

BAYFRONT PLACE, ERIE PENNSYLVANIA REQUEST FOR QUALIFICATIONS



**UNIQUE MIXED-USE WATERFRONT DEVELOPMENT
RESIDENTIAL, RETAIL, AND OFFICE OPPORTUNITIES**

**REQUEST FOR QUALIFICATIONS
BAYFRONT PLACE
ERIE, PENNSYLVANIA**

TABLE OF CONTENTS

	<u>Page No.</u>
1. Introduction and Purpose	3
2. Description of the Solicitation Process	3
3. Brief History of the Property	3
4. Guiding Principles and the Development Plan	5
5. Design Guidelines	6
6. The Feasibility Study	7
7. Environmental Matters	11
8. RFQ Submission, Requirements, and Evaluation Process	14
9. General Terms and Conditions	16

1. INTRODUCTION AND PURPOSE

The Erie County Convention Center Authority (the “**Authority**” or “**Erie Events**”) is issuing this Request for Qualifications (“**RFQ**”) to solicit responses from qualified developers prepared to purchase, construct, develop, and operate a portion or all of the 16 acres of undeveloped property located at the subject site (“**Bayfront Place**”). Bayfront Place is part of a larger 29 acre development which currently includes the Bayfront Convention Center (the “**Convention Center**”), the Sheraton Erie Bayfront Hotel (the “**Sheraton**”), and the Courtyard Marriott Erie Bayfront Hotel (the “**Marriott**”). The Convention Center, the Sheraton, and the Marriott are owned and operated by the Authority. The Authority’s goal is to have interested and qualified candidates develop Bayfront Place into a premier waterfront mixed use community consisting of residential, retail, and office space.

2. DESCRIPTION OF THE SOLICITATION PROCESS

The various sections of this RFQ provide additional details regarding Bayfront Place, the unique mixed-use waterfront opportunity being presented by the Authority, and the requirements and deadline for responding to this RFQ.

Supplemental information regarding Bayfront Place, including the development plan created by Kidder Wachter Architecture & Design (the “**Development Plan**”) and the Highest and Best Use Assessment provided by C.H. Johnson Consulting, Incorporated (the “**Feasibility Study**”) are available on the Bayfront Place website, www.eriebayfrontplace.com. The Phase I, Phase II, and Phase III Environmental Assessments, prepared by MACTEC Engineering and Consulting, Inc., (“**MACTEC**”) as well as other associated environmental disclosures, can also be found on the Bayfront Place website. Any additional information compiled or made available subsequent to the date of this RFQ will be posted to the website as well.

This RFQ is the first stage in the process of achieving the Authority’s vision for Bayfront Place. The Authority is soliciting all interested parties who are qualified to undertake and interested in participating in this unique opportunity. The Authority is seeking developers with evidence of successful track records and relevant previous experience, rather than fully formed concepts. Respondents will have until January 8, 2018 to respond to the RFQ, at which time the Authority will begin evaluating these responses. The Authority will then enter into direct negotiations with qualified developers regarding the precise terms of purchasing and developing parcels at the site. These negotiations will include acreage of the property to be acquired, intended end use, location, purchase price, construction timelines, and design approvals. A purchase and sale agreement will be developed by counsel for the Authority and shall incorporate all pertinent terms.

3. BRIEF HISTORY OF THE PROPERTY

Bayfront Place is comprised of sixteen (16) acres of undeveloped land. This land was property previously owned by GAF Building Materials Manufacturing Corporation, Inc.

(“GAF”) and CSX Corporation (“CSX”). The property previously owned by GAF was comprised of several parcels located north of the Conrail parcel and was bounded by Presque Isle Bay to the north and west and Sassafras Street and an unnamed stream to the east (the “GAF Property”). A shingle manufacturing plant operated on the GAF Property for over 100 years. The property previously owned by CSX was a long, thin property comprised of two parcels that was fronted by the Bayfront Parkway on its southern boundary, with the GAF Property and a portion of property owned by Erie Water Works on its northern boundary (the “CSX Property”). CSX had a rail line on the CSX Property that served the GAF Property. The GAF Property was acquired by the Authority in November 2010 and the CSX Property was acquired in March 2013.

The Authority performed a detailed environmental investigation, assessment, and remediation of Bayfront Place. Further details regarding the environmental history and remediation issues associated with Bayfront Place are addressed in Section 7 of this RFQ.

Below is an aerial view of the site taken in 2016 which outlines Bayfront Place and the Marriott, indicating its location adjacent to the Convention Center and the Sheraton.



The history of Erie’s Bayfront is grounded in commercial and industrial activity. As the industries Erie once relied so heavily upon changed, the need to revitalize this area became a critical endeavor. The construction of the Bayfront Parkway provided much needed access and various civic projects began a process of renewal for the area. However, it was not until the Authority constructed the Convention Center, and subsequently the Sheraton and Marriott hotels, that economic progress in this long blighted area began seeing true promise. The offering now being presented by the Authority represents a truly unique opportunity for private developers to participate in the exciting evolution and transformation of Erie’s waterfront.

4. GUIDING PRINCIPLES AND THE DEVELOPMENT PLAN

The Authority's main goal is to transform Bayfront Place into a vibrant, year-round destination for both residents and visitors. The eight (8) principles guiding the Authority toward this goal are:

- (a) Improve the quality of life for all Erie residents and attract regional visitors and tourists;
- (b) Create connected public open spaces to accommodate pedestrians and maintain views of Presque Isle Bay;
- (c) Promote the development of a dense and walkable community;
- (d) Integrate office, entertainment, commercial, recreational, and residential mixed-use development;
- (e) Consider the site's long history and significance in all elements of design;
- (f) Promote a pedestrian-friendly plan that connects adjoining properties and downtown neighborhoods to Erie's Bayfront;
- (g) Create an implementable plan that will guide future development to create a uniquely Erie waterfront destination; and
- (h) Maximize property tax revenue.

These guiding principles are in line with the Erie Downtown Master Plan as outlined by the Erie Downtown Partnership. The vision for downtown Erie is "a thriving center of civic, government, finance, arts and culture, history, retail, health care, education, entrepreneurship, dining and entertainment for the Erie region... an exciting place to live, a viable place to work or do business, and a vibrant and enticing place to visit."

The Development Plan created by Kidder Wachter Architecture & Design incorporates the Authority's guiding principles and the goals and objectives for the Bayfront District as outlined in the Erie Downtown Master Plan.

The Development Plan contemplates a neighborhood with a balanced mixture of residential, commercial, office, retail and parking creating a vibrant 24/7 environment. The Development Plan for Bayfront Place organizes this mix of uses around a series of formal and informal exterior landscaped spaces and interconnected pedestrian and vehicular circulation systems. The specific combination of uses will evolve as the project develops in response to market demands. To create a lively sidewalk experience, many of the buildings have first floor storefront spaces for retail shops, restaurants and building lobbies. Upper floors contain residential units and office space. To maximize the potential of this property, all of these uses are accommodated for using a dense, urban design approach rather than a sprawling, separation of uses, suburban model.

The placement of buildings and streets at Bayfront Place was purposely designed to frame views of Presque Isle Bay and Downtown Erie. These interconnected open public spaces are an integral part of the design, ensuring that Bayfront Place develops as a place for everyone to enjoy. In order to maximize the highest and best use for the property, the Development Plan contemplates nine (9) distinct districts, each with a particular purpose and function. An illustration of the development districts is provided below.



The Great Lawn District, a one acre parcel at the northern tip of Bayfront Place, will be reserved as a green space for residents and visitors. As such, no development opportunities are available at this location. The existing parking structures will be retained by the Authority for the time being. In addition, the Market District is being retained by and will be developed by the Authority. Subject to phasing, all other districts as detailed in the Development Plan are available for private development. Further details on the vision for each district can be found in the complete Development Plan, a copy of which is available on the website for Bayfront Place, www.eriebayfrontplace.com.

5. DESIGN GUIDELINES

The Development Plan contains various design guidelines for Bayfront Place. The purpose of these design guidelines is to provide design guidance and reference to potential developers as they determine whether they are interested in constructing one or more structures on the site. Detailed design standards, including required building materials, are being crafted by

Kidder Wachter Architecture & Design. Once the RFQ process is complete and qualified developers have been selected, these detailed design standards will be provided. All plans and specifications with respect to the construction of any structure at Bayfront Place will be subject to the review and approval of the Authority and ultimately must conform to any recorded restrictions on the property and the City of Erie's Zoning Ordinance and approval process. Bayfront Place is designated within the Waterfront District and zoned W-C (Waterfront Commercial District).

Although a variety of architecture is encouraged, the goal is to create a cohesive and attractive development. This will guarantee the integrity of Erie's waterfront and promote development of Bayfront Place over the long term. The Development Plan contains general design guidelines, design guidelines for buildings, design guidelines for building elements, and landscaping, operational systems, lighting, and signage considerations. Potential developers should refer to the Development Plan for the details of each, recognizing that final approval of all designs, plans, and specifications is subject to the Authority's approval.

6. THE FEASIBILITY STUDY

C.H. Johnson Consulting, Inc. ("**Johnson Consulting**") prepared the Feasibility Study with respect to Bayfront Place. Johnson Consulting, based in Chicago, is a leading real estate consulting firm. The firm works on many types of real estate uses, including convention and conference centers, hotels, urban development districts, retail, residential, and many others. Among other services, Johnson Consulting provides independent feasibility, market and financial studies, as they have for Bayfront Place. Over several months, Johnson Consulting toured the site and the surrounding area, gathered and analyzed background information related to the site and the market, and interviewed stakeholders and local real estate professionals. With this information, Johnson Consulting assessed supply and demand, determined the highest and best use for Bayfront Place and completed a financial analysis for the project. A copy of the full report is available on the Bayfront Place website, www.eriebayfrontplace.com.

(a) **Executive Summary.** A summary of Johnson Consulting's findings is provided below:

- (i) Bayfront Place presents a unique opportunity to develop an underutilized site on the waterfront, in close proximity to the Convention Center and adjacent hotel properties, as well as Downtown Erie, with the specific intention to enhance the attractiveness of Erie as a destination to live, work and play.
- (ii) Erie is characterized by a small but established population. The proposed development will adhere to specific goals of the Erie Downtown Master Plan related to improving the overall physical environment, pursuing economic development opportunities, and increasing the supply of market-rate housing. This will help to grow the resident population of the local area.

- (iii) Overall, Erie's real estate market has remained relatively stable over recent years but is showing signs of slight increased momentum with rental rates reaching their highest levels in 2016 across the retail, office and residential multi-family sectors. In many respects, this can be attributed to the shortage of new supply and unmet demand for new product in the downtown area.
- (iv) Any new retail uses on the subject site will be supported by demand from onsite workers and residents, residents and workers within the proximate downtown area, and depending on the types of retail offerings, the broader area as well, given the attractive setting of the proposed Bayfront Place project.
- (v) New office construction is limited to purpose-built space, with very little speculative building occurring in the marketplace. There may be potential for new office space on the subject site to attract larger private and institutional tenants, requiring additional space to accommodate expansion or desiring newer premises, however pre-commitment should be sought over speculative build. Nationally, as well as locally, there is increasing demand for smaller live-work spaces, temporary/ shared offices, and coworking space, such as WeWork. Given the attractive setting of the proposed development, these smaller scale office spaces also have potential to capture unmet market demand.
- (vi) The waterfront views commanded by the subject site, as well as the attractiveness of the proposed landscaping and onsite amenities, create potential for a high quality, market-rate residential product. Established and attractive surrounding neighborhoods, particularly to the southwest of the subject site, will also help to support higher prices and rents. A mix of for-sale condos, and a small number of rental apartments, is recommended. A condo product will create more certainty for prospective tenants of ground floor retail spaces. Sources of demand will include young relocating professionals seeking to purchase their first home in proximity to their place of employment, older households seeking to downsize and relocate to an urban area with amenities, and a mix of middle and upper income households. Given the nexus of Erie between Buffalo, Pittsburgh and Cleveland, former residents of Erie that now live in these markets could potentially return to Erie permanently or express demand for second homes on the waterfront.
- (vii) To the east of Bayfront Place, along the waterfront, the proposed Harbor Place development includes a mix of retail, office and residential uses on a slightly smaller parcel. If Harbor Place proceeds as anticipated, commencing imminently and built-out in

full, it is anticipated that it will compete with Bayfront Place. While it is our considered opinion that there is capacity in the market for both projects, if Harbor Place proceeds, absorption of new space will be slower and this will necessitate careful consideration of timing of phases for Bayfront Place.

(b) **Phasing.** The Feasibility Study recommends Bayfront Place be built in two (2) phases. Phase 1 includes the property to be developed west of Sassafra Street and Phase 2 includes the property to be developed east of Sassafra Street. The following table summarizes the recommended development program and associated phasing:

Bayfront Place - Erie, PA Proposed Development Program in SF			
	Phase I	Phase II	Total Build-Out
Year Open	Year 1	Year 5	
Land (acres)	10	6	16
Gross Size (SF)			
Retail	67,838	36,347	104,185
Office	76,292	-	76,292
For-Sale Condos	264,600	162,000	426,600
Rental Apartments*	61,050	55,500	116,550
Parking**	175,000	75,000	250,000
Total Development Area (SF)			973,627
Floor Area Ratio (FAR)			1.40
<i>* Assumes Buildings J and P are rental apartments (42 units total); 85 percent efficiency ratio.</i>			
<i>** Excludes existing 500 onsite parking spaces</i>			
<i>Source: Johnson Consulting</i>			

(c) **Projected Net Operating Income.** The following table summarizes the projected net operating income, by land use, over a 15-year period (assuming Year 1 is the first full year of operation of the project). It is anticipated that the Authority will act as land developer and sell an improved site(s) to private developers. The analysis assumes the Authority will not receive income from operations, so net operating income serves as the best indicator of the opportunity for, and feasibility of, a mixed-use development at Bayfront Place from a developer's perspective. Restated, the following table summarizes the level of income that a developer(s) could anticipate from the proposed project. It is noted that residential condos are excluded from the capital budget as those assets are sold and do not provide a steady stream of revenue and expenses. However, net profit from residential condos at Bayfront Place is included in the analysis. Additional detail is provided in the complete Feasibility Study.

Bayfront Place - Erie, PA Summary of Projected Net Operating Income (\$000, inflated)				
Program Element	Year 1	Year 5	Year 10	Year 15
Retail	\$345	\$818	\$1,074	\$1,245
Office	(66)	567	657	762
Rental Apartments	173	424	534	618
Parking	537	982	1,081	1,177
Total	\$989	\$2,791	\$3,346	\$3,803
Profit from Condos*	\$1,773	\$1,466	\$0	\$0
Total incl. Profit from Condos	\$2,762	\$4,257	\$3,346	\$3,803

** Developer profit estimated at 15 percent of net sales income from condos*
Source: Johnson Consulting

(d) **Development Plan and Feasibility Study.** Based on its independent assessment of the market potential for Bayfront Place, Johnson Consulting generally agrees with the Development Plan created by Kidder Wachter Architecture & Design. The following figure shows the proposed conceptual Development plan, by land use. Phase 1 (the property to be developed west of SassafRAS Street) will commence immediately and Phase 2 (the property to be developed east of SassafRAS Street) is projected to commence in five (5) years.



(e) **Detailed Analysis.** In order to arrive at the conclusions and recommendations presented in the Feasibility Study, Johnson Consulting completed a comprehensive economic and demographic overview of Erie and the surrounding area as well as a wide-ranging analysis of real estate market trends within the retail, office, and residential

multi-family markets in Erie. Details of this analysis can be found in the full report, a copy of which is available on the Bayfront Place website, www.eriebayfrontplace.com.

7. ENVIRONMENTAL MATTERS

(a) GAF Property

After the GAF operations ceased, the Authority retained MACTEC Engineering and Consulting, Inc. to prepare a Phase 1 Environmental Assessment (“**Phase 1**”) on the GAF Property. The Phase 1 was conducted in accordance with the applicable “All Appropriate Inquiries” and ASTM standards. At the time of the Phase 1, the buildings on the GAF Property had not yet been removed by GAF.

The Phase I report was submitted by MACTEC to the Authority on November 6, 2008. The Phase I found various Recognized Environmental Concerns (“**RECs**”), as more fully detailed in the report. The Phase I recommended that a Phase II investigation be conducted.

MACTEC also performed the Phase II of the GAF Property on behalf of the Authority. The objective of the Phase II was to collect and analyze soil, groundwater, sediment, dust, waste and wipe samples to supplement the existing soil and groundwater data that had been previously obtained by GAF in order to evaluate the RECs and the presence of hazardous materials released into the soil, groundwater or structures at the GAF Property. The Phase II report was submitted to the Authority on June 18, 2009.

Based on the Phase II data collected, MACTEC offered the following summary of environmental concerns:

- Tar is present throughout the site and would likely require remedial action to mitigate migration to the surface and Presque Isle Bay;
- Due to the volatile organics compounds (“**VOCs**”) and semivolatile organics compounds (“**SVOCs**”) found in the soils, impacted soils may require remediation in order to mitigate exposure and/or leaching to groundwater;
- Due to SVOCs in the groundwater, groundwater remediation may be necessary to mitigate exposure concerns and migration to Presque Isle Bay;
- The results of the sediment samples could potentially result in remedial action within Presque Isle Bay;
- Decontamination of the buildings for asbestos may be required prior to demolition;
- Due to asbestos in the tar paper rolls buried on site, if such materials are encountered during future excavation activities, those materials would need to be handled as ACM;
- The product remaining on site may be able to be recycled; and

- The dense non-aqueous phase liquid (“**DNAPL**”) found on the site may need to be remediated to mitigate groundwater contamination concerns.

Following the Authority’s acquisition of the GAF Property in November 2010, the Authority had MACTEC perform a Phase III of the GAF Property. The purpose of the Phase III was to collect additional data in order to better estimate the costs of remediation.

The Phase III report concluded that various organic and inorganic analytes are present in the soil and groundwater at concentrations that exceed the Pennsylvania Department of Environmental Protection (“**PADEP**”) Act 2 Residential, Used Aquifer Statewide Health Standard, especially in the area of the DNAPL.

Given all of the site investigation that had been performed, the Authority then entered the GAF Property into the Pennsylvania Land Recycling Program (“**Act 2**”). Act 2 is a voluntary remediation process enacted in Pennsylvania that allows for the redevelopment and reuse of contaminated industrial sites. Act 2 sets forth a process for conducting an investigation and remediation that ultimately must be approved by the PADEP. Once the PADEP approves the completion of the remediation, Act 2 grants relief of liability for the remediation of the site under a number of state environmental statutes for any contamination identified in reports submitted to and approved by the PADEP that demonstrate compliance with the Act 2 standards and also protects against citizen suits or other contribution actions brought by responsible persons.

As part of the Act 2 process, the Authority conducted a risk assessment based on the results of the various investigations that had been conducted on the GAF Property. The risk assessment was based on two exposure scenarios: a future resident at the site and a future construction worker at the site. Based on the risk assessment, it was determined that remediation or the elimination of exposure pathways was necessary to remove the unacceptable risk for the resident and the future construction worker presented by the contamination at the GAF Property.

Based on the risk assessment, the following remediation was performed at the GAF Property in 2013-2014. First, a site cover was installed to prevent direct contact to any contaminated soil, which consisted either of a 1 foot soil cover on top of a marker layer or the placement of solid structures (buildings, roads, sidewalks) over the site soils. Second, institutional controls were put in place to ensure that the cover remains in place. Third, engineering controls will be required for any building constructed on site to protect against vapor intrusion from the DNAPL area, unless an additional risk assessment shows that such control is not necessary. Fourth, a sheet pile wall was installed along the perimeter of the property that interfaces with Presque Isle Bay. Fifth, the open drainage ditch was tubed and filled. Lastly, a low permeable cement/bentonite cut off wall was installed to prevent the DNAPL from migrating to a different location.

In July 2014, the Authority submitted its Final Report to the PADEP under Act 2, demonstrating that it had attained the applicable Act 2 standards for residential use based on the remediation that had been completed.

On October 9, 2014, the PADEP approved the Act 2 Final Report submitted by the Authority for the GAF Property. The PADEP also acknowledged the cleanup liability protection of Act 2 for the GAF Property as a result of attaining the cleanup standards of Act 2. This cleanup liability protection by statute extends to the current or future owner or any person who participated in the remediation; to a person who develops or occupies the property; and to a successor or assign of any person to whom liability protection applies.

On February 2, 2015, an Environmental Covenant (“EC”) was recorded for the GAF Property.

The EC contains the following restrictions: the groundwater beneath the GAF Property shall not be used for any purpose; subsurface structures, such as basements, shall not be constructed on the GAF Property; new enclosed structures shall be constructed with vapor mitigation measures as indicated in the Post Remediation Care Plan presented in the Act 2 Final Report; the cover system shall be maintained as described in the Post Remediation Care Plan presented in the Act 2 Final Report; and modifications to the DNAPL cutoff wall, sea wall or ditch piping must not affect their functionality as components of the site remediation.

The EC also contains a Post Remediation Care Plan for the GAF Property which includes, among other things, inspection obligations of the cover system and specific guidelines that must be followed when excavating beneath the cover system to protect worker health and safety, manage excavated materials, and reestablish the cover system.

The EC for the GAF Property, the Post Remediation Care Plan for the GAF Property as well as copies of the Phase I, Phase II, Phase III reports are available for review on the website for Bayfront Place.

(b) CSX Property

The CSX Property runs along the northern border of the Bayfront Highway beginning at the eastern boundary of the GAF Property and ending at the parking lot area west of the Erie Water Works property. It is divided nearly in half by the driveway that enters the western end of the GAF Property.

In March 2013, the Authority collected 10 samples from 6 bore holes on the CSX Property. The analysis of those samples from the area west of the GAF driveway, which abuts the Erie Water Works property, shows levels of arsenic and SVOCs in excess of the residential SHS standard but below the nonresidential standard; the area east of the GAF driveway, which abuts the GAF Property, shows levels of arsenic and SVOCs in excess of the residential standard. With respect to groundwater, since the CSX Property is so narrow, the Authority relied upon the test results from the wells drilled on the GAF site that were on or immediately adjacent to the CSX Property for purposes of its analysis of the necessary remediation.

In June 2013, the Authority submitted a Remedial Investigation/Risk Assessment Report and Cleanup Plan to the PADEP for the CSX Property. The Authority relied upon the extensive risk assessment performed on the adjacent GAF Property for the CSX Property, which the PADEP accepted. The Cleanup Plan recommended simply placing a deed restriction on the

portion of the CSX Property west of the driveway to non-residential use and proposed a cover on the portion of the CSX Property east of the driveway similar to that placed on the GAF Property. The PADEP accepted the proposed plan and the Authority remediated the CSX Property in accordance with the Cleanup Plan. Upon the completion of the remediation, the Authority submitted its Final Report to the PADEP under Act 2 for the CSX Property.

On April 6, 2015, the PADEP approved the Act 2 Final Report submitted by the Authority for the CSX Property, concluding that the project attained a residential standard for soil and groundwater on the CSX East portion of the site (immediately adjacent to the GAF Property) and a nonresidential standard for the CSX West portion of the site (Immediately adjacent to Erie Water Works property). The PADEP also acknowledged the cleanup liability protection of Act 2 for the site as a result of attaining the cleanup standards of Act 2. This cleanup liability protection extends to the current or future owner or any person who participated in the remediation; to a person who develops or occupies the property; and to a successor or assign of any person to whom liability protection applies.

On December 2, 2015, an Environmental Covenant (“EC”) was recorded for the CSX Property.

The CSX EC contains the following restrictions with respect to the CSX East Property: the groundwater beneath the Site shall not be used for any purpose; subsurface structures, such as basements, shall not be constructed on the site; and the cover system shall be maintained as described in the Post Remediation Care Plan presented in the Act 2 Final Report. The CSX EC contains the following restrictions on the CSX West Property: the site shall not be used for any residential purpose and the groundwater beneath the site shall not be used for any purpose. The Post Remediation Care Plan for the CSX Property contains similar cover system inspection and excavation guidelines as the GAF Property.

The EC for the CSX Property, the Post Remediation Care Plan for the CSX Property as well as copies of the Phase I, Phase II, Phase III reports are available for review on the website for Bayfront Place.

8. RFQ SUBMISSION, REQUIREMENTS, AND EVALUATION PROCESS

(a) RFQ Submission Process

Interested respondents shall submit one (1) original, six (6) paper copies, and one (1) electronic copy on a flash drive of their Statement of Qualifications and Expression of Interest. Responses must be submitted by mail or hand delivered. The deadline to submit responses to this RFQ is **January 8, 2018**. Submissions should be mailed or delivered to:

Erie County Convention Center Authority
Attn: Charles Iverson/Bayfront Place RFQ Submission
809 French Street
Erie, Pennsylvania 16501

The Authority will post responses to written inquiries to this RFQ on the Bayfront Place website, www.eriebayfrontplace.com. The Authority will review all written questions and requests for clarification and will endeavor to respond within one (1) week from receipt. Questions and requests for information may be mailed to the address above or emailed to civerson@erieevents.com. The Authority may decline to answer any inquiries at its discretion.

(b) Statement of Qualifications and Expression of Interest Requirements.

All responses to the RFQ shall include the following information:

(i) Approach and Respondent's Objectives:

- (A) A narrative description of the respondent's understanding of the Authority's vision for Bayfront Place and the specific contributions proposed by the respondent toward implementing the vision.
- (B) The respondent's specific motivations, goals, and priorities for undertaking this project.

(ii) Proposed Development Concept:

- (A) A narrative description of the proposed development concept, focusing on ways the proposed development concept is consistent with the Authority's vision, Guiding Principles, and the Development Plan.
- (B) An indication of acreage and location requirements or preferences.
- (C) The type of property to be developed (i.e. residential, office, commercial, mixed use, etc.).
- (D) Formal site plans are not required at this stage, however supporting graphics and images are encouraged.

(iii) Description of the Proposed Development Entity

- (A) Description of the proposed development entity, including the entity form (i.e. corporation, limited liability company, etc.) and state of organization.
- (B) Description of relevant experience of proposed development entity.

(iv) *Qualifications of Development Team*

- (A) Identification of all key participants on the development team including potential investors and proposed lending institutions.
- (B) Identification of team members responsible for managing the development, architectural, structural and civil engineering, construction, legal, and financial functions.
- (C) Identification of the principal in charge of the proposed development concept.
- (D) Description of relevant experience of the team members identified above.

(v) *Financial Capability*

- (A) Without providing any confidential financial information, demonstrate financial capacity, experience and resources to undertake, finance, and deliver the proposed development concept.
- (B) Responses should indicate affirmatively that the respondent is able to secure necessary financing and pay fair market value for the land.

(c) Evaluation Process

Responses will be reviewed by the Authority for completeness, compatibility with the vision of the Authority and the Development Plan, the proposed development concept, and the track record, experience, and financial capability of the respondent. Any responses deemed inconsistent with the Authority's vision for Bayfront Place and/or the Development Plan may be eliminated from consideration.

Selected respondents will be invited to commence negotiating the business terms for the proposed development. Terms to be negotiated include, but are not limited to: purchase price, financing, roles and obligations of the developer and the Authority, representations and warranties to be made by the developer and the Authority, key elements of the proposed development concept, design standards, approval of all plans and specifications by the Authority, construction requirements and milestones, infrastructure maintenance, and default and remedy provisions.

9. GENERAL TERMS AND CONDITIONS

(a) All concepts and plans depicted in this RFQ and the Development Plan are conceptual and subject to change.

(b) The Authority may modify this RFQ at any time by issuance of an addendum or addenda in the Authority's sole discretion. Any addenda issued will be posted on the Bayfront Place website.

(c) The Authority may change the dates and schedule contained in this RFQ in the Authority's sole discretion, including the deadline for accepting submissions. Any such changes will be posted on the Bayfront Place website.

(d) The Authority may, when deemed in the best interest of the Authority, cancel this RFQ and reject responses submitted, in whole or in part, seek new responses, or require amendments or modifications to the RFQ or any of the responses, with no liability whatsoever, all in the Authority's sole discretion.

(e) Any and all information submitted in response to this RFQ will be the property of the Authority and will not be returned to the respondent. The Authority shall have the right to use any documents and information submitted in response to this RFQ.

(f) Any costs or expenses incurred by the respondent in preparing and submitting a response to this RFQ will be the sole responsibility of the respondent. The Authority assumes no risk and shall not be responsible for any costs and expenses incurred by respondents in connection with the RFQ process.

(g) This RFQ and the selection process shall in no way be deemed to create a binding contract or agreement of any kind between the Authority and any respondent, nor shall any information contained herein or in the Development Plan or Feasibility Study be construed as a representation or warranty on behalf of the Authority or as a statement on which the respondent may justifiably rely.

(h) No respondent shall have any claims whatsoever against the Authority or any of its directors, agents, or employees arising out of or relating to this RFQ, the Development Plan or the Feasibility Study.

(i) The Authority supports the principles of equal opportunity, will not discriminate, and will not allow or permit discrimination on the basis of gender, race, color, national origin, religion, sexual orientation, age, or disability in this solicitation process. The Authority encourages the participation of small, women-owned, and locally-based business.