA Plan and consistency with the plan requires more extensive evaluation, or where the DIA was not actively pursuing disposition of the property. The determination of which disposition process to follow in any circumstance shall remain in the discretion of the DIA Board, however the CEO shall recommend to the Board that a Formal Disposition Process shall be followed when staff deems appropriate.
- c. Negotiated:** In general, a Negotiated Disposition process shall be followed in circumstances where staff has negotiated the terms of a disposition with a private party, and has determined that disposition in accordance with the term sheet is consistent with the applicable CRA plan and BID plan and is in the best interest of the CRA. The term sheet shall be presented to the DIA Board for consideration prior to any publication of the notice of disposition and the proposed disposition shall be issued based on the Board's intention to accept the term sheet. The DIA Board shall have the discretion to utilize either an Informal or Formal Disposition Process, in lieu of a Negotiated Disposition process, as it may deem appropriate.

Informal Disposition Process

Informal Notice of Disposition

- a. For proposals to purchase City-owned property at or in excess of fair market value and for less than \$25,000, following a determination by staff of the DIA that the disposition is consistent with the CRA Plan and in the best interest of the CRA, the CEO may initiate an Informal Notice of Disposition Process.
- b. A Notice of Disposition shall be published in a newspaper of general circulation identifying the subject parcel, advising that further information can be obtained from the DIA Office or Office of Procurement, as determined by the CEO, and inviting other proposals within 30 days from the date of publication.
- c. In the event other proposals are received, such proposals shall be evaluated by DIA staff regarding consistency with the CRA and BID plan, the financial and legal ability of the respondents to carry out the proposal, the purchase price and return on investment to the City, and the timeframe for commencement of improvements, if any.
- d. At the next regularly scheduled Board meeting following close of the notice period and evaluation of responses by staff, a term sheet regarding the disposition recommended by staff shall be presented to the Board for consideration.

- e. An Informal Disposition Process may also be selected by the Board in other circumstances where the purchase price exceeds \$25,000 or is less than fair value. In such case, the process shall be selected by vote of the Board at a regularly scheduled meeting. The Board shall include in its election, any criteria it may wish to include for use of the property or evaluation by staff. The 30 day notice shall be published as above, evaluated by staff, and a recommendation presented to the Board at the next regularly scheduled meeting following close of the notice period and completion of staff evaluation of responses received.
- f. When the Informal Disposition process is used, no formal procurement process shall be opened, no scoring committee shall be appointed and no points shall be assigned to specific criteria. Responses received, if any, shall be reviewed by DIA staff and a recommendation made to the Board to proceed with a particular disposition or reject all responses or enter into a formal disposition process in accordance with the Formal Disposition process.

Negotiated Disposition Process

Negotiated Notice of Disposition. This process shall begin when a term sheet for disposition of City-owned property that has been negotiated by staff is presented to the Board for consideration and the Board votes to proceed with the disposition upon specified terms with a particular purchaser. The Board may then elect to follow an Informal, Formal, or Negotiated process. If a negotiated process is chosen the following shall be applicable:

- a. A Notice of Disposition shall be published in a newspaper of general circulation identifying the subject parcel, advising that further information can be obtained from the DIA Office or Office of Procurement, as determined by the CEO, and inviting other proposals within 30 days from the date of publication.
- b. The Notice of Disposition shall contain the terms of the term sheet tentatively approved by the Board, and any respondent shall be asked to address, at a minimum, each term of the adopted term sheet which has been determined by the Board to be consistent with the adopted CRA and BID Plan, the financial and legal ability of the respondents to carry out the proposal, the purchase price and return on investment to the City, and the timeframe for commencement of improvements, if any.
- c. Upon close of the 30 day notice period, responses received, if any, shall be reviewed by staff for completeness and any complete responses shall be forwarded to the members of the Strategic Implementation Committee for evaluation and consideration in comparison to the tentatively adopted proposal recommended by staff.

The Strategic implementation Committee shall meet and make a recommendation to the Board as soon as practicable.

- d. At the next Board meeting following recommendation by the Strategic Implementation Committee, the Board shall decide whether to proceed with the original disposition, whether to accept a different proposal, whether to reject all offers, or whether to enter into a Formal Disposition process.

Formal Disposition Process

Step 1: DIA Staff Develops the Notice of Disposition

Step 2: DIA Board Approves Notice of Disposition

Step 3: Notice of Disposition Released through procurement

Step 4: Last day to submit Notice of Disposition questions

Step 5: City responses to Notice of Disposition questions

Step 6: Notice of Disposition Responses received

Step 7: Notice of Disposition Responses evaluated

Step 8: Award Meeting

Step 9: Begin negotiations with top selected respondent

A. Public Notice Solicitation Components. The Board shall approve the following components of the “Public Notice Soliciting Proposals” for the Property (collectively, the “Solicitation Components”):

1. Background Information;
2. Scope of Proposal;
3. Evaluation Criteria and Scoring Allocation among Criteria including whether a public presentation will be made to the Evaluation committee and how such presentation will be scored; and
4. Length of RFP advertisement (no less than 30 days per Chapter 163, Florida Statutes).

The DIA Chief Executive Officer shall have the authority to make technical amendments to the Solicitation Components after Board approval for the purposes of correcting legal descriptions, clerical errors, adding standard general instructions, and making other non-material changes as may be needed to further clarify the Board's intent (the "Solicitation").

B. Appointment of Evaluation Committee. The DIA Chairman shall at a duly noticed Board Meeting appoint a scoring committee, which shall generally include DIA and City staff along with one or more Board members (the "Evaluation Committee"), which committee members shall be tasked with independently reviewing and scoring responses to the Notice of Disposition. Procurement will tabulate the scores and ranks the respondents based on those scores. The Strategic Implementation committee after reviewing the scores and ranking, shall make a recommendation to the Board regarding the most responsive bidder/project. If no responsive bidder/project in the committee's determination exists, the committee may recommend to the Board that the Notice of Disposition be revised and re-advertised as needed in the best interest of the DIA and the City.

C. Public Notice Procedures for Formal Notices of Disposition. In the absence of unique circumstances, the following procedures for the Formal Notice of Disposition shall be generally be followed by the DIA staff in the order provided below:

1. DIA staff develops and recommends to the Board for approval at a scheduled board meeting the Notice of Disposition Components;
2. The Board approves the Notice of Disposition Components subject to any modifications made by the Board, and any additional items pursuant to the Chief Executive Officer's authority, and the Chairman appoints an Evaluation Committee;
3. The DIA staff works with the City's Procurement Division to advertise the Notice of Disposition for such period as determined by Board;
4. The Evaluation Committee shall review and evaluate the responses to the Notice of Disposition based on the evaluation criteria set forth in the Notice of Disposition. The tabulated scores shall be presented to The Strategic Implementation Committee who shall make a recommendation to the Board. If no responsive bidder/project in the committee's determination exists, the committee may recommend to the Board that the Notice of Disposition be revised and re-advertised as needed in the best interest of the City;
5. The Evaluation Committee's scoring shall be presented to the Strategic Implementation Committee ("SIC") for consideration and the SIC shall make a recommendation to the Board. The recommendation of the SIC shall be presented to the Board at a scheduled board meeting for the Board's approval;

6. Upon Board approval of the Strategic Implementation Committee's recommendation, or modification of the same, the Board shall approve and authorize the Chief Executive Officer to commence negotiations with the winning bidder;
7. The Chief Executive Officer shall present to the Board a negotiated term sheet for the Project ("Project Term Sheet") to be approved by the Board subject to any Board modifications; and
8. Once the Project Term Sheet has been approved by the Board, the Office of General Counsel shall draft a contract regarding the same and seek approval from the Mayor's Budget Review Committee to file legislation to be approved by City Council regarding the same.