

REQUEST FOR PROPOSALS

Sale of Wireless Communications Facility (Cell Tower)
at 1770 Segrave Street, South Daytona

FOR THE

CITY OF SOUTH DAYTONA

RFP 21-004



Prepared By:

Becky Witte, CMC
Deputy City Clerk

City of South Daytona
1672 South Ridgewood Avenue
South Daytona, FL 32119

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REQUEST FOR PROPOSALS

Sale of Wireless Communications Facility (Cell Tower) at 1770 Segrave Street, South Daytona for the City of South Daytona RFP 21-004

INVITATION

The City of South Daytona, Florida does hereby announce that it is requesting proposals from one or more individual(s), group(s), company(ies), or any other entity(ies) legally capable of holding title to real estate, to purchase, "**AS IS, WHERE IS,**" the following:

Wireless Communications Facility (Cell Tower)
at 1770 Segrave Street, South Daytona, Florida

NOTICE IS HEREBY GIVEN that sealed proposals for the purchase of the city's Wireless Communications Facility (Cell Tower) at 1770 Segrave Street, South Daytona, Florida will be received at the Office of the City Manager, located in City Hall at 1672 South Ridgewood Avenue, South Daytona, Florida, until **2:00 pm on Tuesday, August 17, 2021**. At that time, the submitted proposals will be publicly opened in the Council Chamber Room located in City Hall. Proposals received after the above time and date will be returned unopened.

Required proposal documents pertaining to this request may be obtained at no charge via electronic mail by making a request to the Deputy City Clerk at bwitte@southdaytona.org. The documents will also be made available at the Office of the City Manager located inside City Hall at 1672 South Ridgewood Avenue, South Daytona, Florida 32119. Any addenda to these documents will be issued via electronic mail and posted on the City of South Daytona Website. It is the bidder's responsibility to confirm that all addenda have been received prior to submitting a proposal in response to this request.

Proposals shall be:

1. Submitted on standard forms which will be furnished with the Request for Proposals (RFP) document, and
2. Irrevocable after the time and date set for the opening of proposals and for a period of 90 days thereafter, and
3. Submitted in sealed envelopes marked "**SOUTH DAYTONA RFP NO. 2021-04: PROPOSAL FOR SALE OF WIRELESS COMMUNICATIONS FACILITY (CELL TOWER)**"
4. In addition, the bidders name and address shall be shown on the outside of the sealed envelope.

The submittals received will be reviewed by a Selection Committee comprised of City staff.

The Selection Committee will present its recommendation to the South Daytona City Council and seek authorization to enter into an agreement with the top ranked applicant.

The City reserves the right to reject any or all proposals or any portion thereof, with or without cause, to waive technical errors and informalities and to accept the applicant which, in its judgment, will best serve the City.

The City of South Daytona is not responsible for the U.S. Mail or private couriers regarding mail being delivered by the specified time so that a bid can be considered. Proposals received by telephone, telegraph, or FAX will not be accepted.

CITY OF SOUTH DAYTONA
VOLUSIA CITY, FLORIDA

By: Becky Witte, CMC
Deputy City Clerk

Published on: Friday, July 9, 2021

Tentative Schedule

Advertisement for RFP:	Friday, July 9, 2021
Questions Due:	Tuesday, July 27, 2021 at 4:00pm
Questions regarding responses to this Request for Proposals (RFP) must be in writing through e-mail to Becky Witte, Deputy City Clerk at bwitte@southdaytona.org .	
City to respond to Questions:	Tuesday, August 3, 2021
Proposals Due:	Tuesday, August 17, 2021 at 2:00pm
Committee Meeting:	Wednesday, August 25, 2021
Presentations of Committee (if needed):	Friday, August 27, 2021
Presentation/Recommendation of Selection Committee to the City Council:	Tuesday, September 14, 2021 at 6:00pm
This is a proposed scheduled and may be changed by staff or the City Council as needed.	

STATEMENT OF PURPOSE

The purpose of this Request for Proposals is to support the City's goals regarding efficient and effective management of its assets and resources. The City is the owner of real property ("Real Property"), a wireless communications facility ("Cell Tower"), and is the landlord under two leases for wireless carriers to lease space on the City's Real Property and Cell Tower ("Leases"). The City has issued this Request for Proposals to receive proposals for acquisition of the Leases or the City's rights under the Leases, the Cell Tower, and/or another mutually beneficial arrangement.

1.1 DESCRIPTION OF ASSETS

The Cell Tower and Leases are collectively referred to herein as "Assets" as described further herein.

a. Cell Tower. The Cell Tower area consists of approximately 2,800 square feet and is located at 1770 Seagrave Street, South Daytona, Florida 32119, as further described in **Attachment A**. The approximately 2,800 square foot area, secured by a 6-foot chain link bar-wired fence, is not used by the City for any purpose other than for the location of the Cell Tower and associated equipment. The City has no plans to use that area for any other purpose in the future. It resides on a larger parcel which is the location of the City's Public Works Department. The tower was initially constructed by BellSouth Mobility, Inc. ("AT&T") or its contractor, on or about 1998. Ownership of the Cell Tower was transferred to the City on or about 2017, in conjunction with the expiration of AT&T's Lease Agreement. The City has registered the Cell Tower with the FCC. The description and site plan of the Cell Tower is attached as **Attachment B**. The Cell Tower is used solely by the tenants pursuant to the Leases. Neither the City nor any other governmental entity owns equipment on the Cell Tower.

b. Leases. The City is the landlord in the following two Leases (collectively "Leases") for lease of the Cell Tower and Real Property: (1) Structure Lease Agreement, effective December 12, 2017, with **New Cingular Wireless PCS, LLC**, successor by merger with BellSouth Mobility Inc. ("AT&T Lease") and (2) Site Lease Agreement, commencing December 1, 2017, with **T-Mobile South, LLC** ("T-Mobile Lease") (collectively, New Cingular Wireless, PCS, LLC and T-Mobile South, LLC are referred to as "Tenants". The Leases, including all amendments and exhibits, are attached hereto as **Attachment C**. The Leases are in good standing. Neither Tenant has indicated any intention to terminate the Leases.

Nothing in the Leases prohibits the City from selling the Cell Tower, subject to compliance with the Leases. Section 23 of the AT&T Lease provides certain requirements in the event the city receives a Rental Stream Offer, as described in detail in the AT&T Lease.

1.2 GOALS OF REQUEST FOR PROPOSALS

The City has determined that it may be in the best interests of its residents and the administration of the City to sell these Assets. The City also believes that the sale of these Assets will support the City's revenue goals, assist with the City's management of its assets and resources, and city administration. The City invites parties to submit proposals for the acquisition of one or more of the Assets.

1.3 PROPOSALS:

1. Sale or Assignment of Leases. The City will consider proposals to sell or to assign the Leases (and potentially grant an easement over the City's Real Property to the party or parties that acquire the City's rights under the Leases). Such proposals may, but need not, include proposals to acquire the Cell Tower and the Real Property. The proposal must include relieving the City of its obligations, to the extent consistent with the Leases.

2. Sale of Cell Tower. The City will consider proposals to sell the Cell Tower along with the sale of the Leases. Once the sale closes, it is the City's intention that it will no longer be responsible for the management, ownership, or maintenance of the Cell Tower and will be relieved of any liability that may arise from the ownership of the Cell Tower following the sale. The City will not consider proposals for acquisition of the Cell Tower that do not include the sale or assignment of the Leases. The Assets are to be acquired on an "AS IS, WHERE IS AND WITH ALL FAULTS" basis, with no representations, warranties, either express or implied.¹

3. Mutually beneficial arrangement. The city will review proposals for another mutually beneficial arrangement.

1.4 INSTRUCTIONS TO RESPONDENTS

Proposal Requirements – Sealed proposals will be received at the Office of the City Manager, located in City Hall at 1672 South Ridgewood Avenue, South Daytona, Florida, until **2:00 pm on Tuesday, August 17, 2021 at 2:00pm**. At that time, the submitted proposals will be publicly opened in the Council Chamber Room located in City Hall. Proposals received after the above time and date will be returned unopened.

One original document clearly marked ORIGINAL with three (3) identical copies of the proposal are required.

Proposals are to be mailed to the City of South Daytona, Office of the City Manager, Post Office Box 214960, South Daytona, Florida 32121-4960 or hand delivered to the City of

¹ Nothing in this RFP or in any agreement arising out of this RFP shall operate to waive the City's police and regulatory authority, or the City's governmental immunity under Florida law.

South Daytona, Office of the City Manager, 1672 South Ridgewood Avenue, South Daytona, Florida 32119.

The following proposal forms, located in Appendix B of this proposal request, must be completed and submitted with each proposal if it is to be considered.

- Signature Sheet (Proposal Form-1)
- Non-Collusion Affidavit of Prime Respondent (Proposal Form-2)

Proposals lacking the required information will be deemed incomplete. Incomplete submittals will not be considered.

Proposal Term - Proposals cannot be modified after submission has been made to the City. No proposal may be withdrawn or modified after the public opening. The terms and conditions in the proposal shall remain in effect for 90 days after the proposals are opened publicly. The City intends to complete the initial evaluation and ranking of the proposals within four weeks following the receipt of proposals.

RFP COORDINATOR

The coordinator for this Request for Proposals (RFP) is:

Becky Witte, Deputy City Clerk

bwitte@southdaytona.org

Phone: 386-322-3011

The City will not respond to oral inquiries. Respondents may submit written (by email only) inquiries regarding this RFP to the coordinator. **Written inquiries must be received by Tuesday, July 27, 2021 by 4:00pm to be considered.** The City will record its responses to inquiries and any supplemental instructions in the form of written addenda. All written addenda will be issued through the City's website. **Any addendums will be posted on the City website on Tuesday, August 3, 2021.** It shall be the responsibility of the Respondent, prior to submitting a proposal, to determine if addenda were issued, acknowledging same, and incorporating them into the proposal.

CONTACT PROHIBITION

All prospective respondents are instructed **NOT** to contact any member of the City of South Daytona City Council or any staff member other than the RFP Coordinator, who is the coordinator and designated liaison for this solicitation, regarding this RFP. Any such contact shall be cause for immediate rejection of a submittal.

Oral presentations may be requested by the Selection Committee and City Council which are not prohibited under this paragraph.

DISQUALIFICATIONS

The City of South Daytona reserves the right to disqualify proposals, before or after opening, upon evidence of collusion with intent to defraud or other illegal practice upon the part of the respondent. (See Non-Collusion Affidavit form located in Appendix B). The respondent also warrants that no one was paid a fee, commission, gift or other consideration contingent upon receipt of an award for the services or products and/or supplies specified herein.

PROPRIETARY INFORMATION

In accordance with Chapter 119 of the Florida Statutes (Public Records Law), and except as may be provided by other applicable State and Federal Law, all respondents should be aware that Requests for Proposals and the responses thereto are in the public domain. However, the ***respondents are requested to identify specifically*** any information contained in their response which the respondent considers confidential and/or proprietary and which the respondent believes to be exempt from disclosure, citing specifically the applicable exempting law.

QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE RESPONDENT’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS RFP OR AGREEMENTS, CONTACT THE CUSTODIAN OF PUBLIC RECORDS, BECKY WITTE, DEPUTY CITY CLERK AT, P.O. BOX 214960, SOUTH DAYTONA, FL 32121-4960, OR VIA EMAIL AT BWITTE@SOUTHDAYTONA.ORG.

SELECTION PROCESS

The City reserves the right to reject any or all proposals, and the award, if award is made, will be in the best interest of the City. The successful proposal(s), if one is chosen, will be decided by the South Daytona City Council after staff ranks them based upon the following weighted criteria:

In general, the City wishes to avoid the expense of unnecessary presentations. Therefore, the City will make every reasonable effort to achieve the ranking using written submittals alone. If no top ranked firms can be clearly identified by review of the written submittals alone, then the Selection Committee shall schedule the firms for interviews in person or via telephone.

The ultimate award will be subject to the City and the respective contractor(s) negotiating appropriate contracts, subject to approval of the parties.

TENTATIVE SCHEDULE

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Committee to the City Council: Tuesday, September 14, 2021 at 6:00pm
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ATTACHMENT A: LOCATION:

Property Address: 1770 Segrave Street, South Daytona, Florida 32119

Latitude: 29° 10' 41.74", Longitude -81° 0' 31.82"

180 Foot - Self Support Tower

Assessor's tax parcel number: 5344-16-00-0681

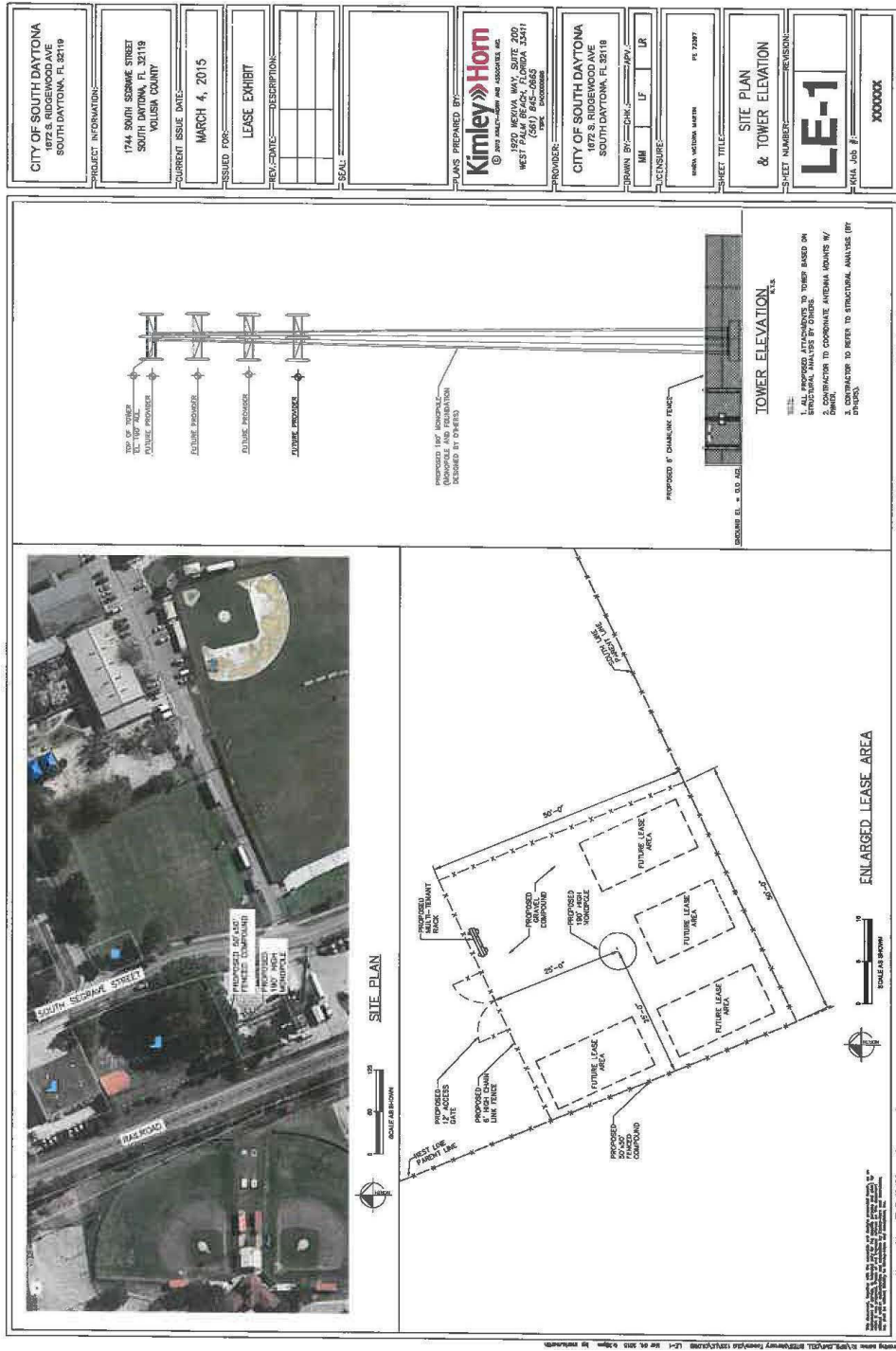
Description of 1770 Segrave Street (where tower is located):

LOTS 68 & 69 & S1/2 OF LOT 70 W OF SEGRAVE STREET BLAKE MB15 PG 19

Tower is located on the Northeast portion and consist of approximately 2,800 square feet within a six-foot chain link fence topped with barbed wire.



ATTACHMENT B: DESCRIPTION OF PREMISES:



ATTACHMENT C: CURRENT LEASES

For Leases, please contact:

Becky Witte, Deputy City Clerk

bwitte@southdaytona.org

Phone: 386-322-3011

APPENDIX B

Required Proposal Forms

PROPOSAL ACKNOWLEDGEMENT (FORM 1)

I, the undersigned, do hereby agree to all terms and conditions set forth within this RFP. I attest by way of my signature below that I am authorized by the company I represent to enter information pertinent to a final agreement. I further state the information within this qualification statement is true and not a sham nor misrepresentation of the service or reputation and abilities of my company.

I _____ have, have not examined the necessary documents prior to presenting my proposal.

Company: _____

Address: _____

Telephone: (____)_____ fax: (____)_____

Email: _____

Individual or Type of Business (Corporation, Partnership, Other (Specify):

Tax ID Number (FEIN/SSN): _____

Authorized Signature: _____

Title: _____

(Print/type name as signed above)_____

Date Submitted: _____, 2021

NON-COLLUSION AFFIDAVIT (FORM 2)

STATE OF _____)
CITY OF _____)

_____, being duly sworn, deposes and says that:

- (1) He/she is _____ of _____,
Title Firm/Company
the respondent that has submitted the attached response.
- (2) He/she is fully informed respecting the preparation and contents of the attached solicitation and of all pertinent circumstances respecting such solicitation.
- (3) Such solicitation is genuine and is not a collusive or sham solicitation.
- (4) Neither the said respondent nor any of its officers, partners, owners, agent representatives, employees or parties in interest including this affiant, has in any way, colluded, conspired, or agreed, directly or indirectly, with any other respondent, firm or person, to submit a collusive or sham response in connection with the Agreement for which the attached response has been submitted or to refrain from responding in connection with such Agreement, or has in any manner, directly or indirectly, sought by Agreement or collusion or communication or conference with any other responder, firm or person to fix the price or prices in the attached solicitation or of any other respondent, or to fix any overhead, profit or cost element of the proposed price or the proposed price of any other responder, or to secure through any collusion, conspiracy, connivance or unlawful Agreement any advantage against the City of South Daytona, Florida, or any person interested in the proposed Agreement.
- (5) The price or prices quoted in the attached response are fair and proper and are not tainted by any collusion, conspiracy, or unlawful Agreement on the part of the proposer or any of its agents, representatives, owners, employees, or parties of interest, including affiant.

(Signed) _____

(Title)

STATE OF FLORIDA
CITY OF VOLUSIA

This document was sworn to (or affirmed) and subscribed before me by means of [] physical presence or [] online notarization, this ___ day of _____, 20___, he/she is personally known to me or has presented as identification.

_____(Notary)