



**NEW HAMPSHIRE LIQUOR  
COMMISSION**

**Request for Qualifications**

**Buyer/Developer for  
Hampton I-95 Liquor Properties**

**RFQ 2021-001**

RFQ ISSUED.....October 15, 2021

**RFQ REVISION #1.....October 19, 2021**

NHLC CONTACT.....Andrew S. Davis  
NHLC Chief Administrator,  
NHLC.HAMPTON@liquor.nh.gov

CONTRACT TYPE.....AQUISITION

QUALIFICATIONS DUE.....5:00 PM, November 12, 2021

AT: New Hampshire Liquor Commission  
C/O Andrew S. Davis  
Chief Administrator  
50 Storrs Street  
Concord, NH 03301

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## **1. INTRODUCTION**

### **1.1. OVERVIEW AND PROJECT HISTORY**

The New Hampshire Liquor Commission (NHLC) seeks a highly and uniquely qualified, financially secure buyer/developer (Buyer/Developer) specializing in highway-oriented commercial real estate to purchase and redevelop two properties into full-service travel plazas incorporating a new, state-of-the-art liquor and wine outlet on each property it owns on Interstate 95 in Hampton, New Hampshire.

In New Hampshire, the NHLC regulates the alcoholic beverage business and is also a wholesaler and retailer of wines and spirits. The NHLC operates over 69 retail stores throughout New Hampshire, through which the NHLC sells wines and spirits to both consumers and NHLC licensees. Off-premise licensees, such as grocery or convenience stores, purchase wines from the NHLC to sell at retail. On-premise licensees, such as restaurants, purchase wines and spirits from the NHLC to sell to patrons at their establishments.

In Fiscal Year 2021, NHLC's gross sales were \$801.1 million. As a state agency, the NHLC transferred \$176.6 million to the State General Fund and \$18.5 million to the Alcohol Abuse Prevention and Treatment Fund. The NHLC is a significant retail draw with 50% of its customers originating from outside the State. It is known for its extensive offering of wine and spirits and large store selection. The NHLC operates the largest retail chain of wine and spirits in New England.

The NHLC currently owns and maintains existing liquor and wine outlets on these properties in Hampton, NH that are accessed directly via Interstate 95 northbound and southbound. These stores are located on parcels owned by the NHLC that are 64+/- acres in size northbound and 24+/- acres in size southbound. Although portions of both sites are impacted by wetlands or other restrictions, there is substantial undeveloped area remaining on both sites, estimated to incorporate up to 120,000+/- square feet of appropriate uses in addition to a new liquor outlet on each site, each 22,000+/- square feet(sf), owned by the NHLC. The NHLC has owned the northbound and southbound parcels since 1992 and 1981 respectively.

The NHLC has deemed the majority of the parcels as surplus. The NHLC, with guidance from the New Hampshire Department of Administrative Services (DAS), is moving forward with the sale of these properties through this Request for Qualifications (RFQ) and subsequent Request for Proposal (RFP) process. Keller-Williams Coastal Land and Commercial Group (KWCLCG) was selected to represent the NHLC through this acquisition process and assist in the Buyer/Developer selection process. This Buyer/Developer RFQ and RFP is expected to achieve the desired outcome of the NHLC of selecting a uniquely qualified, financially secure Buyer/Developer to redevelop the sites

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to incorporate appropriate highway-oriented uses, including but not limited to retail outlets, fuel sales, restaurants, informational and other travel-related services to be owned and operated by the Buyer/Developer, in addition to new, state-of-the-art liquor outlets on each site that will be owned by the NHLC. The selection process seeks to allow a potential Buyer/Developer to propose creative concepts, building sizes and layouts, project schedule, and financial terms that are viable at this location under current and future economic conditions.

Figure 1 identifies the Northbound and Southbound Hampton liquor store locations.



Figure 1 – Northbound and Southbound Hampton Liquor Store Locations

**1.2. RELEVANT INFORMATION**

The following relevant information shall be noted by any prospective buyer/ developer:

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- The Buyer/Developer will be responsible for all development, operating and maintenance costs on the sites including parking for the Hampton liquor store facilities under terms and conditions set forth in a Buyer/Developer Agreement between the selected development entity and the NHLC.
- The NHLC will retain ownership of 22,000 +/- square feet on both the northbound and southbound parcels for the operation of new, state-of-the art liquor store facilities. Location of these facilities will be finalized as part of the purchase and sale agreement with the Buyer/Developer. NHLC also reserves the right to brand these stores and locations consistent with other NHLC branding standards. Buyer/Developer will be responsible for removing the existing liquor building facilities and maintaining operations and parking during construction of the new NHLC liquor store facilities. Existing liquor building will not be closed until new NHLC liquor store facilities are completed and opened for business.
- The Buyer/Developer will be responsible for designing and constructing the liquor stores but will be reimbursed by the NHLC once constructed and open for business. The Buyer/Developer Agreement will contain information on the proposed size (22,000+/- square feet), materials, and layout for the liquor stores using the Portsmouth Traffic Circle Store as a reference for the design of the new liquor stores. The Buyer/Developer Agreement will contain information regarding the reimbursement schedule for the construction of the liquor stores by the NHLC to the Buyer/Developer. The Buyer/Developer shall provide detailed exterior and interior plans, along with the cost allocated for the liquor stores as part of the final proposal submission. Following construction and acceptance, the NHLC will be responsible for all interior liquor store maintenance. The Buyer/Developer will be responsible for all other maintenance costs, including 100% of the common area site maintenance costs. Transfer of title to the surplus property will occur after construction of the facilities is complete, accepted, and fully operational.
- Any proposed development on the northbound and southbound parcels will need to be highway-oriented type development, including but not limited to retail, fuel sales, restaurants, informational and other travel-related services. As State-owned property, the sites are currently not subject to local zoning regulations. The NHLC, its agents, and the selected Buyer/Developer will work closely with the Town of Hampton to coordinate the redevelopment of the sites.

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- FHWA and NHDOT have control over and final approval on any changes (if proposed) to the ramps accessing Interstate 95 to ensure proper safety and mobility to the highway. The NHLC will retain ownership of all ramps.
- Any expansion of uses on the existing northbound and southbound parcels will require following standard New Hampshire Department of Environmental Services (DES) permitting processes and local development regulations to the extent that they are applicable.
- Phase II findings from a recent archeological site investigation have identified a small area (approximately 1/3 acre) on the southbound parcel that may not be disturbed. Details of this site investigation and location of area of no disturbance can be obtained as identified in Section 4: *Reference Documents*. There may be opportunities for the Buyer/Developer to incorporate this feature as a common area amenity, perhaps as part of a walking trail system.
- The New Hampshire Rivers Management Advisory Committee (RMAC) and the Lakes Management Advisory Committee (LMAC) were invited to serve in a technical adviser capacity to oversee the purchase and development plan of the properties. Both agencies have recommended that the sale and redevelopment of the sites proceed.
- The NHLC, with support of a technical committee and KWCLCG, will oversee the selection of a Buyer/Developer for these surplus properties through this RFQ and RFP process.
- The potential Buyer/Developer may be required to engage with governmental entities, including, but not limited to: NHDOT, FHWA, Town of Hampton, Department of Historic Resources (DHR), RMAC, LMAC, and DES.
- It is the intent of the NHLC to request and obtain a variance through the Town of Hampton Zoning Board of Appeals to allow fuel and drive-through uses on the properties to support a future redevelopment plan by the Buyer/Developer. Buyer/Developer may seek additional variances if needed to support their proposed redevelopment plan.
- The NHLC is intent on selling both the southbound and northbound properties. Prospective respondents may address either or both of the properties, however, preference will be given to responses that maximize the value received by the NHLC through the sale of both.

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**1.3. PROPOSED PUBLIC PRIVATE PARTNERSHIP**

The NHLC will negotiate a purchase and sale agreement with the Buyer/Developer selected through this RFQ and RFP process through KWCLCG. The Buyer/Developer will be responsible for all financial obligations of redeveloping and then maintaining and operating the facilities with the exception of the interior of the liquor stores. The details of the proposed redevelopment will be memorialized in a mutually agreed on Buyer/Developer Agreement between the selected development entity and NHLC.

In pursuing this partnership, the NHLC has three specific goals which will guide both the criteria used to select the Buyer/Developer under the solicitation and to measure the success of the venture itself. They are:

- Obtain new, high-quality facilities to replace the existing liquor stores.
- Ensure that the facility design and operation will provide a positive customer experience for the commuter, recreational traveler, and liquor store patron.
- Provide a fair price and terms/conditions to the NHLC as part of the purchase and sale agreement.

The NHLC is committed to assuring that the development results are in the highest level of architectural quality and customer satisfaction. The NHLC believes that entering into a purchase and sale agreement under which a qualified Buyer/Developer designs, builds, finances, owns, operates, and maintains the properties (exempting the liquor stores) is the optimal approach. The successful Buyer/Developer will be the company or team that best defines a customer-centric approach, and a uniquely New Hampshire theme to the facilities design and operation, one that brings previous experiences for the future benefit of the travelling public and liquor store patrons, and one that captures the blend of history, culture, and geography that makes New Hampshire unique.

**1.4. PROPERTY DESCRIPTION**

The properties are located on the New Hampshire Seacoast approximately 5 miles south of Portsmouth and 45 miles north of Boston. Major highways in the region include Interstates 95 and 495, US Route 1, and New Hampshire Routes 16 (Route 16) and 101. The two properties owned by NHLC consist of 64+/- acres on the southbound side of Interstate 95 and 24+/- acres on the northbound side. Both properties abut the Taylor River and lie south of Towle Farm Road which crosses the highway to the north. Both parcels contain wetland areas and are impacted by wetland setbacks, flood hazard zones and other restrictions. Engineering analysis indicates that the net developable land areas total approximately 11.5 acres on the southbound site and 11.6 acres on the northbound site. Existing site plans and information are available and can be obtained as identified in Section 4: *Reference Documents*.

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Interstate 95 carries on average 79,000 vehicles per day (vpd) in both directions, with summertime peaks of over 125,000 vpd. It is the primary highway connection between the Seacoast of New Hampshire, the Mountains and Lakes regions of New Hampshire, the State of Maine, and the greater Boston metropolitan region. The sites offer exceptional visibility from both directions with the potential for on-site signage in addition to FHWA permitted signage on Interstate 95.

## **1.5 UTILITIES**

The sites are served by on-site water wells and connection to the Town of North Hampton sewer system. Other utilities including electric and data/phone service are available on the sites.

## **1.6 SITE PLANNING**

In order to assist in the preliminary valuation sale of the properties, a hypothetical build out of both the southbound and northbound sites was developed. This planning effort indicates that a total of 65,000 to 70,000+/- square feet of retail and service space can be accommodated on the southbound site and 55,000 to 65,000+/- square feet on the northbound site, including the two 22,000+/- square foot NHLC Outlet stores. The hypothetical build-out plan indicates a mix of retail, restaurants (sit-down and take-out, drive-thru), a tourist information center with travel services (restrooms) and small-scale retail venues (kiosks), a possible hotel (on the northbound site) and amenities such as walking trails, picnic areas and pet walking areas.

*NOTE: These plans were developed for evaluation purposes only and do not necessarily reflect the maximum build out or mix of uses possible, nor do they reflect the intent or wishes of the NHLC or its advisors. The prospective Buyer/Developer is urged to undertake its own study of the properties to determine the optimal mix and size of development in light of the NHLC's goal of maximizing the value received for the property.*

## **2. OVERVIEW OF THE PROCESS**

### **2.1. DESCRIPTION OF RFQ AND RFP PROCESSES**

The NHLC has issued this RFQ to identify qualified commercial investors and developers interested in partnering with the NHLC to redevelop the sites to incorporate appropriate uses in addition to a new, state-of-the-art liquor store on each site in Hampton, NH. For those top scoring respondents that meet the qualification requirements as set forth in this RFQ, the NHLC will issue an RFP. The subsequent RFP will provide the opportunity for qualified development entities to clearly set forth how they would develop these properties and the identified purchase prices for the properties.

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A Selection Committee, comprised of representatives that includes, but is not limited to: NHLC, Department of Administrative Services (DAS), and the NHLC's consultants that will review, rate, and identify the selected buyer/developer through this RFQ and RFP process.

An overview of the RFQ and RFP is summarized below.

***Request for Qualifications (RFQ)***

The RFQ process will allow the Selection Committee to evaluate potential buyer/developers against baseline criteria to determine if they should advance to the RFP process. Baseline criteria include:

- Firm and Key Staff qualifications and experience;
- Indication of sufficient financial strength;
- Project approach and high-level site development concept (conceptual layout, exterior liquor stores, and other property building sketches and elevations);
- Experience in similar sized parcels and highway-oriented properties; and
- Acknowledgement of proposed contract terms, business operations, processes, target-market opportunities, and desired NHLC outcome

The Selection Committee will review each respondent's submittal package and qualify all respondents who meet the minimum scoring requirements to receive the RFP. RFQ scoring and minimum scoring requirements are identified in Section 2.3: *Qualifications Scoring and Selection Process*. Respondents that are qualified will be selected based upon criteria including but not limited to financial strength, experience, project approach and development concepts as defined in this RFQ.

***Request for Proposals (RFP)***

The RFP process will allow respondents who qualified from the RFQ to provide further detail of their proposed approach to developing the properties. The RFP will identify additional criteria that the respondents will need to respond to in their detailed proposals. Detailed criteria to be considered may include, but is not limited to, the following:

- Detailed financial information to support the purchase, design, construction, operation, and maintenance of the properties, including all bond and insurance requirements;
- Construction schedule and committed undertakings;
- Proposed operational model and processes;
- Approach to redeveloping the properties with the least amount of disruption to NHLC operations;
- Overall concepts, including appearance, design, vendors, site layout, sustainability, environmental footprint, and ability to utilize New Hampshire materials;
- Understanding of required NHLC building size, layout, materials, and operational requirements;



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- Quality, functionality, and appeal of proposed design concept and its reflection of New Hampshire's unique history, culture, and geography;
- Innovation related to architectural, engineering, or other aspects of the building and site properties, including sustainability and energy efficiency;
- Prior safety records of the buyer/developer and its Team;
- Construction, operation, and maintenance record on similar size projects;
- Acceptance of proposed contract terms;
- Staffing plan that demonstrates ability of Buyer/Developer to meet level of operations and maintenance required;
- Variety of services, and proven stability and experience of the concepts and tenants providing services at similar types of location;
- Proposed customer service feedback approach and marketing strategy; and
- Buyer/Developer proposed strategy to deal with growth and demand for new products and services

NHLC reserves the right to provide additional selection criteria in the RFP.

The Selection Committee will review proposals and develop initial scores for each respondent. Each respondent to the RFP will be interviewed by the Selection Committee, which will provide the opportunity for the prospective buyer/developer to more fully describe their project approach and key aspects of their proposal.

The Selection Committee, at its sole discretion, reserves the right to ask for clarifications or additional information from each Buyer/Developer, prior to or following the interviews. In addition, the Selection Committee, at its sole discretion, reserves the right to request a Best and Final Offer (BAFO) of each Proposer following the interviews.

If requested to submit a BAFO, Buyer/Developer will need to consider only issues or concerns raised during the pre-and post-interview process, and make changes deemed viable that are consistent with their original proposal. The Selection Committee will then determine which Proposal, if any, best helps the State achieve its goals as described in the RFP and make recommendation to the Long-Range Capital Planning and Utilization Committee and Governor and Executive Council.

## **2.2. BUYER/DEVELOPER CONFERENCE AND SITE VISIT**

A Buyer/Developer conference and site visit will be held on October 22, 2021 at 10:00 am EDT as identified in Section 2.4: *Schedule*. The Buyer/Developer conference will be held at:

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**Hampton Northbound Liquor Store  
Interstate 95, Hampton, NH**

All Buyer/Developers who intend to submit Qualifications are strongly urged to attend the Buyer/Developer conference and site visit. Only prospective respondents will be allowed to attend the Buyer/Developer conference. A sign-in sheet will be distributed, and attendees will be required to sign-in with their Buyer/Developer affiliations. At the conference and site visit, there will be no questions asked/answered regarding the RFQ or selection process. Instead, all questions must be submitted in writing by the date identified in Section 2.4: *Schedule* on the provided Form 1, *Buyer/Developer Form* included in Appendix A. Questions may include requests for clarification of the RFQ and suggestions or changes that could improve the RFQ.

Only written responses to questions provided by the Buyer/Developer in writing on the provided Form 1, *Buyer/Developer Form* included in Appendix A will be binding.

**2.3. QUALIFICATIONS SCORING AND SELECTION PROCESS**

The Selection Committee will use a scoring scale of 100 points, which shall be applied to the qualifications as a whole. The maximum points awarded by category and subcategory are shown in the following table:

**Hampton Liquor Properties - RFQ Criteria and Scoring**

<b>CATEGORY</b>	<b>POINTS</b>
<b>QUALIFICATIONS AND EXPERIENCE</b>	<b>40 Total</b>
<i>Buyer/Developer's experience in similar projects</i>	<i>20</i>
<i>Team members' experience in similar projects</i>	<i>10</i>
<i>Key staff qualifications</i>	<i>10</i>
<b>PROJECT APPROACH AND SITE CONCEPTS</b>	<b>40 Total</b>
<i>Project approach and understanding</i>	<i>20</i>
<i>Mix and intensity of potential site uses</i>	<i>10</i>
<i>Conceptual site plans with a focus on public amenities and environmental education and/or mitigation</i>	<i>10</i>
<b>FINANCIAL CAPACITY</b>	<b>20 Total</b>
<i>Assessment of Financial Strength based on information provided</i>	<i>20</i>
<b>TOTAL POTENTIAL MAXIMUM POINTS</b>	<b>100</b>

A minimum score of 75 points must be achieved by a Buyer/Developer in order to receive the RFP.

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This RFQ will be evaluated by a Selection Committee made up of individuals selected by the NHLC. The Selection Committee will review and evaluate all conforming submissions according to the requirements identified in Section 4: *RFQ Requirements and Deliverables* herein.

Buyer/Developer qualifications shall be considered conforming and responsive provided that the information is submitted within the allowed time periods and contains all requested information as specified. In making its evaluation and selection, the Selection Committee will rely on the information submitted by the Buyer/Developers in the qualifications and proposal packages.

The Selection Committee will review and score each respondent’s qualifications package. The RFP will be issued to qualified Buyer/Developers who meet the minimum scoring requirements.

Written acknowledgement of the proposed process and desired NHLC outcome must be provided as outlined in Section 3.4: *Qualifications Content*.

The NHLC reserves the right to:

- a. Waive minor or immaterial deviations from the RFQ requirements, if determined to be in the best interest of the State;
- b. Omit any planned evaluation step if, in the NHLC’s view, the step is not needed; and
- c. At its sole discretion, withdraw this RFQ and/or reject any and all submissions at any time.

**2.4. SCHEDULE**

The following table provides the **REVISED** schedule of events for this RFQ.

<b>EVENT</b>	<b>DATE</b>	<b>TIME</b>
RFQ Issued	October 15, 2021	
Buyer/Developer conference and site visit	November 1, 2021	10:00 am EDT
Buyer/Developer RFQ inquiries due to NHLC	November 5, 2021	5:00 pm EDT
NHLC responses to Buyer/Developer RFQ inquiries	November 12, 2021	5:00 pm EDT
Qualifications package from Buyer/Developers due	November 19, 2021	5:00 pm EDT
List of Qualified Buyer/Developers announced	December 8, 2021	
RFP issued to Qualified Buyer/Developers	December 2021	
Qualified Buyer/Developers submit Proposals	February 2022	TBD
Execution of Agreement	TBD	TBD

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The above table provides a Schedule of Events for this RFQ. Buyer/Developer RFQ inquiries can be submitted at any time up to the date and time identified in the schedule above. The NHLC reserves the right to amend this Schedule at its sole discretion and at any time through a published Addendum. Any such Addendum will be affected by posting on the NHLC official website at [https://www.nh.gov/liquor/public\\_notices.shtml](https://www.nh.gov/liquor/public_notices.shtml). **Proposers are responsible for checking the website for published Addenda.**

## **2.5. AVAILABLE DOCUMENTS AND MATERIALS**

Pertinent documents will be made available during the RFQ and RFP process for prospective buyer/developers on the following website:

[https://www.nh.gov/liquor/public\\_notices.shtml](https://www.nh.gov/liquor/public_notices.shtml)

Prospective Buyer/Developers are encouraged to check the website regularly. Available documents and materials for this RFQ are not Project Documents, and as such, the NHLC makes no representations or guarantees as to, and shall not be responsible for, the accuracy, completeness, or pertinence of reference documents, and shall not be responsible for the conclusions to be drawn there from. Additional documents may be made available during the RFP process as developed and provided to the NHLC if they are pertinent to the process.

## **3. QUALIFICATIONS REQUIREMENTS AND DELIVERABLES**

### **3.1. QUALIFICATIONS, INSTRUCTIONS, SUBMISSION, DEADLINE, AND LOCATION**

Qualifications submitted in response to this RFQ must be received by the NHLC, no later than the time and date specified in Section 2.4: *Schedule*. Qualifications must be addressed to:

**Mr. Andrew S. Davis  
Chief Administrator  
New Hampshire Liquor Commission  
50 Storrs Street  
Concord, NH 03301**

Packages containing Qualifications must be clearly marked as follows:

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All sections of the RFQ must be completed and delivered to the primary contact person by the submission deadline. Late submissions will not be accepted and will be returned to the Buyer/Developer unopened. Preparation and delivery of the Qualifications shall be at the Buyer/Developer's expense.

A Qualification submission shall be deemed received on the date and at the time officially documented by the NHLC as having been received at the location designated above. The NHLC accepts no responsibility for mislabeled mail or mail that is not delivered or undeliverable for whatever reason. Any damage that may occur due to shipping shall be the Buyer/Developer's responsibility. Qualifications transmitted by facsimile or email will not be accepted.

All Qualifications packages submitted in response to this RFQ must consist of one (1) original (clearly marked as such) and five (5) clearly identified copies of the qualifications package, including all required attachments, and one (1) electronic copy of the Qualifications in a searchable PDF format on flash drive.

The Qualifications shall be accompanied by the transmittal letter described in Appendix A, Form 2, *Qualifications Transmittal Letter*, herein. The original and all copies shall be bound separately. One (1) copy of the qualification transmittal form letter shall be signed by an official authorized to legally bind the Buyer/Developer and shall be marked "ORIGINAL." A Buyer/Developer's disclosure or distribution of its Qualifications other than to the NHLC will be grounds for disqualification.

**RFQ Inquiries**

All inquiries concerning this RFQ, including requests for clarification, shall be submitted via email to:

Andrew S. Davis,  
Chief Administrator  
[NHLC.HAMPTON@liquor.nh.gov](mailto:NHLC.HAMPTON@liquor.nh.gov)

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Mr. Davis shall be the Issuing Officer and single point of contact for this RFQ. Buyer/Developers are required to submit questions via email on Form 1, *Buyer/Developer Inquiry Form* included in Appendix A. Inquiries can be submitted at any time up until the date and time identified in Section 2.4: *Schedule*. The NHLC assumes no liability for assuring accurate/complete email transmission/receipt and is not responsible to acknowledge receipt. Buyer/Developers shall not contact the Issuing Officer by phone with any inquiries. Buyer/Developers shall not contact the Issuing Officer after the close of the RFQ inquiry period.

The NHLC intends to issue official responses to properly submitted inquiries on or before the date specified in the Schedule section, herein; however, this date is subject to change at the NHLC's discretion. The NHLC may consolidate or paraphrase questions for efficiency and clarity. The NHLC may, at its discretion, amend this RFQ on its own initiative or in response to issues raised by inquiries, as it deems appropriate. Oral statements, representations, clarifications, or modifications concerning the RFQ shall not be binding upon the NHLC. Official responses by the NHLC will be made only in writing by posting on the NHLC website at [https://www.nh.gov/liquor/public\\_notices.shtml](https://www.nh.gov/liquor/public_notices.shtml). Buyer/developers shall be responsible for reviewing the most updated information related to this RFQ before submitting Qualifications.

**All inquiries must be received by the RFQ Issuing Officer no later than the date and time identified in Section 2.4: *Schedule*.** Inquiries received later than the conclusion of the Buyer/developer Inquiry Period shall not be considered properly submitted and may not be considered.

**Restriction of Contact with NHLC Employees**

During the pendency of the RFQ process and as it relates to this RFQ, *all substantive communications regarding this RFQ with NHLC employees, DAS employees, DoIT personnel who support the NHLC or other vendors with the NHLC is forbidden. This also includes KWCLCG and HNTB.* NHLC employees have been directed not to hold conferences or engage in discussions concerning this RFQ with any potential Buyer/Developer during the selection process. Buyer/Developers may be disqualified for violating this restriction on communications.

**Validity of Qualifications**

Qualifications are valid for one hundred and eighty (180) days following the deadline for submission of Qualifications in Section 2.4: *Schedule*, or until the Effective Date of any resulting Professional Services Agreement, whichever is later.

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**RFQ Addendum**

The NHLC reserves the right to amend this RFQ at its discretion, prior to the RFQ submission deadline. In the event of an addendum to this RFQ, the NHLC, at its sole discretion, may extend the RFQ submission deadline, as it deems appropriate.

**Non-Collusion**

The Buyer/Developer's signature on a Qualifications package submitted in response to this RFQ guarantees that the terms and conditions, and work quoted have been established without collusion with other Brokers and without effort to preclude the NHLC from obtaining the best possible competition.

**Property of the NHLC**

All material received in response to this RFQ shall become the property of the State of New Hampshire and will not be returned to the RFQ respondent. Upon any eventual resulting Contract award, the NHLC reserves the right to use any information presented in any Qualifications package.

**Confidentiality of Qualifications**

Unless necessary for the approval of a contract, the substance of the Qualifications must remain confidential until the Effective Date of any Contract resulting from this RFQ. A Buyer/Developer's disclosure or distribution of Qualifications other than to the NHLC will be grounds for disqualification.

**Public Disclosure**

In order to protect the integrity of the competitive selection process, notwithstanding RSA 91-A:4, no information shall be available to the public, or to the members of the general court or its staff concerning specific responses to RFPs, RFQs or similar requests for submission for the purpose of procuring goods or services or awarding contracts from the time the request is made public until the closing date for responses.

In accordance with RSA 9-F:1, any contract entered into as a result of this RFQ will be made accessible to the public online via the website Transparent NH (<http://www.nh.gov/transparentnh/>). The content of each submission shall become public information upon the award of any resulting Contract. *Any information submitted as part of a response to this RFQ may be subject to public disclosure under RSA 91-A.* However, business financial information and proprietary information such as trade secrets, business and financial models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If you believe any information being submitted in response to this request for qualifications should be kept confidential as financial or proprietary information; you must specifically identify that information in a letter to the agency and

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must mark/stamp each page of the materials that you claim must be exempt from disclosure as “CONFIDENTIAL.” A designation by the Broker of information it believes exempt does not have the effect of making such information exempt. The NHLC will determine the information it believes is properly exempt from disclosure. Marking of the entire submission or entire sections of the submission as confidential will neither be accepted nor honored. The NHLC will endeavor to maintain the confidentiality of portions of the submission that are clearly and properly marked confidential.

If a request is made to the NHLC to view portions of a submission that the Buyer/Developer has properly and clearly marked confidential, the NHLC will notify the Buyer/Developer of the request and of the date the NHLC plans to release the records. By responding to this RFQ, the Buyer/Developer agrees that unless the Buyer/Developer obtains a court order, at its sole expense, enjoining the release of the requested information, the NHLC may release the requested information on the date specified in the NHLC’s notice without any liability to the Buyer/Developer.

**Non-Commitment**

Notwithstanding any other provision of this RFQ, this RFQ does not commit the NHLC to award a Contract or invite respondents to submit an RFP. The NHLC reserves the right, at its sole discretion, to reject any and all submissions, or any portions thereof, at any time; to cancel this RFQ and/or RFP; and to solicit new submissions under a new acquisition process.

**Preparation Cost**

By responding to this RFQ, a Buyer/Developer agrees that in no event shall the NHLC be either responsible for or held liable for any costs incurred by a Buyer/Developer in the preparation of or in connection with the Submission, or for Work performed prior to the Effective Date of a resulting Contract.

**Ethical Requirements**

From the time this RFQ is published until a contract is awarded, no Buyer/Developer shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFQ, or similar submission. Any Buyer/Developer that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any Broker that has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or that is subject to a pending criminal charge for such an offense, shall be disqualified from bidding on the RFQ, or similar request for submission and every such Buyer/Developer shall be disqualified from bidding on any RFQ or similar request for submission issued by any state agency. A Buyer/Developer that was disqualified under this



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section because of a pending criminal charge that is subsequently dismissed, results in an acquittal, or is annulled, may notify the Department of Administrative Services, which shall note that information on the list maintained on the state's internal intranet system, except that in the case of annulment, the information shall be deleted from the list.

### **3.2. QUALIFICATIONS FORMAT**

Qualifications shall follow the following format:

- Qualifications shall be bound.
- Qualifications shall be printed on white paper with dimensions of 8.5 by 11 inches with right and left margins of one (1) inch.
- Qualifications shall use Times New Roman font with a size of eleven (11). *Exceptions for paper and font sizes are permissible for: Graphical exhibits, including organization charts and site plans, may be printed on white paper with dimensions 11 inches by 17 inches.*
- Each page of the Qualifications shall include a page number and the number of total pages and identification of the Buyer/Developer in the page footer. Each page shall be numbered consecutively within each Section (i.e., 1-1, 1-2...; 2-1, 2-2...; 3-1, 3-2..., etc.), and the page numbers shall be centered at the bottom of each page.
- Qualifications shall be printed double-sided. Each side of each page shall be considered one page.
- Tabs shall separate each section of the Qualifications.

### **3.3. QUALIFICATIONS ORGANIZATION**

Qualifications shall adhere to the following outline and shall have a total page limit of fifteen (15) pages, excluding the items identified below as not applying to the page limit.

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<b>Section</b>	<b>Page Limit Applies? (Yes/No)</b>
Cover Page	No
Transmittal Form Letter	No
Table of Contents	No
<b>Section I:</b> Project Understanding and Approach	Yes
<b>Section II:</b> Buyer/Developer and Team Qualifications and Experience	Yes
<b>Section III:</b> Site Concepts	No
<b>Section IV:</b> Mix and Intensity of Potential Uses	Yes
<b>Section V:</b> Resumes of Key Staff	No
<b>Section VI:</b> Financial Capacity	No
<b>Section VII:</b> Single Page acknowledging proposed process and desired NHLC outcome	No

### **3.4. QUALIFICATIONS CONTENT**

Qualifications must contain the following:

#### **Cover Page**

The first page of the Buyer/Developer's Qualifications must be a cover page containing the following text:

**STATE OF NEW HAMPSHIRE  
NEW HAMPSHIRE LIQUOR COMMISSION  
REQUEST FOR QUALIFICATIONS  
HAMPTON I-95 LIQUOR PROPERTIES DEVELOPMENT PROJECT  
RFQ 2021-001**

The cover page must also include the Buyer/Developer's name, contact person, contact telephone number, address, city, state, zip code, fax number, and email address.

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**Transmittal Form Letter**

The Buyer/Developer must submit a hand-written or typed and signed transmittal form letter with their response using the Form 2, *Qualifications Transmittal Letter* provided in Appendix A. Any electronic alteration to this Transmittal Form Letter is prohibited. Any such changes will result in Qualifications being rejected.

**Table of Contents**

The Buyer/Developer must provide a table of contents with corresponding page numbers relating to its Qualifications. The table of contents must conform to the outline provided in Section 4.3: *Qualifications Organization*, but should provide detail, e.g., numbering, level of detail.

**Section I: Project Understanding and Approach**

Section I shall provide an overview of how the Buyer/Developer will generally meet the three specific project goals identified in Section 1.3, *Proposed Public Private Partnership*, to this Request for Qualifications. Section I shall also provide an overview of the Buyer/Developer's proposed approach to how the Service Areas will be designed, constructed, and financed, and products and services to be provided. Other factors that may be identified include sustainability, energy performance, environmental considerations, and opportunities to utilize local labor, vendors, and materials. Buyer/Developers are encouraged to highlight those factors that they believe distinguish their Qualifications.

**Section II: Buyer/Developer and Team Qualifications and Experience**

Section II shall consist of two parts and provide the following:

- *Part I*: Corporate qualifications of all firms proposed to participate in the Project. Qualifications should identify role, major business area of the firm, and a high-level description of the firm's organization and staff size. Up to three (3) project descriptions with references shall be provided for each firm noting similar projects completed within the past ten (10) years. At a minimum, the following firms should be identified in Part I:
  - Proposer
  - Construction Contractor
  - Lead Design Engineer
  - Lead Architect
  - Facility Operations and Maintenance
  - Any other key firms included in the Buyer/Developer's team

Firms identified in this Qualifications package will not be allowed to be changed during this process without written notification to and approval from the State.

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- *Part II:* Identification of key staff proposed to participate in the Project. A summary of key staff roles, responsibilities, and depth of experience should be provided along with an organization chart depicting the Buyer/Developer's Project Team. The chart should also recognize the State as the owner of the property. At a minimum, the following key staff should be identified in Part II:
  - Proposer's Project Manager
  - Construction Manager
  - Lead Design Engineer
  - Lead Architect
  - Facility Operations Manager

Key staff identified in this Qualifications package will not be allowed to be changed during this process without written notification to and approval from the State. Full resumes of key staff should not be included in Section II.

**Section III: Site Concepts**

In Section III, the Buyer/Developer shall provide conceptual site concepts for both the Service Area and Liquor Buildings that demonstrate their ideas and plans for the Hampton Liquor Properties. The conceptual site plans should take into account constructability issues and utility constraints. Buyer/Developers are encouraged to include opportunities for public amenities and environmental education and/or mitigation in their site concepts.

Buyer/Developer shall provide plans at suitable scale and detail so that a clear understanding of site concepts can be understood. Plans shall follow size requirements as identified in Section 3.2: *Qualifications Format*.

**Section IV: Mix and Intensity of Potential Uses**

The Buyer/Developer shall identify a proposed mix and intensity of potential uses in Section IV that are consistent with the proposed site concepts. This section shall also include a narrative on why

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and how the proposed uses will be complimentary to the presence of the proposed liquor and wine outlets.

**Section V: Resumes**

Full resumes shall be provided in Section V for all key staff identified in Section II. Resumes shall be a maximum of two pages.

**Section VI: Financial Capacity**

Section VI must demonstrate the Buyer/Developer's financial capacity to finance the re-development of the Hampton Liquor sites, and to operate and maintain the facilities for the life of the Agreement, including funding all construction, improvements, and maintenance requirements. To demonstrate financial capacity, the Buyer/Developer shall provide the following information:

- Overview of principal firm's financial structure(s)
- Documented ability to raise sufficient capital to construct the project – either a letter of credit from a reputable lending institution or statement acknowledging sufficient capital on hand
- Documented proof of bonding capability to cover insurance and bonds required during construction (including completion bond and payment bond) and insurance and bond requirements after completion (financial guarantee bond).

Financial capacity will be evaluated as identified in Section 2.3: *Qualifications Scoring and Selection Process*. More detailed financial capacity information, such as audited or third-party financial statements and additional details on ability to raise required capital will be required in the RFP. Failure to provide adequate or detailed financial information in the RFP may result in disqualification.

**Section VII: Proposed Process and Desired NHLC Outcome**

The Buyer/Developer shall acknowledge in writing in Section VII the proposed RFQ and RFP selection process, as well as acknowledge the desired State outcome as indicated by the various goals and criteria identified throughout this RFQ.

**4. REFERENCE DOCUMENTS**

Reference Documents, if available, will be provided in electronic format by contacting the NHLC. Directions for obtaining the Reference Documents are found below.

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**Obtaining the Reference Documents from the NHLC**

Contact by e-mail:

Mr. Andrew S. Davis  
Chief Administrator  
New Hampshire Liquor Commission  
50 Storrs Street

Concord, NH 03301  
NHLC.HAMPTON@liquor.nh.gov

Provide a name and address (no P.O. Boxes please). A CD or flash drive containing the Exhibits will be sent via overnight delivery to the name and address provided.

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**APPENDIX A  
REQUIRED FORMS**

**STATE OF NEW HAMPSHIRE  
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**Form 1**

*Buyer/Developer Inquiry Form*



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**FORM 1: BUYER/DEVELOPER RFQ INQUIRY FORM**

Buyer/Developer: \_\_\_\_\_

Sheet   1   of \_\_\_\_\_ sheets

Item No.	Page No.	Section No.	Inquiry	Reserved for Response
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Duplicate as needed.

END OF FORM 1

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**Form 2**

*Qualifications Transmittal Letter*

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**FORM 2: QUALIFICATIONS TRANSMITTAL LETTER**

Buyer/Developer Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

**To:** Mr. Andrew S. Davis  
Chief Administrator  
New Hampshire Liquor Commission  
50 Storrs Street  
Concord, NH 03301

**RE:** Qualification Invitation Name: BUYER/DEVELOPER FOR HAMPTON LIQUOR PROPERTIES  
Qualification Number: 2021-001  
Qualification Opening Date and Time: November 12, 2021 at 5:00 pm

Dear Sir:

Company Name: \_\_\_\_\_ hereby offers its qualifications to the New Hampshire Liquor Commission as indicated in Request For Qualifications 2021-001, BUYER/DEVELOPER FOR HAMPTON LIQUOR PROPERTIES, in complete accordance with all conditions of this RFQ.

Company Signor: \_\_\_\_\_ is authorized to legally obligate  
Company Name: \_\_\_\_\_.

We attest to the fact that:

The company has reviewed and agreed to be bound by all RFQ terms and condition, which along with the subsequent RFP, shall form the basis of any Professional Services Agreement resulting from this process.

These qualifications are effective for a period of 180 days following the deadline for submission of Qualifications in Section 2.4: *Schedule*, or until the Effective Date of any resulting Professional Services Agreement, whichever is later.

Our official point of contact is \_\_\_\_\_,  
Title \_\_\_\_\_  
Telephone \_\_\_\_\_, Email \_\_\_\_\_  
Authorized Signature Printed \_\_\_\_\_  
Authorized Signature \_\_\_\_\_

**Important Note: Buyer/Developers may request an electronic version of the RFQ Transmittal Letter. Any electronic alteration to this Transmittal Letter template is prohibited. Any such changes will result in Qualifications being rejected.**