

# City of Miami



April 12, 2016

RE: Addendum VI, Offering Memorandum (“OM”) No. **15-16-008** for the sale of the Miami Riverside Center and Request for Proposals (“RFP”) No. **15-16-009** for the development of a new City of Miami administrative facility (collectively the “OM/RFP”)

Attention Registered Proposers:

This mailing is “Addendum VI” and becomes an official addendum to the OM/RFP document. All future questions must be sent in writing to the below Broker, with a copy to the Project Designee on or before the question deadline April 5, 2016 at 2:00PM. Questions will be answered in this same manner and forwarded as Addenda until the revised proposal due date, May 17, 2016.

Enclosed please find the following items:

- OM/RFP Questions and Answers
- OM/RFP Revisions

Any written questions received shall be answered within fifteen (15) days of their receipt, unless additional time is required by the City to provide an acceptable answer. When sending correspondence, please address the original to CBRE | Brokerage Services, the City’s broker (“Broker”) for this project, with a copy to the attention of the project designee at the City of Miami. Failure to follow these requirements may result in your question not being answered or replied to.

Should you have any questions, please do not hesitate to write:

Broker

Shay Pope  
CBRE | Brokerage Services  
200 East Las Blvd, Suite 1620  
Fort Lauderdale, FL 33301  
[shay.pope@cbre.com](mailto:shay.pope@cbre.com)

Project Designee

Jacqueline Lorenzo  
City of Miami | Real Estate & Asset Management  
444 SW 2<sup>nd</sup> Avenue, 3<sup>rd</sup> Floor  
Miami, FL 33130  
[jlorenzo@miamigov.com](mailto:jlorenzo@miamigov.com)

cc: Todd B. Hannon, City Clerk

**ADDENDUM VI  
OFFERING MEMORANDUM 15-16-008 &  
REQUEST FOR PROPOSALS 15-16-009**

**Question 1: “This is essentially 2 separate RFP’s bundled in one PDF document. We understand that respondents may respond to one or both RFP’s. Further, we understand the ‘Security Deposit’ requirements outlined on page 28 and 29 if we were to propose acquiring the existing building. However, the \$2m ‘Security Deposit’ requirement outlined on Page 46, in Section D – for the Build-To-Suit RFP – seems abnormal and excessive. We WOULD expect to have the \$200k ‘Referendum Deposit’ for BOTH RFP’s, the \$2m ‘Security Deposit’ for the 1st RFP (to acquire the existing building), but NOT a \$2m ‘Security Deposit’ for the 2nd RFP (build-to-suit). Having been involved in a number of build-to-suit projects, and P3’s, it seems more appropriate to have a \$2m ‘Bid Bond’. A Bid Bond would be more reasonable, whereas a \$2m ‘Security Deposit’ seems unnecessarily excessive (and will most certainly discourage very qualified, capable firms / team from pursuing this project – ourselves included). Please advise.”**

Answer 1: The Security Deposit section of the RFP for the development of the new administrative center has been revised to require a cashier’s check or bid bond, as indicated in the OM/RFP Revisions below. Please also note that the Referendum Deposit is only applicable to the OM for the sale of the Miami Riverside Center as clarified in the OM/RFP revisions below.

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**NOTICE OF SECOND  
PRE-PROPOSAL SUBMISSION CONFERENCE**

Please be advised that a second Pre-Proposal Submission Conference shall be held:

Date: Friday, April 22, 2016  
Time: Commencing at 10:00 a.m.  
Location: Miami Riverside Center  
First Floor Training Room  
444 SW 2 Avenue  
Miami, FL 33130

While attendance at this Pre-Proposal Submission Conference is not a condition for submitting proposals, all prospective proposers are encouraged to attend. This conference is intended to provide opportunities to review the contents and requirements of the OM/RFP, to clarify proposer concerns, to answer questions, and to tour the Miami Riverside Center. Additional information, including the OM/RFP, and any addendums thereto, is available at the following URL:

<http://www.cityofmiamiadministrativecenterrelocation.com/>

**OM/RFP Revisions:** The following revisions have been made to the OM/RFP document as indicated below. Added text is underlined and deleted text is stricken.

*The following sections of the OM/RFP have been changed as follows:*

**Page 7:**

Proposals for the OM and RFP must be received no later than ~~May 3, 2016~~ May 17, 2016 by 2:00 PM and must be delivered to the Office of the City Clerk (First Floor Counter), City Hall, 3500 Pan American Drive, Miami, Florida 33133. CBRE, Inc. and the City will not consider late, incorrectly delivered, non-responsive, or incomplete proposals. The successful Proposer(s) will be subject to the requirements of the Charter of the City (“City Charter”) and Code of the City, as amended (“City Code”), including without limitation, Sections 3(f)(iii) and sections 29-A through D of the City Charter, and Chapter 18, Article V of the City Code.

**Page 28:**

**C. Environmental Conditions**

The City is selling Miami Riverside Center “as is, where is” without any representation regarding its environmental condition. Proposers will have an opportunity to inspect Miami Riverside Center at the Site Visit for due diligence inspections and prior to taking possession. Proposers may perform their own “due diligence” inspections at their sole expense, including environmental site assessments, sampling and testing of the soils, sediments and groundwater, subject to such conditions and limitations as the City Manager may impose, including without limitation, requirements for supervision by the City, indemnification of the City, disposition of reports and execution of any legal documents relative to conducting such inspections and similar activities, as the City Attorney may require. The Successful Proposer for the purchase of the MRC shall be permitted to conduct due diligence of the property after the City Commission’s approval of the City Manager’s recommendation, which is tentatively scheduled for July 28, 2016. Any physical inspections of the MRC must comply with City requirements, including insurance and indemnity, bonds, and other similar requirements, as may be applicable.

**E. Required Referendum Deposit**

The successful Proposer shall pay a two hundred thousand dollar (\$200,000) deposit (“Referendum Deposit”). The Referendum Deposit shall be returned to the Proposer if the City Commission does not approve the Sale or Lease, or if the lease is not approved by a public referendum in satisfaction of the City’s Charter requirements. If the City Commission approves the sale and lease and the public referendum passes per City Charter requirements, then the Referendum Deposit shall be transferred to the Security Deposit.

The Referendum Deposit shall apply only to the Offering Memorandum for the sale of the Miami Riverside Center. The Request for Proposals for the new

administrative building shall not be subject to referendum approval. Please note that all Real Estate and Asset Management projects that have gone to referendum in the past thirteen (13) years have successfully passed. Notwithstanding the above, the City does not and cannot guarantee in any way that the project will be approved by the voters at referendum.

**Page 29:**

### **G. Security Deposit**

The successful Proposer shall pay a security deposit equal to two million dollars (\$2,000,000) for the purchase of the MRC. The security deposit shall be in the form of a certified or cashier's check or irrevocable, unconditional letter of credit in a form acceptable to the City. ~~ten percent (10%) of the purchase price.~~

### **H. Form of Security and Referendum Deposit**

Responsive bidders will deliver both the Security and Referendum Deposit in separate checks or instruments to the City by certified or cashier's check or irrevocable, unconditional letter of credit payable to or to the benefit of the "City of Miami". ~~Both The Security and Referendum Deposits will be applied to the purchase price of the building-~~

### **J. Additional Restrictions**

The MRC was originally purchased through the use of municipal bond proceeds. Currently, there is an outstanding amount of \$13,225,000 by a private placement issue with PNC Bank, N.A. encumbering the MRC, which must be paid before the sale of the site can be finalized. Proposers interested in purchasing the MRC **shall not** be required to pay any additional consideration for the satisfaction of debt by the City. Rather, the City shall pay outstanding debts using the amounts provided as the purchase price for the MRC.

The submerged lands within the Miami River are owned and regulated by the State of Florida. In the event the successful Proposer wishes to utilize the submerged lands in the river or the seawall along the river, the Proposer will be required to negotiate a submerged lands lease with the State. The City does not guarantee that the State will provide or consent to such lease.

**Page 37:**

### **During Construction**

5. The Successful Proposer to the RFP for the development of the new administrative building shall be required to comply with all applicable state, federal, and local laws for the construction and development of the new facility, including, Section 18-120 of the City of Miami Code of Ordinances, to the extent that it is applicable.

Page 45:

**A. Proposal Deadline and Format**

Proposals are due on ~~May 3, 2016~~ May 17, 2016 by 2:00 p.m. at the Office of the City Clerk, City of Miami, City Hall, 3500 Pan American Drive, First Floor Counter, Miami, Florida 33133. The City shall not accept any proposals after this stated deadline or at any other location other than the Office of the City Clerk. Proposals must specifically indicate whether the proposal is for one or both the OM and RFP by marking the proposal as “Proposal for Miami Riverside Center OM No. 15-16-008”, and/or “Proposal for City Administrative Building RFP No. 15-16-009”, as applicable.

Page 46:

**D. Form and amount of ~~Security Deposit~~ Bid Deposit or Bid Bond**

As part of each proposal submission for ~~Upon award of the RFP, the selected all~~ Proposers will be required to provide a cashier’s or certified check or surety bond (“Bid Bond”) equal to at least two million dollars (\$2,000,000), payable to the City of Miami. The surety on any Bid Bond shall be a company recognized to execute bid bonds for contracts of the State of Florida. The City reserves the right to reject any and all surety tendered to the City.

This check or Bid Bond guarantees the successful Proposer’s obligation to timely and properly execute the contract and supply all other submittals due therewith. Proposers shall comply with the terms of the RFP and accepted bid, and any Proposer whose bid is accepted shall be liable to the City for all damages on account of the nonperformance of the terms of such bid and/or a forfeiture of the Bid Deposit or Bid Bond required by the City. Proposer shall forfeit the bid amount to the City should the City award the RFP to Proposer and Proposer fails to accept the award. The amount of the Bid Deposit or Bid Bond shall be a liquidated sum, which shall be due in full in the event of default, regardless of the actual damages suffered.

Proposers that are notified that they did not receive the award may cancel the bonds or receive a return of the amount provided by cashier’s check, as applicable. The selected Proposer must retain the Bid Bond until the contract has been signed. In the event the selected Proposer submits a check rather than a Bid Bond, the amount shall be retained by the City after execution of the contract to be used as rent in the event of a lease-to-own of the new administrative facility or used toward payment of the purchase of the new admin facility. ~~deliver a Security Deposit of two million dollars (\$2,000,000) of developer’s proposed development budget to the City by certified check or irrevocable letter of credit payable to or to the benefit of the “City of Miami”. The Security Deposit will be applied to the purchase price of the building at settlement or in the event of a lease to purchase – first rents when due.~~

**Proposal Due Date and Event Schedule**

The following dates are tentative and subject to change

<b>Process</b>	<b>Date</b>
Final Solicitation Posted	Tuesday, February 2, 2016
MRC Site Tour	Thursday, March 3, 2016
Proposer's Questions Due to CBRE	Tuesday, April 5, 2016 by 2:00 PM
Proposals Due	<del>Tuesday, May 3,</del> Wednesday, May 17, 2016 by 2:00 PM
Presentations to Selection Committee	Wednesday, June 1, 2016
Selection Committee Evaluation	Thursday, June 2, 2016
Recommendation from City Manager to City Commission	Thursday, July 28, 2016
Final Ballot Resolution	Thursday, July 28, 2016
Election	Tuesday, November 8, 2016