



Fairmont Coke Works/Sharon Steel Redevelopment

RFQ/RFP Due: Wednesday, December 1st, 2021 at 2:00 p.m. (EST)

City of Fairmont Request for Development Proposals

a. PURPOSE

The City of Fairmont, The Fairmont Coke Works Site Custodial Trust, hereinafter FCT, and the West Virginia Department of Environmental Protection, hereinafter WVDEP, collectively “Stakeholders” are seeking proposals to redevelop, in part or in whole, a 97-acre site located in Fairmont, Marion County, West Virginia known as the Sharon Steel Corporation / Fairmont Coke Works Site, hereinafter the “Site”. The Site was identified and determined by the United States Environmental Protection Agency (EPA) to be listed on the Superfund Program’s National Priorities list in 1996. The Site is the subject of a Declaration of Deed Restrictions dated September 28, 2006, which is of record in the Office of the Clerk of the County Commission of Marion County, West Virginia in Deed Book 1017, at page 89, as amended and environmental covenants also filed in Marion County, West Virginia. The relationship, responsibilities and duties of, by, between and among the Stakeholders is more particularly described in the aforementioned Declaration and Amended Declaration and the attachments thereto, to all of which reference is hereby made for all pertinent purposes.

The majority of the Site has undergone remediation and is now ready to be redeveloped.

The purpose of this Request for Development Proposals is to provide interested developers with information to enable them to prepare and submit a proposal to the City of Fairmont for the purchase and redevelopment of a site located within the City of Fairmont, Marion County (the “Site”).

The City of Fairmont is requesting submission of proposals emphasizing not only the consideration for the site but also the scope and quality of the development of the site, intended use, job creation, tax revenue, environmental impact, impact on the surrounding neighborhoods, timeline for project phasing and completion of other factors. This RFP shall not be construed to create or provide any private or public right or cause of action for or by any person or entity or to impose any specific obligations on the Stakeholders.

This process allows the Stakeholders to receive and review proposals, and if necessary, negotiate with developers prior to conveying the Site and enter into a development agreement. A sales agreement and development agreement may be awarded to a qualified,



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responsible developer(s) submitting the best overall proposal. Multiple developers may be selected, dependent upon the need and land size of the proposed development request.

The issuance of this RFP does not obligate the Stakeholders to enter into a sales agreement or development agreement for the Site. The Stakeholders reserve the right to reject any and all proposals submitted.

The Stakeholders invite interested developers to submit their qualifications and proposals for the development of the Site. The Stakeholders are interested in obtaining each developer's concept for the development and intended use of the site as well as the means and strategy it intends to implement to successfully complete the development of the Site. This information, coupled with the consideration offered for the purchase of the Site, as well as other information provided in the submitted proposal, will serve as the basis for subsequent negotiations and selection.

The Stakeholders may select and contract with a number of responding developers for the development of the site. The Stakeholders anticipate that the most qualified developers who have submitted the highest consideration for the site coupled with an appropriate use of the site will be selected and granted a limited right to negotiate with the Stakeholders with respect to the site.

Responses are due by **Wednesday, December 1st, 2021 at 2:00 p.m. (EST)**. Late responses will not be accepted and will be returned. The Stakeholders look forward to your submittal.



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b. BACKGROUND

The Site was identified and determined by the United States Environmental Protection Agency (EPA) to be listed on the Superfund program's National Priorities list in 1996. With WVDEP concurrence, EPA approved ExxonMobil's 1997 proposal to conduct a non-time critical removal to address the major source areas to be followed by a Remedial Investigation/Feasibility Study and Record of Decision to address contaminated groundwater and any other concerns due to post-removal residual contamination. The primary contaminants of concern driving the removal activities were benzene, naphthalene, polycyclic aromatic hydrocarbons (PAHs), and arsenic. The response actions outlined in the Action Memoranda began in 2003 and were completed in September 2011.

Upon completion of Non-Time Critical Removal work, the RI/FS was initiated to address contaminated groundwater and any other remaining residual contamination requiring action to mitigate unacceptable risk to human health and the environment. The RI/FS informed the EPA Record of Decision for the Site in December of 2017. ExxonMobil agreed to implement the final cleanup activities for the Fairmont Coke Works Superfund Site. The Selected Remedy included the following key elements:

- A reactive trench beneath the ground surface to neutralize acidic conditions and reduce elevated aluminum, iron, manganese and benzene concentrations in groundwater prior to discharging to the Unnamed Tributary. A small-scale version of the final ground water remedy (pilot test) was installed during the summer of 2020 and is currently being evaluated in conjunction with long-term groundwater monitoring.
- Reduction of bioavailability of inorganic contaminants by applying organic material and seeding a wetland plant mix in two wetlands. Mulch was applied to wetlands at the Site in 2019. In 2020, a wetland seeding application event was conducted.

Therefore, the majority of the Site has undergone remediation and a large portion of the Site is now ready to be redeveloped.

The former Fairmont Coke Works/ Sharon Steel site is recognized by the National Superfund Database Identification Number WVD000800441.

The site was originally home to the Domestic Coke Corporation, a corporate predecessor of ExxonMobil, who owned the site from 1918 to 1948 where they operated a byproducts coke plant. Sharon Steel Corporation purchased the site in 1948 and operated a coke production



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facility there until 1979. The industrial environment resulted in soil, surface water and ground water contamination.

The ownership of the site belongs to the Fairmont Coke Works Custodial Trust (FCT) to promote and facilitate its beneficial reuse. The State of West Virginia is the trustee for the FCT with the City of Fairmont serving as the Real Property Manager.





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c. SITE LOCATION AND CONDITIONS

The Site is situated along the I-79 Industrial Corridor, approximately 20 miles south of Morgantown, West Virginia and 20 miles north of Clarksburg, West Virginia. Within four miles of the site is a population of 62,588.

The City of Fairmont, WV is a City of over 18,000 people located in North Central West Virginia with a rich industrial history relating to the glass and coal industries. The town is home to Fairmont State University and Pierpont Community and Technical College. It is the City's desire is to incorporate the former Sharon Steel site into the economic renaissance of the City. Employment in the area centers on high technology, education, and medical services. The U.S. Interstate 79 (I-79) Technology Park/Robert H. Mollohan Research Center houses federal agencies including the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, National Aeronautics and Space Administration, and Federal Bureau of Investigation. It also houses over 30 businesses with approximately 1,500 employees, including Mon Health, General Dynamics, Electronic Warfare Associates, Inc., FirstEnergy Corporation, Leidos, ManTech International Corporation, Northrop Grumman, Spectrum, GST, Healthcare Management Solutions LLC, the National White Collar Crime Center, 7 Computer Sciences Corporation, Lockheed Martin, TASC, Inc., Time Warner Cable, TRAX International Corporation, and the West Virginia United Health System. Both WVU Medicine and Mon Health Systems have a presence within Marion County and are currently constructing new large-scale medical facilities within the area. Only 0.3 miles and less than a minute down the road exists the Norwood Park property, the future site of a state-of-the-art universally accessible playground/park currently being implemented by the City of Fairmont. The 238-mile Parkersburg to Pittsburgh (P2P) rail-trail is already nearly 80% complete. As of early 2018, there were four small remaining gaps in West Virginia's portion of the trail—the smallest of which is within the City of Fairmont. The City is moving ahead with this project and expects to have a completed design for the trail segment by November 2019. Once completed, the 150-mile West Virginia section of the P2P corridor will run straight through Fairmont on the eastern side of the Monongahela River. The City hopes to build a bridge for trail users over the former Nickel Bridge abutments, which will link downtown at Jefferson Street to Palatine Park.

The existing infrastructure includes 6 inch water main on Lafayette St, 16 inch water main Suncrest Blvd and Morgantown Ave, 12 inch water main on The Drive, 8 inch sewer, 4 inch gas, 3 phase electric, with voice/data/and tv/cable located on the site. Fiberoptic to the curb service is also upon request and build-out from existing plant within approximately ¼ of a mile from the Site.



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Adjacent to the site are newly developed and constructed structures which include the approximately 80,000 square foot Fairmont Armory and the approximately 17,000 square foot WV State Police Barracks.

The property has a total of 97 acres with approximately 67 acres currently available. Approximately 30 acres is considered undevelopable due to steep slopes, wetlands, ongoing remediation, or other site context. Please see the attachments for further information, such as the map on page 8 of the Sharon Steel Coke Works Site Reuse Plan & Disposition Strategy.

Additional acreage may be available in the future for further development. Approximate location of the additional acreage is shown on an attached map titled "Approximations and Descriptions of Land within Sharon Steel and Related Property".





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d. PLANNED USES AND RESTRICTIONS

Planned uses include recreational and commercial/industrial. Under the current environmental regulatory framework, commercial and industrial uses are considered the same.

1. Residential and Similar Land Use

Under the Environmental Covenant filed in Marion County, West Virginia, which includes all property excluding the area called “Unnamed Tributary #1 and Surrounding Area”, residential land use, including residential style uses such as schools, day care centers, nursing homes, or similar facilities, are prohibited.

2. Recreational Use Considerations

The western portion of the property (Unnamed Tributary and surrounding area) will continue being restricted due to ongoing remedial action. This will allow most of the Site to be redeveloped for recreational use, which includes approximately 67 acres.

3. Commercial/Industrial Use Considerations

There are no restrictions for the future commercial and/or industrial use of the property, except as otherwise provided by the environmental covenant. However, there are areas, particularly those on the western side of the Site, that will not be eligible for redevelopment due to ongoing remedial obligations. These areas include the Unnamed Tributary and the planned permeable reactive barrier wall to be constructed approximately 100-150 feet east of the Unnamed Tributary. Any future redevelopment on this western side will need to be implemented in a manner that will accommodate subsurface remediations and groundwater monitoring.

Under the Deed Restrictions filed on October 20, 2004 in Deed Book 998 Page 469 in Marion County, West Virginia, the area called “Unnamed Tributary #1 and Surrounding Area” shown in Exhibit D of the Environmental Covenant, the land may be used for only “Industrial, Heavy” or “Industrial, Light” as defined by the City of Fairmont, West Virginia and shall not be used for any residential use, recreational use, or similar use or activity.



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4. Other Considerations

A large portion of the Site is under a vapor intrusion (VI) restriction that requires future buildings be constructed using vapor barrier methods. The land north of Lafayette Street and the undeveloped hillside along the Monongahela River do not have a VI restriction. New building construction must include appropriate vapor barrier methods within the VI protection area. These are common construction practices and should not be a deterrent to recreational use development.

The entire approximately 97-acre site is under a groundwater use restriction, meaning groundwater cannot be extracted from the Site except for monitoring or remediation. Groundwater cannot be used as a source of potable (i.e., drinking) water. A municipal source of potable water should be used at the Site for any future redevelopment.

Construction workers must be protected from vapor exposure when working at depths greater than 4 feet below current elevations within the VI protection area. These protections may include, but not be limited to, implementation of a site-specific health and safety plan, employee monitoring, direct oversight during construction activities, and the use of appropriate personal protective equipment.

The attached Reuse Plan & Disposition Strategy is included to convey potential uses and alternatives for redevelopment of the site. Submittals are not required to adhere to or model after the site reuse plan displayed within the study.

All land uses and creative reuse proposals will be reviewed and considered, and based upon the reuse proposals, the Site may be eligible for a zoning map amendment.



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e. DEVELOPMENT TEAM AND IDEAL PROJECT

The Stakeholders are seeking qualifications from developers with a demonstrated ability to create projects that are an asset and a good fit within the community. We seek a partnership with entities that have experience in development, financing, marketing, selling, and managing projects of a similar size, scope and nature. Compliance with budgets and schedules will be considered essential, as will the ability to demonstrate sufficient financing capacity to complete the Project. In addition to these qualities, the Stakeholders desire developers who will be able to utilize the unique qualities of the Site and the surrounding community.

Development Qualities and Expectations

The ideal project will:

- Prioritize job opportunities and economic development while returning property to the tax rolls for productive use
- Develop sustainable economic activities
- Be in compliance with local land use goals and regulatory standards:
 - Exception: Adjustments to the current zoning district classification (Highway Commercial) may be considered. If interested in rezoning, please contact the Director of Planning and Development for the City of Fairmont for more information.
- Facilitate trail connectivity
- Be a good steward of the land and a good neighbor to existing businesses and organizations in the area

Successful candidates may be invited to present their plan to the Stakeholders where the winning developer(s) may be selected. The Stakeholders may then enter into negotiations for the disposition of this development parcel.



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f. REQUIREMENTS

Proposals must include the following information:

1. Developer Organization and Project Experience

The developer must demonstrate extensive organizational experience and capacity to manage a project of this size by listing required staff positions and their responsibilities in the planning and implementation of this project. The developer must include:

- Name, title, organization, phone number and email for primary point of contact
- Resumes from key staff members assigned to this project
- Provide information on at least three relevant large-scale projects undertaken and completed in the last ten years by the developer including brownfield remediation.

2. Development Project Experience

The following information must be provided for each project in the experience section of the RFP response:

- Project name, type, location, acreage, total building square footage, uses, and densities
- Development team members who were involved in each project and identify if they would participate in this project
- Ownership structure
- Financing Resources
- Duration of the construction build out
- Schedule for rent/sales values

3. Development Capacity

The developer must be able to demonstrate financial capacity and expertise to structure innovative transactions that produce a successful development project.

The developer's submission should address the following:

- Identify if the developer is affiliated with any other corporations or firms
- Indicate whether the developer, its parent corporation, or subsidiary has ever been adjudged bankrupt, indicted, or convicted of any felony
- Composition of developer's current real estate proposal



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- Developer's recent history in obtaining financing commitments for real estate development projects, detailing the type of project, financing source, and amounts committed
 - Two bank references for the developer and financial equity partner
 - Financial statements for the past three years
 - Two bank references for the developer and financial equity partner
 - Financial statements for the last three years
 - Statement regarding any debarments, suspensions and bankruptcy or loan defaults on real estate development projects and/or government contracts
4. Vision and/or Strategy for Site Development
The developer must articulate a vision and development strategy for this property, or such portions thereof, for which the developer is expressing interest.
5. RFP Submittal Requirements
- A narrative with supporting proposed site plan with schematics or renderings as necessary
 - Specifics about the scale, type and configuration of the proposed development
 - A discussion describing the approach to infrastructure improvements and construction
 - Business terms, timing and conditions for conveyance of the site. Developers should submit a proposal that will serve as the basis for the negotiations of a Land Development Disposition Agreement *between the FCT and the preferred developer*.
 - Conditional: If the proposal is for a portion of the site, the developer should also include a statement clarifying the request such as minimum area required, preferred or required location within the site, and other information as needed.

Additional documents are required to be submitted with the proposal. See section section k of this document.



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g. SUBMITTAL

Responding individuals and firms must submit a detailed proposal which will include the following:

1. Five bound copies of the proposal and supporting documentation
2. One USB flash drive containing an electronic copy of the proposal and supporting documentation.

Proposals must be signed by a duly authorized official of the development team. Consortiums, joint ventures or teams submitting proposals, although permitted and encouraged, will not be considered responsive unless it is established that all contractual responsibility rests solely with one contractor or one legal entity which shall be a subsidiary or affiliate with limited resources. Each proposal should indicate the entity responsible for execution on behalf of the proposal team.

By submitting the Proposal, the Respondent relinquishes all rights to submitted proposals or ideas continued therein, and the City reserves the right to retain all submitted proposals and to use any ideas in any proposal submitted, regardless of whether or not the proposal is selected.





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h. EVALUATION AND SELECTION PROCESS

The following criteria, with a point system of relative importance with an aggregate total of 100 points, will be utilized to evaluate the qualifications of each proposal:

Criteria	Points
Developer	
Evidence of the developer’s ability to perform the required services	10
Qualifications/expertise of the key personnel on the team	10
Past performance and record of successful completion of similar work	20
Proposal	
Number of on-site, permanent jobs projected to be created or retained*	15
Positive impact on surrounding neighborhood and businesses	15
Supports trail connection and other public projects	10
Creative reuse and/or alignment with Comprehensive Plan goals	20
Total:	100

*Does not include jobs created by the construction of the development or similar temporary jobs. Retained jobs include those from within the City of Fairmont.

To be considered for an award, you must have a minimum score of 40.

The Stakeholders reserve the right to either award, or not award, any of the projects, in any lawful manner.

The Stakeholders retain the right to reject any proposal for any reason at any time.



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i. SUBMISSION OF RESPONSES

Please furnish 5 hard copies, and one USB including an electronic copy in a pdf format to:

Erin Parker, Purchasing Coordinator
City of Fairmont
PO Box 1428
Fairmont, WV 26555-1428

Proposals are due by 2:00pm EST Wednesday, December 1st, 2021. Submittals received after the stated time will not be considered. Each sealed envelope containing a **PROPOSAL** must be plainly marked on the outside as "**RFQ FY21-22 FAIRMONT COKE WORKS/SHARON STEEL REDEVELOPMENT PROJECT**" and the envelope should bear on the outside the name and address of the **PROPOSER**. The City of Fairmont assumes no responsibility for the premature opening of a proposal not properly addressed and identified.

All questions regarding this proposal are required to be submitted in email to Mrs. Erin Parker at eparker@fairmontwv.gov by October 27, 2021 at 4:30pm.

Any questions received will be answered by a posting an Addendum online at Fairmontwv.gov/bids.aspx. It is the responsibility of the proposer to check the City of Fairmont's official website for any updates before submitting a proposal. Failure of any proposer to receive any addenda or interpretation shall not relieve such proposer from any obligation under their proposal, as submitted. Failure to acknowledge any addendum issued may result in the rejection of the proposal.

A selection team shall review the proposals and select the developer(s) they feel will supply the Stakeholders with the best and most complete project.



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j. TENTATIVE TIMELINE

The evaluation of proposals is anticipated to proceed on the following schedule:

- Thursday, September 30, 2021 Request for Proposal posted on the City of Fairmont Website and listed in the Times WV
- Wednesday, October 27, 2021 Deadline for Questions
- Wednesday, November 3rd, 2021 Final Addendum Posted to the City Website
- Wednesday, December 1st, 2021 Deadline for Proposals to be received by the City of Fairmont
- TBD Developers Selected for Shortlist Interview
- TBD Developers Recommended for Selection

k. STATEMENT OF CONFIDENTIALITY

Proposal submissions are subject to the Freedom of Information Act (FOIA). Responses to this Invitation to Bid will become the exclusive property of the City of Fairmont. All materials, unless defined and labeled by the respondent as “trade secrets” or “proprietary business information” may be subject to disclosure upon request under the West Virginia Freedom of Information Act found in West Virginia Code §29B-1-1 et seq. The City shall not be liable for the disclosure of any such information.

1. Required Documents

The City of Fairmont may disqualify a Proposal if the following documents are not included in the sealed bid:

1. Proposal
2. Section 0120 / Bid Proposal
3. Certification & Signature Page
4. Signed addendum (if one was issued during the bid process)
5. Non-Litigation Certificate
6. Non-Discrimination Affidavit
7. Drug-Free Workplace Affidavit



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I. INSURANCE

The developer selected by the Stakeholders to perform the work shall provide a certificate of insurance naming Stakeholders, including the Fairmont City Council, employees and agents, as additional insured with an insurance company, types of coverage and amounts of coverage that are acceptable to the Stakeholders.

m. ATTACHMENTS

1. Regional Location Map
2. Site Map
3. Sharon Steel Coke Works Site Reuse Plan & Disposition Strategy
4. Site Disposition Strategy Memorandum
5. Environmental Covenant
6. Environmental Covenant – Amendment to Declaration of Deed Restrictions
7. All Exhibits Related to the Environmental Covenant

