

REQUEST FOR PROPOSAL

Foxton Memorial Hall

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IMPORTANT NOTICE

The Proponent is invited to submit a Response in accordance with this Request for Proposal (RFP). Responses to this RFP must be received by **4.00PM on 26th October 2023**. This invitation should be read in conjunction with the terms and conditions set out in Appendix B – General Terms and Conditions.

THE OPPORTUNITY

Horowhenua District Council ("Council"), is investing in its communities in order to capture benefits arising from the significant growth it is experiencing as Wellington gets closer via some major roading projects. Council's growth projections forecast that by 2036 there will be a further 4,000 new jobs and 4,900 new households in the Horowhenua. This is an increase of some 28%.

Council's CBD upgrade and investment in 'anchor' facilities like the award winning Te Awahou Nieuwe Stroom is driving further interest as are its development of shared pathways and recreation facilities like the Holben Reserve pump track, recently installed cycleways, and the new NZMCA facility at Target Reserve racecourse.

There is currently an opportunity for interested parties to be part of Foxton's growth and regeneration agenda by taking a stake in an iconic Foxton Building being the Foxton War Memorial Hall.

The property is at the very heart of Foxton's CBD and provides excellent opportunities to leverage from what will become the Horowhenua district's shop window, and effectively both the first and last town from/to Wellington.

THE CHALLENGE

The challenge is simple, Council wishes to continue its work to reinvigorate the Foxton Town Centre and develop it as a vibrant and modern, destination which will continue to attract new residents and visitors. It will do this by -

1. Making an iconic property at the heart of the CBD available for development;
2. Ensuring that the property is developed in such a way that it continues to add interest and value to Foxton CBD and continues to serve the community;
3. Offering flexibility, Council has no preconceived notions on how the property will be developed and is happy to consider proposals relating to use of the building in its existing form, or a demolition/new build;
4. Consider innovative and practical solutions to matters of purchase and development.

THE CHALLENGE: A DEVELOPMENT OPPORTUNITY

Foxton Memorial Hall has a central location in the Foxton CBD and is within 100m of Te Awahou Nieuwe Stroom which has delivered in excess of 90,000 visits within the last 12 months.

It has a Main Street elevation and as such if developed appropriately, offers

significant opportunities to attract high numbers of both local and visitor traffic.



The facility is well regarded by the community, and the community will have a significant and ongoing interest in its development, Proponents as such should address this matter in their presentations.

The Foxton Memorial has high interest value for the local community.

However, there are no requirements to maintain the exterior appearance of the building should wide-scale redevelopment be envisaged.

THE CHALLENGE: FLEXIBILITY

In terms of Foxton Memorial Hall there are no definitive requirements for its longer-term retention. As such proponents may wish to consider retaining and upgrading the existing building, or alternatively may wish to adopt a different approach. In all situations the redevelopment of the property will need to recognize it is at the heart of the community, within Foxton CBD, and will function as an anchor property in it for that community.

Short of the above requirements, Council is entirely flexible in how the property may best be repurposed in order to add value to the Foxton CBD regeneration agenda.

THE INDICATORS

DRIVERS FOR CHANGE

The Northern Corridor Road Project (O2NL) will provide an economic catalyst for Horowhenua District:

- More people will be attracted to live and work in Horowhenua.
- We expect approximately 4,900 new households over the next 20 years.
- Money flowing into the local economy will drive business growth and urban development.
- Some estimates are for 3,000 new jobs over the next 20 years.
- More jobs will help families grow and prosper, and support our older population.

THE PROPERTY MARKET

Growth is already having an impact on the local housing market:

- New builds in the Horowhenua have increased significantly over the past 3 years
- The quantity of building consents for existing and new stock has increased considerably over the last 3 years.
- Pressure on the existing housing supply is significant with a number of new subdivisions in the pipeline. A number of these are very large
- More demand means more pressure on existing housing stock.
- Owner-occupiers migrating into the district are having an effect on both home ownership and the investor market.

REQUEST FOR PROPOSAL

SITE DETAILS

FOXTON MEMORIAL HALL

Property Profile

Foxton Memorial Hall is situated at the corner of Foxton Main Street and Clyde Street.

- Legal description: Part Section 104/105 SO:33860
- Certificate of Title: WN17/264, WN19/104
- Area: 0.1547 ha
- Current Function: Memorial Hall
- Owner: Horowhenua District Council
- Designation: Commercial
- Capital Valuation: \$590,000
- Land Value: \$310,000

Property Notes

Foxton Memorial Hall is currently available for public hire.

Whilst the building is earthquake prone a retrofit concept design has been completed that suggests the building could be strengthened to achieve greater than 44% of the New Building Standard (NBS).

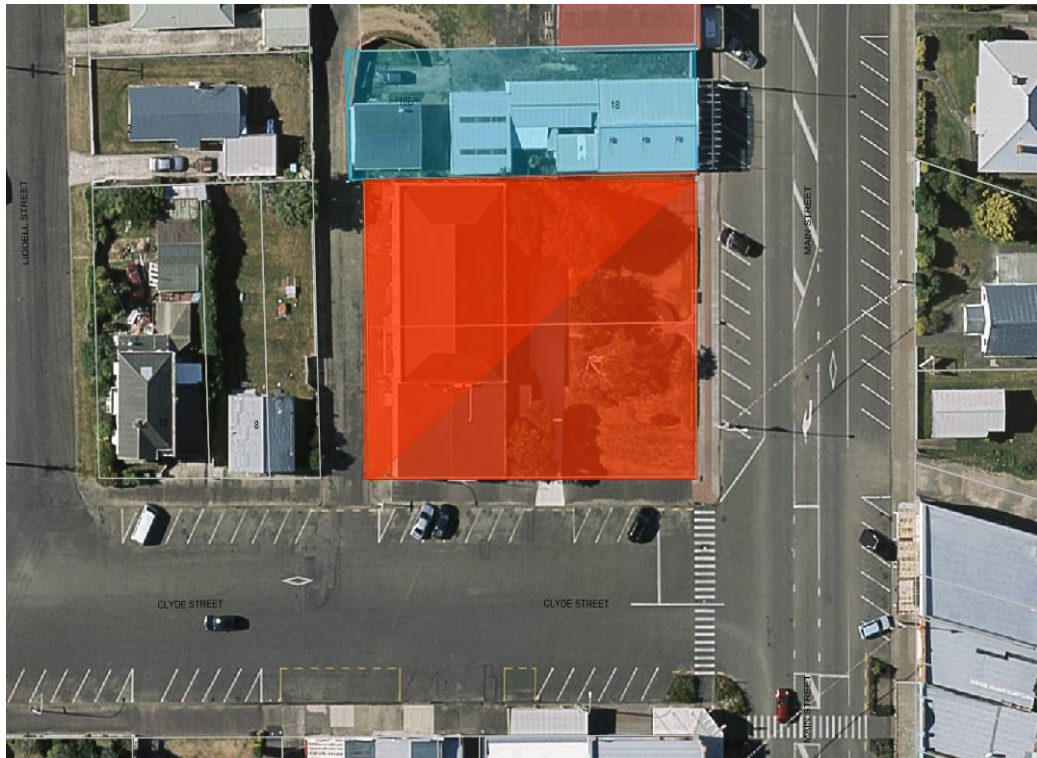
There are no constraints on retaining the existing building aesthetic, Proponents might therefore wish to consider other options.

At its meeting of 28th June 2023 Council resolved *“That Council direct Officers to make other plans to dispose of the Foxton War Memorial Hall and proceed with preparing the hall to be released to the general market for disposal”*.

The land is identified as within the commercial zone of Foxton Town centre under the District Plan (as indicated below by the ‘pink’ fill).

There are no lease arrangements in place on the property.

Location: Foxton Memorial Hall



Designation: Commercial



BROAD DEVELOPMENT CONCEPT

Council and its development partner(s) for the Memorial Hall will jointly have the following key objectives for the development:

- 1) Delivering a high-quality outcome for the property offered for development that sits well with its neighbors.
- 2) The development will create interest and value for the community forming an important anchor property for the further development of the Foxton CBD.
- 3) Council and its development partner(s) will have a flexible can-do attitude to delivering an important element of the Foxton CBD built environment.
- 4) Proponents will demonstrate innovative methods of development that will lead to the continuing regeneration of the CBD environs.

Council's objectives for the Project include:

- 1) Carry out a timely and cost-effective RFP process.
- 2) Through the process, develop a long-term vision for the sites and an enduring feature for the CBD.
- 3) Limit Council's financial inputs into the project to the cost of implementing the investment and procurement strategy/process.
- 4) Quick and efficient delivery.

Proponents should describe:

- 1) How their vision continues to meet Council's Community outcomes including –
 - a. A vibrant economy;
 - b. An outstanding environment;
 - c. Fit for purpose infrastructure and facilities;
 - d. Partnership with Tangata Whenua; and
 - e. A strong community.

PROCUREMENT PROCESS

Council intends to follow a single-stage procurement process as follow:

- 1) A Request for Proposal (RFP) under which Proponents will submit a detailed proposal including indicative designs, proposed building materials, development feasibility assessment, financial capacity, commercial qualifications and an offer for purchase of the site/or other.

Table 1 outlines the indicative timetable for the procurement process. Proponents should note that while Council is committed to the achievement of tasks within this timetable, the actual time required will be determined by the nature and quality of the Responses. As such this indicative timetable may be subject to change without notice.

Table 1: Indicative Procurement Timeline

Activity	Date
Release of RFP	4 th September 2023
Closing date for receipt of RFP Responses	26 th October 2023 (4.00pm)
Evaluation	8 th November 2023
Notification of Decision	22 nd November 2023

Proponents should be advised that Council may conduct probity related investigations on the proponents or individual personnel of proponents, agents, participants and/or providers.

If so, Council will, through the relevant Proponent, seek the consent of the individuals concerned. If that consent is not given, or if Council identifies probity concerns as a result of the investigations, Council reserves the right to exclude the relevant Proponent from the RFP process, or to require the Proponent to implement other action to address Council's concerns.

EVALUATION CRITERIA

The evaluation criteria defined in this section will be used to evaluate Responses. In evaluating responses, additional information may be sought from Proponents and/or third parties.

The ranking of Proponents will not be disclosed at any time during or after the RFP process.

Proponents are not expected to include such things as detailed designs as part of this RFP process.

However the Proponent will need to provide sufficient detail in its Response that allows an effective assessment to be made against the evaluation criteria.

CRITERIA 1: PROPERTY DEVELOPMENT

Proponents must indicate experience, capability and capacity in relation to:

- 1) Development of commercial properties relevant to the broad development concept outlined above
- 2) Delivery of high quality, desirable developments with strong visual appeal.
- 3) Development of projects founded on strong community building and economic regeneration principles.
- 4) Demonstrated commitment to health and safety in relation to design and construction activities.

CRITERIA 2: INTEREST AND VALUE

Proponents must indicate how they will endeavor to address the following:

- 1) A fresh approach to the opportunity that addresses the challenges identified.
- 2) Proponent's desire and capability to partner with Council and the community to promote a CBD that is –
 - a. Sustainable; and
 - b. Adds value.
- 3) How the proposed development will deliver interest and value to the town centre
- 4) How the proposal will stimulate the local economy, and add to Foxton as a destination for visitors and locals.

CRITERIA 3: FLEXIBILITY

The Proponent will be required to indicate –

- 1) Whether the proposal seeks to retain and strengthen the property, demolish and rebuild, or some other arrangement
- 2) What financial arrangements are anticipated in respect of funding the required works, and whether the proposal seeks a contribution from Council in terms of subsidy, or technical assistance.
- 3) The extent the Proponent is comfortable engaging with the Council and community in establishing the detailed designs for the sites.

CRITERIA 4: PRACTICAL INNOVATION

The Proponent(s) will be required to demonstrate:

- 1) Its capability and capacity in relation to the delivery of similar scale development projects, including the capacity to innovate in a constrained environment.
- 2) The Proponent's ideal development model for the site.
- 3) How the Proponent believes the design will contribute to the continued development of Foxton in light of anticipated growth and increasing profile with the development of significant roading projects
- 4) Likely level of investment in repurposing the property
- 5) References for relevant development and construction projects no more than five years old.

SPECIFIC REQUIREMENTS

In addition to the above the attention of Proponents is drawn to the fact there are a number of criterion that must be met for any proposal to be considered:

- The building, if retained, must be strengthened to a minimum of 67% NBS within 36 months of purchase, or if a new build is proposed meet 100% of NBS.
- A strong design that develops the site as an anchor property in the CBD.
- A function and purpose that continues to add value to Foxton CBD and the wider community.

RESPONSE CONTENT

Responses must be in accordance with the terms and conditions detailed in this document and should include each of the following Response items:

- 1) A cover page showing:
 - a. The Proponent's name and mailing address.
 - b. The name, title, address, telephone number and email address of the authorised contact person for the Proponent.
- 2) A table of contents.
- 3) A corporate description, including:
 - a. A brief overview of the Proponent, providing background information and details of its operations.
 - b. Where the Proponent is comprised of more than one Participant, a list of Participants and a summary of their roles. The lead Participant should be clearly identified.
- 4) A list of Providers (including legal, financial and other advisors to the Proponent in relation to the Project) and a summary of their roles.
- 5) Contact names, office addresses and email addresses for all Participants and Providers.
- 6) A description of the commercial framework and contractual arrangements established or likely to be established between the Proponent and Participant and Providers stating who would be the legal contracting entity.
- 7) A description of the management and governance structure of the Proponent and details of decision making process.
- 8) Evidence of solvency, business experience and acumen
- 9) References confirming good character, business experience and acumen for the directors and key employees of the Proponent.
- 10) References confirming a track record of successful business activity for the Proponent from the following:
 - a. An independent chartered accountant or funder whom the funder has/ had a commercial relationship with.
 - b. Where the Proponent is not the proposed contracting entity, the Proponent must also provide this information for the proposed contracting entity.
- 11) A response to each of the four evaluation criteria in sufficient detail to:
 - a. Demonstrate the Proponent's relevant experience, capability and capacity of the Proponent's professional advisors in relation to comparable scale projects or contracts.
 - b. Describe the Proponent's specific approach to the Project
 - c. Describe the Proponent's anticipated risk management and mitigation strategies and approach to Health & Safety

- d. Describe the Proponent's understanding of any relevant commercial opportunities and how the Proponent anticipates these opportunities will be realised.
- 12) A brief summary of any additional relevant experience, capability and capacity of the Proponent's professional advisors in relation to the Project.
- 13) A list of independent referees (including contact details) that can verify the Proponent's (or Participants') role and performance in relation to comparable scale projects or contracts.
- 14) The total Response should not exceed 10 single sided A4 sized pages plus cover page. Any Appendices should be kept to a minimum.
- 15) If a Proponent wishes to go onto the site, the Proponent must make an appointment with Council to do so.
- 16) A Proponent who, having made an appointment with Council to visit the site:
 - a. must conduct themselves in a respectful and professional manner.
 - b. may only access the site when accompanied by an approved representative of Council.

GENERAL TERMS AND CONDITIONS

LODGEMENT OF RESPONSES

- 1) By lodging a Response, Proponents acknowledge that they accept and are bound by all terms and conditions set out in this document.
- 2) Council may, at its absolute discretion, reject a Response which does not comply with this Request and the terms and conditions set out in these General Terms and Conditions.
- 3) Proponents must deliver their Response by the Closing Date identified in the above schedule or as amended by notification from Council.
- 4) Proponents must deliver, by hand or by courier:
 - a. Three bound copies of their Response (with one marked “original” and the other two marked “copy”); and
 - b. one electronic version (which must be a “pdf” format version of all documents with text-search and text and image copying capability enabled) on Flash Drive.
- 5) Responses should be signed and dated by an authorised officer of the Proponent (and by each Participant) and sealed within appropriate envelopes or packages, marked as follow:

[Proponent’s Name]

Strictly Private and Confidential

Response to Request for Request for Proposal Foxton Memorial Hall

- 6) The response must be couriered to Council or delivered to the tender box at the following address:

Attn: Arthur Nelson

Property and Parks Manager

Private Bag 4002, Levin

Horowhenua District Council

NEW ZEALAND

Or responses can be delivered to Council at:

Attn: Arthur Nelson

126 Oxford Street, Levin

NEW ZEALAND

- 7) Responses must remain open for acceptance and be valid for six months from the Closing Date or such date as Council may agree with the Proponent.

ENQUIRIES

- 1) Any enquiries that Proponents may wish to make to clarify their interpretation of the Request or for any other purpose should be submitted in writing (including by email), not later than ten working days prior to the Closing Date, to the Contact Officer being arthurn@horowhenua.govt.nz
- 2) Telephone and facsimile requests will not be accepted. Late enquiries may not be accepted.
- 3) Enquiries and Council's responses will be provided to all Proponents, except where:
 - a. A Proponent nominates in the enquiry that the enquiry relates to proprietary aspects of its Response; or
 - b. Council is of the opinion that the enquiry and its response are not material to the integrity of the process.
- 4) In the event that a Proponent nominates that an enquiry relates to proprietary aspects of its Proposal, if Council is of the opinion that the enquiry is not proprietary in nature, Council will advise the Proponent, who will be given the option to withdraw the enquiry. If the Proponent then reaffirms its request for a response to the enquiry, the enquiry and the Corporation's response may be provided to all Proponents.

ADDENDA

- 1) All amendments to the Request will be issued in the form of Addenda, which shall be serially numbered. No amendment of the Request may be relied upon by a Proponent unless given in the form of an Addendum. Each Addendum will become part of the Request.

SUPPORTING MATERIAL

- 1) A Proponent may be called upon at any time to provide additional information in writing or a presentation in support of their Response. Any such information must be provided promptly and within any time periods specified by Council, in order to be taken into consideration.
- 2) Council reserves the right in its absolute discretion to enter into discussion, or written communications, with any Proponent to seek clarifications, verify the accuracy of statements made and obtain additional information to enable Council to evaluate a Response without undertaking similar discussion or written communications with any other Proponent.
- 3) Council may contact any referees and reference projects that a Proponent provides in its Response. Council may request those referees and those involved in the referenced projects to provide any information about the Proponent that Council considers relevant to the evaluation of the Response. The Proponent provides its irrevocable consent to Council to make such contact and requests.

NO CANVASSING

- 1) Proponents must not, without the Council's written consent, contact:
 - a. any members of Council (including Councillors or member of the Foxton Community Board) or its current or former employees, contractors,

- consultants or anyone who has or has had in the past a direct working relationship with Council (with the exception of the Contact Officer);
 - b. Politicians or their respective staff; with a view to seeking information in respect of any part of the process or Development or attempting to support or enhance their prospect of being selected as a preferred Proponent.
- 2) Council may, in its sole discretion, exclude a Proponent who contravenes the provisions in this clause.

COLLUSION AND PROBITY

- 1) A Proponent, Participants, and their respective officers, employees, agents and advisors must:
- a. not engage in any collusive tendering, anti-competitive conduct or any other similar conduct with any other Proponent or any other person in relation to the preparation or lodgement of a Response or their participation in the RFP process: and
 - b. not attempt to influence the outcome of the RFP process by offering any employment, payment, inducement or other incentive to, or in any way seek to improperly influence, any person employed or engaged by Council in relation to the Project.
- 2) Evidence of such contact may lead to the rejection of the Responses, or the termination of any negotiations or contract with all Proponents involved.

CONFLICT OF INTEREST

- 1) By lodging a Response, Proponents declare that:
- a. their participation in this process creates no actual or potential conflicts of interest;
 - b. if successful, their involvement in the Project is not likely to give rise to any actual or potential conflict of interest.
- 2) Proponents are required to inform Council of any actual or potential conflicts that may arise after lodgment of their Response.

COSTS TO BE BORNE BY PROPONENTS

- 1) Council will not be responsible for, or pay or reimburse, any costs, expense or loss which may be incurred by any Proponent, including (without limitation):
- a. in acting upon the Request, in the preparation of its Response, attending any meetings, providing any further information, or otherwise in connection with its participation in the process;
 - b. as a result of any modification or termination of the process;
 - c. as a result of any loss of opportunity.

RELIANCE ON INFORMATION

- 1) By submitting a Response, the Proponent:
- a. warrants to Council that the information is true, accurate and complete as at

the date on which it is lodged, and may be relied upon by Council in its selection of preferred Proponents;

- b. acknowledges that Council will rely on the warranty and undertaking when evaluating the Response.

CHANGES TO PARTICIPANTS AND CIRCUMSTANCES

- 1) Proponents must inform Council of any material change to any of the information contained in their Response and of any material change of circumstances that may affect the truth, completeness or accuracy of any information provided in, or in connection with, their Response.

CONFIDENTIALITY

- 1) Unless otherwise advised by Council, all communications, material and other information provided by Council pertaining to the process and the Project are and must be kept confidential.
- 2) Personal information provided by Proponents may, in the course and solely for the purposes of evaluation, be disclosed within Council, its advisors, the Project team and partner agencies.
- 3) Council reserves the right to publish the names of Proponents.
- 4) The Proponent must not make any news releases or responses to media enquiries and questions pertaining to the process or the Project without Council's written approval.

RELEASE OF INFORMATION

- 1) Proponents acknowledge that Council is bound by the Official Information Act 1982 and that Council may be required to disclose their Response to a third party under that Act.
- 2) Council may also be required to disclose their Response in response to a Local Government Official Information and Meetings Act 1987 (LGOIMA) and the Privacy Act 1993.
- 3) In determining whether a Response (or part of a Response) should be disclosed, Council shall have due regard to the possible commercial sensitivity of the information requested.

NO LEGAL RELATIONSHIP

- 1) The Request is not an offer. Council is not legally bound in any way to Proponents and is not obliged to proceed any further with the process.
- 2) To the extent permitted by law, Proponents will have no claim against Council arising out of the RFP process, the exercise, or failure to exercise by Council of any rights under the Request, including as a result of delays to the RFP process, nor in relation to any matters arising out of or in connection with the RFP.

AMENDMENT AND TERMINATION OF THE PROCESS

- 1) Without limiting its other rights, Council reserves the right in its absolute discretion, to cancel, amend, vary, supplement or replace the Request by notice in writing to all Proponents.

- 2) Council may also in its absolute discretion:
 - a. modify or terminate the RFP process at any time; and/or
 - b. terminate further participation in the RFP process by any party; and/or
 - c. not select any Proponent as a preferred Proponent; and/or
 - d. select none of the Proponents as preferred Proponents; and/or
 - e. proceed with the Project on a basis or terms different from those described in this Request.

NO APPEAL

- 1) Proponents will not have a right to appeal against any decisions arising from this Request or the RFP process or in later stages of the procurement process.

DISCLAIMER

- 1) Council makes no warranty or representation, in relation to the accuracy of the information in the Request or any other document or communication (whether written or verbal) provided by Council or any other person on behalf of Council.
- 2) Proponents should prepare their Responses based on their own investigations and determinations and should not rely on the information contained in the Request or any other document or communication provided by or on behalf of Council.

GOVERNING LAW AND JURISDICTION

- 1) This RFP will be construed according to, and governed by, New Zealand law and the Proponent agrees to submit to the exclusive jurisdiction of New Zealand courts in any dispute concerning this RFP and any Response.

