

**REQUEST FOR PROPOSALS**  
**for the purchase and redevelopment of the former**  
**21<sup>st</sup> Century Preparatory School Property**

The Hamilton County Board of Education requests proposals for the purchase and redevelopment of property and buildings known as the former 21<sup>st</sup> Century Preparatory School, located at 4201 Cherryton Drive, Chattanooga, TN 37411.

The deadline for the receipt of proposals is 2:00 p. m. (E.S.T.), on Friday, December 2, 2011. Questions regarding the Request for Proposals (RFP) should be addressed to the Hamilton County Real Property Office at:

Chuck Teasley, Projects Coordinator  
Hamilton County Real Property Office  
4<sup>th</sup> Floor Mayfield Annex  
123 E. 7<sup>th</sup> Street  
Chattanooga, TN 37402  
Phone: 423.209.6444  
Fax: 423.209.6445  
Email: [chuckt@mail.hamiltontn.gov](mailto:chuckt@mail.hamiltontn.gov)

**GENERAL INFORMATION:**

The former 21<sup>st</sup> Century Preparatory School property is located within the Brainerd area of the City of Chattanooga, Hamilton County, Tennessee.

**SITE AND BUILDING INFORMATION:**

**Legal Description:** The legal description for the property is recorded in Deed Book 5167, Page 666; Register's Office, Hamilton County, Tennessee.

**State Tax Map Number:** 157G-J-012 & 013

**Building and property parameters:** The property consists of approximately 8.35 acres (subject to survey) and includes buildings of approximately 74,000 square feet.

**Special Conditions:** The building is currently listed on the National Register for Historic Places. (Listed September 15, 1980) Purchaser/developer will be responsible for determining if their proposal complies with requirements established by the National Register for Historic Places.

**Zoning:** The property is currently zoned R-1 (Residential). Rezoning required for any redevelopment must be considered by the Regional Planning Agency and approved by the City of Chattanooga.

**Previous Use:** For 75+ years, the property was used as the site of the former Brainerd Junior High School and later 21<sup>st</sup> Century Preparatory School.

**Current Context:** Currently, the facility is “closed and vacant” and considered surplus to the needs of Hamilton County Board of Education.

**Environmental:** Hamilton County Board of Education is unaware of any environmental reports or engineering studies that have been done on the property other than an asbestos management plan which is available for review.

Determination of any environmental issues and correction, abatement, remediation, removal or “clean-up” activities shall be the sole responsibility of the proposer.

Should any environmental audits and/or reports, including but not limited to, Environmental Phase I or II reports be required by the proposer and/or the purchaser/developer, the cost and performance of such reports will be the responsibility of the proposer and/or the purchaser/developer.

Should the purchaser/developer choose to demolish the existing buildings located on the property, it will be the responsibility of the purchaser/developer to determine the demolition requirements as related to environmental concerns, if any, to the property and any conditions relative to its listing on the National Register for Historic Places. The purchaser/developer will bear the expense of any demolition and/or environmental remediation relative to the property and/or buildings.

**Utilities:** It shall be the responsibility of the proposer and/or the purchaser/developer to determine whether the appropriate utilities are available to the site for any proposed new development on the site. Hamilton County Department of Education will assist the purchaser/developer with obtaining documentation from the various utility companies and other governmental entities regarding utility service to the property.

**Storm Water Management:** It shall be the responsibility of the proposer and/or the purchaser/developer to ascertain the requirements for City regulations regarding storm water management for any proposed development on the property.

**GENERAL REQUIREMENTS:**

The property will be sold in an "as is" condition. It will be the responsibility of the proposer and/or the purchaser/developer to determine the condition of the building including, but not limited to, all mechanical, electrical, plumbing systems and structural conditions of the building and the suitability of the property for any proposed new development.

A boundary survey is available upon request. A topographical survey, if required by the proposer and/or the purchaser/developer, shall be the responsibility of the proposer and/or the purchaser/developer to obtain at the proposer and/or purchaser/developer's cost.

Any redevelopment of the property must conform to all building and zoning requirements and/or ordinances as established by the applicable governmental entity including, but not limited to, the City of Chattanooga, Tennessee, the Hamilton County Regional Planning Agency, Air Pollution Control Bureau, and the International Building Codes.

### **RIGHTS TO INSPECT CONDITION OF THE PROPERTY**

During the Request for Proposals submission time and at other subsequent times necessary, the Hamilton County Board of Education will allow the property to be inspected by the proposer and/or the purchaser/developer and to allow the proposer to perform any tests or inspections necessary to satisfy the proposer and/or purchaser/developer as to the condition of the property, its suitability for the proposer and/or the purchaser/developer's intended use, and presence and/or condition of asbestos/asbestos-containing materials, lead or lead containing paint, PCB emissions, and other hazardous or toxic materials; provided, however, that the purchaser and/or purchaser/developer shall make written requests of the Hamilton County Board of Education to conduct these tests and/or inspections; and further provided that the proposer and/or purchaser/developer shall be responsible for these tests and/or inspections and will indemnify and hold Hamilton County, Hamilton County Board of Education, Hamilton County Department of Education, their officers, employees and agents harmless against any and all losses, damages, injuries or claims whatsoever arising out of or in any way related to the tests or inspections.

In preparing its proposal, proposer and/or the purchaser/developer is relying solely upon its own business judgement and the results of its examination and investigation of the property and, in submitting a proposal, expressly warrants Hamilton County, Hamilton County Board of Education, Hamilton County Department of Education its officers, employees and agents have made no representations or warranties, whether express or implied, with respect to environmental matters of any nature or kind whatsoever relating to the property or any portion thereof; the compliance or non-compliance of any of the property to any applicable municipal or governmental building codes, ordinances, rules or regulations; the habitability of the property; the value, compliance and specifications, location, use, merchantability, design, quality, description, durability, operation or condition of the property or any portion thereof for the proposer or purchaser/developer's proposed usage whatsoever. By submitting its proposal, proposer and/or purchaser/developer realize that it will purchase the property as is, where is, with all faults, if any, in their present condition and subject to all deficiencies and defects, whether known or unknown.

In addition, any proposer and/or purchaser/developer wishing to do any physical investigation of the property will be required to provide the following prior to beginning any physical investigation:

1. Commercial General Liability Insurance - \$1,000,000 limit per occurrence for property damage and bodily injury, including:
  - a) Premises/Operations
  - b) Products/Completed Operations
  - c) Contractual Liability
  - d) Independent Contractors

- e) Broad Form Property Damage
  - f) Personal Injury
2. Business Automobile Liability Insurance (if on site with vehicles to perform work) - \$500k limit per occurrence for property damage and bodily injury including owned/leased vehicles, non-owned vehicles and hired vehicles.
  3. Workers' Compensation and Employer's Liability Insurance – Workers' compensation statutory limits as required by Tennessee Law. This coverage should include Employer's Liability coverage for \$1,000,000 if applicable.

Hamilton County, Hamilton County Board of Education and Hamilton County Department of Education must be listed as an additional insured on the liability policies. Coverage must be evidenced with a signed certificate of insurance and be placed with an insurer rated B+10 or better by A. M. Best's Rating Guide or as approved by the County's Risk Manager. In addition, coverage may not be canceled without at least 30 days written notice.

Under no circumstances does the Hamilton County Board of Education certify or attest to the accuracy or validity of any document or report provided to the proposer and/or purchaser/developer but does certify that each document or report will be in the same completed form as when received by Hamilton County Board of Education.

**RESTRICTIONS:**

Proposer and/or purchaser/developer understands and agrees that the subject property, or any portion thereof, may never be used for a private or parochial school serving pre-K through the 12<sup>th</sup> grade. Furthermore, the proposer and/or purchaser/developer acknowledge that the deed from the Hamilton County Board of Education to the successful proposer and/or purchaser/developer will include reverter language divesting title of the property from any subsequent owner who would operate such a school on the property or any portion thereof and return the title to the Hamilton County Board of Education. Proposer and/or purchaser/developer agree to incorporate this reverter language into any deed of any subsequent conveyance for the property.

**PROPOSAL SUBMISSION:**

Proposals and offers to purchase must be submitted (mailed or hand-delivered) to the Hamilton County Real Property Office, Mayfield Annex, 123 E. 7th Street, Chattanooga, TN 37402.

Proposals will be accepted for:

1. the redevelopment of the existing building and property,
2. the demolition of the building and property redevelopment by the purchaser/developer.

The deadline for receipt of proposals is 2:00 p. m. (E.S.T.), on Friday, December 2, 2011.

**COMPARATIVE EVALUATION CRITERIA:**

Staff evaluations of the proposals and recommendation for selecting the proposal will be based on the criteria listed below (not in order of importance).

1. The overall desirability, aesthetic quality, compatibility, and architectural concept of the proposed project as it relates to the surrounding community.
2. Purchase price.
3. Proposed reuse of the property/building.
4. Total tax revenues anticipated to be generated by the proposed redevelopment.
5. Financial stability, size, and experience of the proposer and/or purchaser/developer to successfully complete the project.
6. The overall economic impact of the proposed project at completion.

**REAL ESTATE PURCHASE AGREEMENT:**

A real estate purchase agreement, with specific terms, will be negotiated with the purchaser/developer selected.

**NOTICE CONCERNING REAL ESTATE COMMISSIONS:**

Hamilton County Board of Education does not enter into exclusive listing agreements with licensed real estate agents/brokers. Each party hereto shall represent to the other that it has not authorized any broker to act on its behalf in connection with the sale and purchase of the property proposed in this RFP and each party agrees to indemnify, defend, and hold harmless the other party from and against any and all losses, liens, claims, judgments, liabilities, costs, expenses or damages (including reasonable attorneys' fees and court costs) of any kind or character arising out of or resulting from any type of agreement, arrangement or understanding alleged to have been made in connection with the RFP.

**SELECTION PROCESS**

Hamilton County and the Hamilton County Board of Education shall form a selection committee comprised of appropriate staff members. The selection committee shall review all written proposals received and rank them based upon the Comparative Evaluation Criteria noted herein.

It is the intent of this process to select the most qualified proposer(s) offering the most suitable solution based upon the responses to this RFP.

Once a proposal has been determined to comply with this request for proposals, discussions may be commenced with proposer(s) to ascertain the proposal most advantageous to the Hamilton County Board of Education.

Hamilton County Board of Education reserves the right to withdraw the request for proposals or to reject any and all proposals for any reason. It is expressly understood that the receipt of any response to the Request for Proposals does not commit Hamilton County Board of Education to the sale of the property and that any proposal must be accepted by action taken by the Hamilton County Board of Education.

Hamilton County Board of Education does not discriminate on the basis of race, color, or national origin and is in compliance with guidelines and procedures of Title VI of the Civil Rights Act of 1964.

All proposals will be submitted at the proposer's own cost and expense. Hamilton County and the Hamilton County Board of Education will have no financial obligation relative to the submission of any proposal.

Information regarding competitive proposals will be confidential until the staff has evaluated all proposals. Proposals may be made public at such time recommendation for approval is given to the Hamilton County Board of Education.

**QUESTIONS:**

Questions regarding the Request for Proposals should be addressed to:

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