

BIRCH HILLS COUNTY

**REQUEST FOR PROPOSAL
SALE OF PROPERTY
(LAND AND IMPROVEMENTS)**

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INVITATION TO SUBMIT PROPOSALS

Birch Hills County (the "County") is seeking proposals for the development of the Eaglesham Airport. Proposals marked "**Eglesham Airport Development 2018**" shall be received at the following address and to the attention of:

Birch Hills County
4601 50th Street
Box 157
Wanham Alberta T0H 3P0
ATTN: Hermann Minderlein, CAO

Completed proposals must be RECEIVED no later than 12:00PM MST (NOON) on JUNE 29, 2018. Late proposals will not be accepted.

Proposals must be presented in sealed, clearly marked packages. Faxed or other electronically transmitted proposals will not be accepted.

All proposals must be signed by the Proponent, or its authorized representative. Unsigned proposals may be rejected at the discretion of the County.

Anticipated time frame for project award is July 2018

PROJECT DESCRIPTION

The County is looking to sell the following property to a Proponent for the development and economic enhancement of the County:

PLAN 8321887
PUBLIC WORK (AIRPORT)
CONTAINING 51.3 HECTARES (126.77 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS
(the "Property")

The Property is zoned by the County as Airport Vicinity, and is subject to all of the rules and regulations of the Land Use Bylaw.

The County shall have the right to register a caveat to require the successful Proponent to operate an airport on the Property.

The Proponent agrees that, if successful in this RFP process, it is purchasing the Property on an "as-is, where-is" basis. The County makes no representations and gives no warranties whatsoever regarding the condition, fitness for purpose of the Property, including any structures, fixtures, chattels located thereon or therein. Specifically, and not so as to limit the generality of the foregoing, the County does not warrant the condition of the Property with respect to the adequacy of services, soil conditions, building and

development conditions, the presence or absence of environmental contamination, or that the current or intended uses comply with applicable land use bylaws.

As a part of any sale of the Property, the successful Proponent will be required to:

1. Honour all registered and unregistered leases encumbering the Property;
2. Operate the airstrip portion of the Property as an airport, and permit public use of the airstrip; and
3. Obtain permits to begin the development of any improvements to the Property that were identified within the accepted proposal within two (2) years of the transfer of title to the Property to the successful Proponent.

In the event that the successful Proponent fails to adhere to the terms and conditions stipulated in this Request for Proposal or any subsequent contract with the County relating to the Property, the County shall have the right to exercise an Option to Repurchase the Property from the successful Proponent within ten years of the date the Property is transferred to the successful Proponent. The purchase price for the Option to Repurchase shall be the sale proceeds of the sale to the County less ten (10%) percent. The County shall have the right to register a caveat for the Option to Repurchase.

COMPLETE PROPOSALS

The requirements that each Proponent must follow and include in its proposal are outlined herein. The County reserves the right to determine, in its sole discretion, whether any proposal meets the mandatory requirements. Proposals shall address all of the requirements as outlined in this RFP.

REQUEST FOR INFORMATION

Proponents are solely responsible for ensuring that all information necessary to prepare its proposal is acquired and for independently verifying and informing itself with respect to any requirements, terms and conditions. Any information provided by the County to Proponents, including but not limited to a May 2018 appraisal of the Property by Miller & Associates, is for the Proponents convenience only, and cannot be relied upon. All enquiries related to this RFP shall be in writing and addressed to

Hermann Minderlein
Chief Administrative Officer
4601 50th Street
Box 157
Wanham Alberta T0H 3P0

Tel: 780 694-3793
Fax: 780 694-3788
Email: cao@birchhillscounty.com

All enquires must be received no less than five (5) business days before the closing date. Enquiries received after that time may not be answered prior to the closing date.

RFP PROCESS/EVALUATION CRITERIA

The objective of this RFP is to secure the sale of the Property.

The County will have specific interest in those proposals from individuals and firms that provide unique and insightful development concepts and deliverables and who possess the abilities and resources necessary to carry through with the project in a timely manner.

In addition, *“economic development and community enhancement”* for the County will play a significant role in the selection process. This factor is inherently subjective and subject to an assessment by council for the County.

This selection process is not a tendering process. The submission of a proposal does not constitute a legally binding agreement between the County and any Proponent. The County will engage in a “Contractual Agreement” with the successful Proponent upon formal acceptance of the proposal by the County. The County reserves the right to reject any or all proposals. Should the initially chosen proposal fail to be endorsed for any reason, the County reserves the right to consider alternate proposals as received through the initial RFP process.

ACCEPTANCE OR REJECTION OF PROPOSALS

The County reserves the right to cancel or reschedule the RFP at any time during the process, without notice or compensation to any Proponent.

The County reserves the right to accept or reject any and all proposals including the right to not necessarily accept the highest bid proposal, and the right to not accept any proposal the County considers, in its sole and unfettered discretion, meets the mandatory requirements of this RFP.

The County reserves the right to waive, in its sole and unfettered discretion, any formality, informality or technicality in any proposal whether of a minor and inconsequential nature or whether of a substantial or material nature. The County reserves the right to interview and negotiate with any Proponent, which shall include providing additional information to, and obtaining further information from any Proponent, even if the proposal that has been submitted does not fully comply, in either a material or a non-material way with the mandatory requirements of this RFP or any requirements contained within their proposal.

The County reserves the right, in its sole and unfettered discretion, to accept any proposal without stating reasons. By submitting a proposal, each Proponent waives any right to contest in any legal proceeding or action the right of the County to negotiate with any Proponent and to award the Property to whomever the County, in its sole and unfettered discretion, has determined to have submitted the proposal most beneficial to the County.

The Proponent agrees that any information submitted to the County may be subject to the provisions of the Freedom of Information and Protection of Privacy Act, RSA 2000, c-F-25 and similar acts

PROJECT SCHEDULE

The objective is to have the accepted development of the Property completed by August 31 2020, or as soon as possible.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

The Proponents shall keep confidential all information concerning the County and/or third parties or any business activities of the County or third parties acquired as a result of participation in this RFP.

The Proponents acknowledge that the *Freedom of Information and Protection of Privacy Act*, S.A. 2000, c. F-25 as amended (the "*FOIP Act*") applies to all information and records relating to or obtained, generated, collected or provided under or pursuant to the terms and conditions of this RFP and any subsequent contract, and agrees to abide by the requirements of the *FOIP Act* in so far as it is applicable to the Proponent and the carrying out of the Proponent's duties or other obligations under or in connection with this RFP. Proponents may wish to seek their own legal advice on specific aspects of the requirements of the *FOIP Act*.

All documents submitted to the County are subject to the protection and disclosure provisions of the *FOIP Act*. While the *FOIP Act* allows persons a right to access records in the County custody or control it also prohibits the County from disclosing your personal or business information, where disclosure would be harmful to your business interests or would be an unreasonable invasion of your personal privacy as defined in sections 16 and 17 of the *FOIP Act*. Proponents are encouraged to identify what portions of their submissions are confidential and what harm could reasonably be expected from its disclosure.

The purpose of collecting personal information required to be provided in this RFP is to enable the County to ensure the accuracy and reliability of the proposal, and to evaluate whether the submission is in response to the RFP. This information is required by the County to carry out its operations.

It is recommended that Proponents advise persons whose personal information is being provided to the County under this RFP that the privacy of the personal information as well as its possible disclosure by the County to third parties, upon request, will be governed by the *FOIP Act*.

