



Board of Commissioners
One of Georgia's original counties ~ Established in 1825

Updated document as of 10.17.17 – AMENDMENT TO SECTION 4.1

Land Acquisition

1. INTRODUCTION

1.1 Statement of Purpose

The Lee County Board of Commissioners (“Lee County”) deems it appropriate to consider the purchase and acquisition of land in order to construct, operate, and maintain recreational facilities to the benefit of Lee County and the residents thereof. The purpose of this Request for Proposal (RFP) is to obtain proposals from persons and entities offering to sell or donate land in Lee County for such recreational purposes. In soliciting such proposals, Lee County seeks to obtain such proposals in a format in which Lee County may evaluate such proposals and obtain information by which Lee County may evaluate the land and associated amenities offered in response to the Request for Proposals (“RFP”).

Lee County, as a local governmental entity, has identified a need for the acquisition of land for the purpose of construction, operation, and maintenance of recreational facilities in Lee County on land which is physically suitable for such activity, is accessible to Lee County’s population, and which can be obtained at a cost to Lee County which is reasonable and fair to both the land owner and to Lee County, keeping in mind Lee County’s obligations to expend taxpayer funds wisely and in the best interest of such taxpayers.

Lee County anticipates that, in the coming months, it will review proposals for the purchase or acquisition of land for such purposes, obtain the services of design

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102 Starksville Avenue North
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professionals to analyze costs associated with the development of recreation facilities and related opportunities upon such land, and narrow the actual land to be acquired or purchased to approximately to three to five sites, all of which will be considered based upon the criteria established in this RFP.

Lee County shall be the sole determining authority regarding the “suitability” of any proposed locations to be used by Lee County for such purposes. The term “suitability” shall include, but shall not be limited to, the considerations enumerated in Section 6.1.3 hereof.

Proposal Deadline

Proposals shall be submitted no later than 2:00 p.m. Local Time, on October 23, 2017. Any proposal shall be responsive to this RFP and any exhibits, attachments or amendments thereto. Any proposal which is not responsive to this RFP, or which is submitted after the deadline, shall not be considered.

Any person or entity submitting a proposal assumes the risk of the method of submittal chosen by such person or entity. Lee County assumes no responsibility for delays caused by any delivery service. Postmarking by the due date shall not substitute for actual proposal receipt by Lee County at or prior to the time proposals are due as provided in this RFP. Late proposals will neither be accepted nor shall additional time be granted to any person or entity seeking to submit a proposal. Proposals must be delivered either in person, by courier, by regular mail, certified mail, or statutory overnight delivery, but may not be delivered orally, by facsimile transmission, by electronic mail, or by any other telecommunication or electronic means.

2. GENERAL REQUIREMENT AND INFORMATION

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2.1 RFP Coordinator

Mike Sistrunk, Co County Manager
Lee County Board of Commissioners
102 Starksville Avenue North
Leesburg, Georgia 31763
(229) 759-6000

The main point of contact shall hereinafter be referred to as the RFP Coordinator.

2.2 RFP Number

The Board has assigned the following RFP identification number; it should be referenced in all communications regarding the RFP.

RFP 2017-01 (R)

2.3 Communication Regarding the RFP

2.3.1 Upon release of this RFP, all communications concerning this procurement must be directed to the RFP Coordinator. Unauthorized contact regarding the RFP with other employees of Lee County, or with elected members of the Lee County Board of commissioners, may result in disqualification.

2.3.2 All communication should be in writing and addressed or delivered to the RFP Coordinator. Any oral communications shall be considered unofficial and nonbinding on Lee County. Written comments, including questions and requests for clarification, must cite the subject RFP number.

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2.3.3 Any communication regarding this RFP sent by facsimile transmission must also be sent by certified mail or statutory overnight delivery on the same date as the facsimile transmission is sent.

3. PROPOSAL FORMAT AND CONTENT

3.1 General Proposal Requirements

3.1.1 Lee County discourages lengthy and costly proposals. Proposals should be prepared simply and economically and provide a straightforward, concise description of the land to be offered to Lee County under this RFP and the capability of the person or entity submitting such proposal to meet the requirements of this RFP.

4. INDEPENDENT PRICE DETERMINATION

4.1 Each person or entity submitting a proposal in response to this RFP shall be authorized, but not required, to file an appraisal for each parcel of land proposed to Lee County in response to this RFP. The appraisal shall be performed by a certified general land appraiser licensed to do business in Georgia who is familiar with conditions and the fair market value of land in the Lee County area where the proposed land is located. The appraisal shall provide the appraiser's professional opinion of the fair market value of the land and the appraisal method or methods utilized by the appraiser in determining such value. The cost associated with such appraisal shall be the responsibility of the person or entity submitting the proposal.

4.2 Upon the submission and initial consideration of the proposals, Lee County reserves the right (i) to obtain an independent appraisal with respect to any parcel or parcels of land submitted under this RFP; and (ii) to obtain an environmental study of the land (i.e., a Phase I study of the land), and by submitting a proposal hereunder, the person or entity submitting such a proposal consents to allow access to the proposed

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land for this purposes. The cost of such appraisal or Phase I study commissioned by Lee County shall be paid for by Lee County. Nothing in this section shall be construed to prohibit Lee County from conducting an appraisal or Phase I study at any other time prior to closing.

- 4.3** The proposed land shall consist of eighty (80) to one hundred (100) acres in Lee County. The proposed land shall be suitable for building, operating, and maintaining recreational and related facilities.
- 4.4** The proposal shall provide the number of acres and the proposed price per acre, the location of the property, the Land District and Land Lot in which the property is located, the current zoning of the property, the current use of the property, whether the property is within the corporate limits of any Lee County municipality or is in the unincorporated area of Lee County, a summary of the existing available public road access to the property, and approximate distances from the property to existing residential homes and commercial structures. Available plats of survey, if prepared by a registered surveyor licensed to do business in Georgia, shall also be provided as a part of the proposal.
- 4.5** Conflict of Interest and Proposal Restrictions; Waiver of Technicalities; Rejection
- 4.5.1** By submitting a proposal, the person or entity submitting a proposal certifies that no money or other consideration shall be paid directly or indirectly to a member of the Lee County Board of Commissioners or to any employee thereof, as wages, sales commission, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor or consultant to any person or entity submitting a proposal in connection with the procurement under this RFP.

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Notwithstanding this restriction, nothing in this RFP shall be construed to prohibit any other state or local governmental entity from submitting a proposal, being considered for award, or being awarded a contract under this RFP.

- 4.5.2** Lee County reserves the right, at its sole discretion, to waive technicalities in proposals provided such action is in the best interest of Lee County and its citizens. Where the Board waives minor technicalities in proposals, such waiver does not modify the RFP requirements or excuse the Proposer from full compliance with the RFP. Notwithstanding any minor technicality, the Owner may hold any Proposer to strict compliance with the RFP. The time by which a proposal must be submitted shall not be deemed a technicality in any event.

5. Proposal (General Requirements)

- 5.1** The proposal shall state that the proposal remains valid and open for acceptance by Lee County for not less than one hundred eighty (180) calendar days from the date that proposals are due.

- 5.1.1** The proposal shall provide the complete name of the person or entity submitting the proposal. Proposals shall only be made by a person or entity actually owning an ownership interest in the property which is subject of the proposal. Where more than one (1) person or entity owns an interest in the property, the proposal must be submitted by or on behalf of all such owners.

- 5.1.2** Lee County reserves the right to refuse to consider a proposal or to cancel an award where it is discovered that an interest in the property is owned by a person or entity who, based upon such interest, would have a conflict of interest or the appearance of a conflict of interest in entering into any agreement for the sale of such property with Lee County. Any such

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determination regarding any questions of conflict of interest or the appearance of a conflict of interest shall be determined by Lee County in its sole and absolute discretion.

- 5.1.3** Bidders are required to examine all maps, plans, drawings, specifications and data mentioned in the specifications, contracts, or proposals on file with Lee County at 102 Starksville Avenue North Leesburg, Georgia, or at such other location or locations established by Lee County from time to time with respect to such proposed project. No plea of ignorance of conditions that exist or that may exist after the date of these instructions, or of any conditions or difficulties that may be encountered in the execution of the work under any contract issued hereunder, resulting from the bidder's failure to make the necessary examinations and investigations, shall be accepted as an excuse for any failure or omission on the part of the successful bidder to fulfill in every detail all requirements of any contract issued hereunder. Nor will such reasons be accepted as a basis for any claims whatsoever for extra compensation, change orders, or an extension of time to complete the required work under the contract issued hereunder.

6. Contract Award

- 6.1.** The RFP Coordinator will forward results from the proposal evaluation process to Lee County for review and consideration.
- 6.1.1** Lee County reserves the right to make an award without further discussion of a proposal submitted. Each proposal should be initially submitted on the most favorable terms the person or entity submitting the proposal can or will offer.
- 6.1.2** Lee County will evaluate all submissions based upon the suitability of the land for recreation purposes, the cost of the land, the number of acres, the

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size and shape of the land, access to the land by existing public roadways and other modes of transportation, the history of the prior uses of the land, the applicable geotechnical data, accessibility to existing utilities, existing zoning of the property, proximity to existing residential homes and commercial structures, and other similar considerations determined to be relevant by Lee County during the proposal consideration process.

- 6.1.3** Up to five (5) proposals which are deemed to be the most responsive to this RFP shall be ranked in order by Lee County, with Proposal Number 1 being considered the most suitable, Proposal Number 2 being the next most suitable, and so on. Lee County reserves the right, at its sole discretion, to negotiate with the person or entity submitting the highest ranked proposal, and if that negotiation is not successful, then such negotiations may be undertaken with the second next ranked proposal, and so on, until such time as a proposal acceptable to Lee County is obtained.
- 6.1.4** Notwithstanding any other provision hereof, Lee County reserves the right, in its sole and absolute discretion, to reject any and all proposals should Lee County deem such a rejection to be in the best interest of Lee County and the citizens of Lee County. Any such rejection shall not be construed to prohibit Lee County from publishing one or more additional RFPs in connection with the same subject matter as this RFP.
- 6.1.5** The successful proposal which is accepted by Lee County shall be the subject of a written real property purchase and sale agreement to be entered into between Lee County and the person or entity submitting such successful proposal. No acceptance shall be final until such purchase agreement is approved and executed by all necessary parties thereto. The person or entity submitting the successful proposal shall be capable of conveying the property to Lee County free and clear of all liens and encumbrances, with good and

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marketable title as defined by the Title Standards of the State Bar of Georgia. Such sales contract shall also contain such other terms, contingencies, and conditions as are normally included in purchase agreements for property of the type which will be purchase or acquired by Lee County in accord with this RFP, including, but not limited to, the fact that the property is free of all hazardous environmental conditions.

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