

ORDINANCE NO. 3410

AN ORDINANCE to provide for the advertising for and receipt of bids relative to the leasing by the City of Alexandria, Virginia, to a person, firm or corporation and their successors or assigns, hereinafter to be ascertained in the manner prescribed by law, upon certain conditions, of the improved public property known as the Alexandria Academy, located at South Washington and Wolfe Streets, public streets in the City of Alexandria, to provide the process for granting said lease, and to repeal uncodified ordinance number 3320, passed September 24, 1988.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section I. That it is proposed that the city shall grant a lease, in the manner prescribed by law, of a certain parcel of improved public property known as the Alexandria Academy, located at South Washington and Wolfe Streets in the City of Alexandria, subject to the conditions and provisions to be embodied in a deed of lease for a term not to exceed 40 years, as set forth in the following draft of a proposed ordinance:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to grant to \_\_\_\_\_, its successors and assigns, a deed of lease, upon certain conditions, to a certain piece or parcel of improved public property known as the Alexandria Academy, located at South Washington and Wolfe Streets, in the City of Alexandria, Virginia.

THE CITY COUNCIL OF ALEXANDRIA  
HEREBY ORDAINS:

Section 1. That a lease is hereby granted unto \_\_\_\_\_, hereafter referred to as "Grantee," its successors and assigns, for the term and subject to the provisions of the deed of lease hereby approved and incorporated herein by reference, to a certain piece or parcel of improved public property known as the Alexandria Academy, located at South Washington and Wolfe Streets in the City of Alexandria.

Section 2. That the right to enter into this lease, hereby granted, is awarded to the Grantee after due and repeated advertisement as required by law, wherein bids were

invited, pursuant to the notice contained in section II of ordinance no. \_\_\_\_\_, and after the requests for bids were duly closed and all bids were fully and carefully investigated and evaluated.

Section 3. That the city manager of the City of Alexandria be and hereby is authorized to execute the deed of lease on behalf of this council and the City of Alexandria.

Section 4. That the city clerk be and hereby is authorized and directed to attest the execution of said deed of lease and to affix thereon the official seal of the City of Alexandria.

Section II. That as soon as this ordinance has been finally passed, the city clerk shall cause to be advertised once a week for four successive weeks in a newspaper of general circulation in the City of Alexandria, a descriptive notice of the draft of the proposed ordinance contained in section I of this ordinance and, in addition thereto, shall by such advertisement invite bids for the lease proposed to be granted by such draft ordinance, by publishing with the descriptive notice of such ordinance a notice which shall be in substantially the following form:

#### NOTICE

Bids are invited by the Council of the City of Alexandria, Virginia, for the lease of the Alexandria Academy, a three-story brick building constructed in or about 1785 and endowed as a free public school by George Washington, located at South Washington and Wolfe Streets in the Old and Historic District of Alexandria. The structure, which contains approximately 1,800 square feet, is available for lease for a term not to exceed 40 years.

A condition of the lease of the Academy will be its restoration by the lessee. This restoration, both interior and exterior, is to be performed in strict compliance with the guidelines of the Secretary of the Interior's Standards for Historic Preservation and with the recommendations based upon the 1987 Buchanan and Phillips study. All work is to be performed in consultation with an advisory city staff committee appointed by the city manager and having one representative member of the community who has demonstrated particular interest in the appropriate restoration of this historic building. The same high standards required for the restoration shall be applicable to repairs and maintenance performed during the term of the lease. Repairs and maintenance are to be performed at the sole expense of the Lessee.

For guidance to bidders, it is anticipated that the restoration expenses will be approximately \$500,000.00. Several sources of funds may be available to pay a portion of these expenses. The city manager may recommend to the City Council of Alexandria that it authorize the expenditure of City funds, in accordance with the usual financial contracting methods, to perform part of the restoration work. In addition, the City has applied to the Commonwealth of Virginia for a \$50,000 grant to pay for the architectural and engineering fees for the building drawings and specifications for the construction bids. Other funding may be available from or through the Historic Alexandria Foundation to assist the successful bidder in restoring the building. The remaining cost of restoration -- or, in the event the foregoing sources of funding are not available, the entire cost of restoration -- shall be at the sole expense of the lessee. The lessee shall be required to guarantee payment in full of its share of the estimated costs of restoration. A corporate surety bond, letter of credit, certificate of deposit or similar financial guaranty for at least the sum estimated to be the full cost of restoration, issued by a company authorized to do business in Virginia, or a cash escrow for the estimated full amount of restoration costs shall be deemed to be a satisfactory guaranty.

Bidders must complete a City of Alexandria bid form that will require bidders to supply information pertaining to financial and development qualifications, references of their firms and of their architects, names of sureties, and a schedule for the beginning and completion of the restoration of the building. The intended use of the restored structure is to be clearly stated by bidders and will be a consideration in the selection of the preferred bidder. The amount of annual rental on the building to be paid to the City is also to be clearly stated by bidders and will be a consideration in the selection of the preferred bidder. All other considerations being equal, preference in the selection of a preferred bidder will be given to bidders experienced in renovation of historic buildings.

Bidders are advised that public access to the restored building for occasional, scheduled tours will be a condition of the lease. Bidders are also advised that, throughout the term of the lease, the lessee will be required to carry insurance on the restored building and to have an indemnification agreement with the City, both in a form and to an extent approved by the city attorney and both provided at the sole expense of the lessee. Bidders are further advised that the schedule for the beginning and the completion of the restoration (as evidenced by the granting by the City of a certificate of occupancy) is of prime importance to the City. The total time permitted the lessee, from the execution of the lease to the date of the certificate of occupancy, shall not exceed 24 months. If the restoration is not completed within that period of time, lessee shall thereupon begin paying rental on the building at the monthly rate of \$1,500

until a certificate of occupancy is issued, at which time the rental shall revert to the amount set forth in the lease.

A bid package consisting of architectural and engineering studies, the Buchanan and Phillips study, the recommendations based upon this study, the Secretary of the Interior's Standards for Historic Preservation, estimates for restoration costs and essential contract requirements is available from the City Purchasing Agent, Room 1700, City Hall, 301 King Street, Alexandria, Virginia 22314. Any person, firm or corporation submitting a bid in response to this notice will be thereby representing to City Council that such bidder has studied all available documents, conditions, lease requirements and terms and is ready, willing and able, if selected as the preferred bidder, to consummate a written lease with the City within a period of not more than 45 days from the date of selection. Failure to execute the lease within 45 days, unless extended by the city manager, shall terminate the preferred bidder status.

All bids are to be submitted in writing and delivered to the Council of the City of Alexandria, Virginia, in open session in the Council Chamber, City Hall, on the 12th day of December, 1989, at the hour of 7:30 p.m.

After receiving the bids, the presiding officer and the City Council will proceed to consider the bids received. The City Council may refer some or all of the bids to a committee to consider the bids, negotiate with the bidders and recommend to City Council a preferred bidder. After City Council has selected a preferred bidder, negotiations with that bidder may be conducted. If a lease is negotiated with that bidder, City Council may accept that bidder's bid and reject the remaining bids. If a lease is not negotiated with that bidder, a new preferred bidder may be selected from among the remaining bidders.

The City reserves the right, at its sole discretion, to reject any and all bids, to terminate negotiations at any stage of the preferred bidder selection process or in the lease negotiations with a preferred bidder, and to modify the request for bids and/or the procedures for selecting a preferred bidder and for agreeing on a lease with a preferred bidder. The bidder whose bid is ultimately granted by Council shall be required to reimburse the City for the cost of this advertisement.

THE DESCRIPTIVE NOTICE OF THE PROPOSED ORDINANCE IS AS FOLLOWS:

AN ORDINANCE to grant a deed of lease of the Alexandria Academy to the successful bidder, after due investigation and evaluation, upon such terms, conditions and provisions as set forth in the approved deed of lease, and to authorize the city manager to execute

same. (Complete text of ordinance available in office of the city clerk.)

Section III. That uncodified ordinance number 3320, passed September 24, 1988, by which bids for the lease and restoration of the Alexandria Academy were previously solicited, be and the same hereby is repealed.

Section IV. That this ordinance shall become effective upon the date and at the time of its final passage.

JAMES P. MORAN, JR.  
Mayor

Final Passage: November 14, 1989