REQUEST FOR PROPOSALS:

CITY OF BISMARCK,
NORTH DAKOTA
5TH & THAYER
REDEVELOPMENT SITE

424 EAST THAYER AVENUE

ISSUED: APRIL 28, 2022
PROPOSALS DUE: JULY 14, 2022
REQUEST FOR PROPOSALS (RFP):
5TH & THAYER REDEVELOPMENT SITE

424 EAST THAYER, BISMARCK, ND 58501

Estimated RFP Schedule

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>RFP Issued</td>
<td>April 28, 2022</td>
</tr>
<tr>
<td>Final Date for Questions Related to RFP</td>
<td>May 26, 2022</td>
</tr>
<tr>
<td>Proposal Deadline</td>
<td>July 14, 2022 at 4:00 p.m.</td>
</tr>
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<td>Developer Interviews, if necessary</td>
<td>July 18 - 22, 2022</td>
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<tr>
<td>Selection of Developer by Board of City Commissioners</td>
<td>August TBD, 2022 (pending selection process)</td>
</tr>
<tr>
<td>Development of Contract</td>
<td>August – September, 2022</td>
</tr>
</tbody>
</table>

Any interested individual may request to be on an email list to receive updates on the RFP process, including addenda to the RFP if any are issued. The City may alter this RFP at any time.

Submittal Instructions

Proposals must be received by the City of Bismarck no later than 4 p.m. CST on July 14, 2022. Proposals received after this deadline will not be accepted.

Send proposals to: Jason Tomanek, Assistant City Administrator
City of Bismarck
221 North 5th Street
P.O. Box 5503
Bismarck, ND 58501
jtomanek@bismarcknd.gov

Direct questions regarding the RFP to: Jason Tomanek, Assistant City Administrator
701-355-1302
jtomanek@bismarcknd.gov
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**Purpose for Request**

The City of Bismarck (City) requests proposals for the redevelopment of a City-owned parcel in downtown Bismarck. This is a unique opportunity for redevelopment in the heart of North Dakota’s capital city. The Bismarck-Mandan metro area has a strong and growing economy with a vital downtown in Bismarck.

The following base project and two additional options are provided. Submittals that only include the base project will receive full consideration and evaluation on the merits, and optional elements will be factored into the final evaluation. However, the City would entertain proposals for a larger project if additional land could be acquired from private property owners.

**Base Project:**

- Purchase the vacant parcel at 424 East Thayer Avenue from the City of Bismarck.
- Redevelop the site as a mixed-use building within three years of purchase finalization, unless timeline is extended by the City Commission based on demonstrated progress toward development goals.
- In addition to any parking provided on-site to serve the needs of the subject development, a minimum of 63 (non-compact) spaces will need to be provided, on-site, to replace the existing parking. Propose an arrangement for ownership and management of the new parking.

**Optional:**

- Incorporate space within the mixed-use building for City of Bismarck office needs, as outlined in various alternatives of the 2014 City of Bismarck, North Dakota Needs Assessment (attached).
- Work with Montana-Dakota Utilities to relocate overhead powerlines adjacent to the site to an underground location.
Site and Area Details

<table>
<thead>
<tr>
<th><strong>Address:</strong></th>
<th>424 East Thayer Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parcel ID:</strong></td>
<td>0001-104-005</td>
</tr>
<tr>
<td><strong>Legal Description:</strong></td>
<td>Lots 7-12, Block 104, Original Plat</td>
</tr>
<tr>
<td><strong>Dimensions:</strong></td>
<td>140 feet east-west by 150 north-south (quarter block)</td>
</tr>
<tr>
<td><strong>Lot Area:</strong></td>
<td>21,000 Square Feet</td>
</tr>
<tr>
<td><strong>Current Use:</strong></td>
<td>Surface Parking with 63 Spaces</td>
</tr>
<tr>
<td><strong>Zoning:</strong></td>
<td>DC – Downtown Core</td>
</tr>
</tbody>
</table>

Existing Use of Site

The site is currently used as a paved surface parking lot with 63 spaces. The lot is owned by the City of Bismarck and managed by the Bismarck Parking Authority. The spaces are currently leased on a monthly basis by the Parking Authority. The lot is currently leased in full.

The site has been undeveloped since the mid-1950s. Prior to the 1950s, it was occupied by McCabe Methodist Church dating to the 1880s.
**Nearby Attractions and Amenities**

The site is in a prominent downtown location with easy access to the region’s largest employers, a sizable and growing entertainment district, and several nearby attractions. Within a half-mile of this site, there are approximately 3,500 employees\(^1\) and 1,650 housing units (and about 200 under construction)\(^2\). High-profile civic buildings are directly adjacent to the site.

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\(^1\) 2021 Infogroup Employment Data  
\(^2\) 2022 Bismarck Assessing/Community Development
Access and Transportation

The site is centrally located with adequate vehicular access from all directions. The adjacent North 5th Street is classified as a minor arterial and East Thayer Avenue as a collector, although vehicular traffic volume is lower on both streets relative to nearby streets of East Rosser Avenue and North 3rd Street. The property is also served by a mid-block alley running in the north-south direction. The alley is not currently utilized to access this site, but the use of the alley for vehicular access would be encouraged in any redevelopment.

The site has a WalkScore® of 76, which is considered “very walkable,” and pedestrian features for safety and comfort are in place. The lot is within the enhanced streetscaped area known as Chancellor Square. Capital Area Transit, the regional public transit provider, runs a bus route adjacent to the site along North 5th Street.
A street improvement district is planned for this area, to be completed in the Summer and Fall of 2022. The paving areas directly adjacent to this property would be repaired, but no structural alterations are proposed for these frontages. The subject property is within the benefitted area of the assessment district for this project. An updated assessment estimate may be provided upon request.

**Zoning and Land Use Regulation**

The site is within the DC – Downtown Core zoning district. A broad range of uses are permitted by right, including vertical mixed uses on the same property. There are no minimum setbacks on any side of the property, although building code may limit window openings adjacent to property lines. Instead, buildings must be built directly to the property line on all street frontages (however, some variation in the depths of a building façade is encouraged).

All development is exempt from minimum off-street parking requirements in the Downtown Core. New parking structures in this location must have retail sales or service uses occupying the ground-floor of the structure adjacent to the sidewalk. All new development is required to be no less than two stories or 20 feet in height. The maximum height limit is 130 feet, although this may be exceeded with approval of a Special Use Permit. Proposals that exceed this limit will not be considered less favorably.

Any development in the DC - Downtown Core zoning district is subject to downtown design review approval by the Downtown Design Review Committee, according to 2015 Downtown Design Guidelines and requirements of the zoning district, and alterations of the sidewalk area of the street are subject to the Downtown Streetscape Standards. The inclusion of public amenities, such as small parks and private plazas, is encouraged, but not required, with new development. Any development is also subject to administrative site plan approval and building permits.

The zoning ordinance may be found online as [Title 14 of the Bismarck Code of Ordinances](#).

**Renaissance Zone**

The site is within the City of Bismarck’s Renaissance Zone, which is a statewide tax incentive program intended to attract investment to specific areas of cities. A new construction project may be eligible for a five-year property tax exemption on the parcel, as well as a state income tax exemption on any income derived from the property for five years. Any future commercial tenants in a property that has received a Renaissance Zone benefit may also apply to receive a five-year state income tax exemption for their own businesses.

The selected developer may choose to apply for this Renaissance Zone tax incentive. Projects are reviewed by the Renaissance Zone Authority and approved by the Board of City Commissioners, with concurrence from the State Department of Commerce. Approval for the incentive is not guaranteed. Bismarck’s current Renaissance Zone is set to expire by July 31, 2022, although the Renaissance Zone Authority is currently seeking a 5-year extension of the
program. The status of the extension of this program will likely be known by the time proposals are due. Please contact Daniel Nairn at dnairn@bismarcknd.gov for current status.

See the Renaissance Zone program page on the City of Bismarck website for more information.

Utilities

Municipal water, sanitary sewer, and storm sewer services are adjacent to the site and readily accessible. There are overhead powerlines in the north-south alley adjacent to this site, which are owned by Montana-Dakota Utilities. Relocation of these facilities to an underground location is an optional objective. The Renaissance Zone program can be utilized for the burying of overhead utility lines in conjunction with site development. Montana-Dakota Utilities also provides natural gas service to this area.

Quiet Rail Corridor

As of the beginning of 2017, trains on the BNSF tracks parallel to and south of Main Avenue no longer sound their horn when traveling through downtown Bismarck, unless warranted by special conditions. This section of the track was formally recognized as a “quiet zone” by the Federal Railroad Administration after the installation of significant safety improvements to crossings in the area. The effort to quiet the trains was made to help encourage more housing opportunities in downtown Bismarck.

Adopted Plans and Guidelines

The principles of development used to evaluate proposals will be derived from plans and guidelines that have been adopted by the Bismarck Board of City Commissioners. The full plans are available online by following the links provided below.

Infill and Redevelopment Plan

Link: http://www.bismarcknd.gov/DocumentCenter/View/27981

The Bismarck Infill and Redevelopment Plan was completed in 2017 to encourage and provide guidelines for new infill development and redevelopment of existing sites within the built-out areas of the city.

The Eight Design Principles of the Infill and Redevelopment Plan are:

- Formation and growth of complete neighborhoods
- Integration of city and open space into development
- Provision for mixed-use development of appropriate scale
- Preservation and enhancement of architectural and historical character
- Building at the scale of the pedestrian
- Fostering a network of connected streets and paths
• Mitigation of the impact of parking on public space
• Design to allow adaptation to future conditions

*Downtown Design Guidelines*


The Downtown Design Guidelines were adopted in 2015 and are currently used as the basis for all downtown design review determinations.

The guidelines set the following overall design objectives for the downtown area:

• Create a walkable, human-scaled environment.
• Highlight the attributes that make Bismarck unique and give it a sense of place.
• Connect the built environment with the natural environment through the use of green spaces.
• Design within the context of existing characteristics of each neighborhood.
• Introduce new styles that complement the existing styles to form a balance between old and new.
• Build a flexible environment that can adapt to the changes over time.
• Create an environment that has both uniformity and variety.
• Promote compatibility and continuity of on-going development in downtown Bismarck.
• Encourage property improvements, new development projects and the continued efforts to have a vibrant, lively, and attractive destination as the heart of the community.

*Renaissance Zone Development Plan*


The Renaissance Zone Development plan was adopted in 2000, and was most recently revised in 2020, to guide administration of the Renaissance Zone program. This plan is currently used as the basis for all Renaissance Zone project determinations.

The Plan establishes the following goals:

• Establish the Renaissance Zone as the center of business, life, government, and cultural opportunity for the Bismarck region.
• Promote the Renaissance Zone as the preferred location for hotels, class-A office buildings, specialty retail, government and institutional uses.
• Maximize accessibility of the Renaissance Zone from throughout the region and provide safe, convenient, and attractive circulation within the zone.
• Arrange compatible land uses in compact and orderly ways to enhance the functions of the Renaissance Zone.
• Encourage a Zone that upholds Bismarck’s heritage as well as recognizes and takes advantage of its pattern of development.
• Achieve high quality in the design and visual appearance of the Renaissance Zone.
• Promote the Renaissance Zone as a location for increased housing opportunities.

Downtown Bismarck Subarea Plan

Link: https://www.bismarcknd.gov/DocumentCenter/View/20796

The Downtown Bismarck Subarea Plan was completed in 2013 in an effort to transform the downtown area into a vibrant place where people want to live, work, and be entertained.

The subject site at 424 East Thayer Avenue was identified on this plan as a location for a new building, although any direction on design or use were not provided.

The plan recommended several public investments, many of which either have been or are in the process of being implemented, to spur private investment. These include improvements to Main Avenue and 5th Street, a plaza in front of the historic depot, an expansion of the Event Center, integration with the regional Kirkwood Mall, and a public commons area at the entrance of the Belle Mehus Auditorium.

City of Bismarck, North Dakota, Needs Assessment (2014)

Summary attached to this document

The existing City-owned facility at 221 North 5th Street faces certain limitations to future service levels. Various options for facility expansion are presented. The following recommendations include use of the 424 East Thayer Avenue parcel:

• Option B: Construct a new 38,900 SF/3-story structure on this parcel for city departments.
• Option C: Construct a new 72,300 SF/5-story structure on this parcel for city departments
• Option D: Construct a new 90,900 SF/7-story structure on this parcel for city departments with below-grade parking.
Proposal Request and Selection Process

Schedule of Process

The schedule of the RFP issuance and evaluation process is intended to occur as follows. This schedule may be revised by the City to accommodate unforeseen circumstances.

<table>
<thead>
<tr>
<th>Event/Process</th>
<th>Date(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFP Issued</td>
<td>April 28, 2022</td>
</tr>
<tr>
<td>Interested parties may correspond with the City for clarification on the RFP, if necessary. Interested parties are encouraged to leave contact information for updates from the City. Jason Tomanek, Assistant City Administrator 701-355-1302 or <a href="mailto:jtomaneck@bismarcknd.gov">jtomaneck@bismarcknd.gov</a>, will be primary contact</td>
<td>May – July, 2022</td>
</tr>
<tr>
<td>Final date for questions related to RFP</td>
<td>May 26, 2022</td>
</tr>
<tr>
<td>The City issues any addenda to RFP, if necessary. Any addenda will be posted online and distributed to interested parties</td>
<td>June 2, 2022</td>
</tr>
<tr>
<td>Proposal Deadline</td>
<td>July 14, 2022 at 4:00 p.m.</td>
</tr>
<tr>
<td>Proposals distributed to evaluation committee for review. The evaluation committee will be comprised of City staff and officials, including a representative(s) from the Bismarck Parking Authority</td>
<td>July, 2022</td>
</tr>
<tr>
<td>Developer interviews, if necessary, with evaluation committee</td>
<td>July 18 - 22, 2022</td>
</tr>
<tr>
<td>Final recommendation of evaluation committee submitted to the Board of City Commissioners for review in agenda packet</td>
<td>August TBD, 2022 (pending selection process)</td>
</tr>
<tr>
<td>Selection of developer by Board of City Commissioners</td>
<td>August TBD, 2022 (pending selection process)</td>
</tr>
<tr>
<td>Development of contract</td>
<td>August – September, 2022</td>
</tr>
</tbody>
</table>

Submittal Instructions

All proposals should be submitted as computer files in pdf format, as well as seven (7) printed paper copies.
Files may be transferred via email to Jason Tomanek at jtomanek@bismarcknd.gov. Large files should be uploaded with a link to download files provided via email. Paper copy submittals should be mailed or delivered to the Jason Tomanek, Assistant City Administrator, City of Bismarck, 221 North 5th Street, P.O. Box 5503 Bismarck, ND 58501.

The City is not responsible for communication errors. Development teams are advised to call 701-355-1302 to confirm that a submittal has been received.

If the developer wishes to submit portions of the document as sealed, a cover page of the file, whether electronic or printed, should clearly read “Confidential/Proprietary Financial Information.” The filename of any sealed document should be appended with the word “sealed.”

**Evaluation Criteria**

The City will use standard criteria to evaluate all proposals. The evaluation will be conducted by a committee of City staff and officials, and a recommendation will be made to the Board of City Commissioners for final selection of a proposal.

The following criteria, not in any particular order of priority, will be used:

1. Whether the proposal adheres to goals, objectives, guidelines and standards established in plans, ordinances, and other policies adopted by the Board of City Commissioners relevant to this request.
2. Whether the proposal meets the purpose of this request as stated in the base project section on Page 5,
3. Whether optional purposes stated in the Page 5 are addressed.
4. The level of investment made and its long-term effect on the property and sales tax base of the City. (Projects that will be owned by non-profits will not be penalized but will be evaluated in terms of other benefits to the community and surrounding area).
5. The demonstrated ability of the development team to complete the project as proposed, including previous experience, knowledge of the market, and financial capacity.
6. The ability of the development team to complete the project in a timely manner.
7. The amount of the purchase offer and the effect of any alternative funding mechanisms used, if any, on the City.
8. The overall quality of the proposal and the adherence to the submittal requirements outlined in this request.
Required Proposal Contents

Proposals must be complete in order to be considered by the evaluation committee. This section outlines all required content of a proposal, and proposals should be organized accordingly.

Certain elements of the proposal that contain sensitive information may be sealed. The primary proposal should include specific references to any information contained in the sealed sections. See “Submittal Instructions” and “Open Records/Proprietary Information” for additional information on sealed sections.

1. Cover Page
   a. The proposal should be identified as: “5th and Thayer Redevelopment Proposal.”
   b. The name and address of the lead developer submitting the proposal.
   c. Primary contact person for the project with address, phone, and email.
   d. Signature of a duly authorized agent of the lead developer.

2. Project Description and Preliminary Design
   a. Brief narrative of the overall project scope.
   b. Conceptual design sketches of site plan, building floor plans, elevations, and/or renderings.
   c. The estimated market value of final project at time of completion.
   d. Proposed development schedule, including any conditions that must be met before the project can continue. The schedule should include the time needed to obtain financing, complete design, entitlements and permits, site preparation, the start and completion of construction, and the start and completion of leasing and/or sale of property.
   e. Description of how proposal will further the City’s goals, design guidelines, vision, and plans and meet all requirements.
   f. Sealed: financial/budgeting information related to the project scope, including a market pro-forma of the project with a 20-year operating time horizon.

3. Purchase Offer
   a. A letter of intent from the lead developer offering to purchase land from the City. The letter should indicate which parcels the purchase offer applies to and the price. The letter should include the timing of payment(s).
   b. Any additional incentives being sought or requested by the development team from the City or other sources.

4. Project Development Team
a. A list and brief description of the members of the development team, including lead developer, architect(s), contractor(s), property manager(s), and any other individuals or firms instrumental in completion of the project.

b. Examples of similar projects that have been successfully completed by the lead developer, including photos and/or designs necessary to describe the project. Projects completed by other members of the development team may be considered as well.

c. Commitments from any tenants of the development are not required but would be considered favorably as an indicator of project readiness.

d. **Sealed:** Evidence of the financial capacity of the lead developer to complete the project as proposed, including references from previous partners attesting to the capability to achieve.

**Other Information**

**Funding Mechanisms**

A proposal may include the use of an alternative funding mechanism(s) allowed under the North Dakota Century Code.

**City of Bismarck Rights**

The City of Bismarck reserves the right to reject any or all proposals, make counter proposals and/or engage in negotiations with any or all firms or individuals, waive any requirements or otherwise amend this RFP, or cancel the RFP in order to achieve the City’s goals and objectives for this site. Any changes in the status of the RFP will be brought to the attention of all parties that provide contact information for updates. The information contained in this RFP represent the City’s best information at the time of the release of the RFP and the City reserves the right to modify any term or condition contained herein.

**Responsibility for Proposal Preparation**

Except as otherwise specifically agreed to in writing by the City, all development teams submitting proposals shall provide and pay for all materials, labor, transportation, charges, levies, taxes, fees or expenses incurred, including all costs to prepare a response to this RFP, travel and presentation costs, and all other services and facilities of every nature whatsoever necessary for the preparation of the RFP.

It is neither the City’s responsibility nor practice to acknowledge receipt of any proposal as a result of the RFP process. It is the proposer’s responsibility to assure that a proposal is delivered and received in a timely manner.
No Conflict of Interest

No member of the Board of City Commissioners, member of the evaluation committee for this RFP, and any other officer, employee or agent of the City of Bismarck who exercises any functions or responsibilities in the selection of a proposal, shall have any personal interest, direct or indirect, in the project.

Open Records/Proprietary Information

The City of Bismarck recognizes that in responding to this RFP, the proposer may desire to provide proprietary information in order to clarify and enhance their response. To the extent permitted by law, the City of Bismarck will keep confidential such information provided that:

1. The information submitted is arguably proprietary, and
2. The proprietary information is submitted in a separate file or section that is clearly identified as containing proprietary information, according to the submittal instructions of this RFP.

Only information that is credibly proprietary may be included in the sealed portions of the submittal. Inclusion of non-proprietary significant information in the sealed portions may render a submittal ineligible.

Responders should note that the City of Bismarck is a municipality, and as such its files are available for public review pursuant to the North Dakota Constitution Article XI, Section 6 and NDCC Chapter 44-04-18.