



## DISTRICT OF STEWART

# REQUEST FOR EXPRESSIONS OF INTEREST SALE OF NORTHLAND DOCK

**Issued: February 28, 2018**

The District of Stewart wishes to sell its interest in the Northland Dock situated on a Provincial Water Lot Lease Area legally described as Block E, District Lots 4198 & 6689, Cassiar District.

The District is seeking expressions of interest from the public for the purchase of the District's interest in the Northland Dock.

**Expressions of interest ("Applications") should be addressed and delivered to the attention of Gord Howie, Chief Administrative Officer, District of Stewart City Hall, 705 Brightwell Street, Stewart, British Columbia, Canada V0T 1W0 prior to 4:30p.m. on Monday, April 30, 2018 (the "Closing Date").**

### NOTES:

1. Expressions of interest should be in sealed envelopes or packages marked with the applicant's name and the request for expressions of interest ("**RFEI**") title: "**Sale of Northland Dock**".
2. There should be one hard copy of the expression of interest in each sealed envelope or package.
3. Expressions of interest must contain a proposed purchase price. Applicants are also encouraged to include a business plan for the Northland Dock;
4. Preference may be given to applicants offering a purchase price of more than **\$250,000.00** (suggested upset price) exclusive of taxes.
5. **DO NOT SUBMIT APPLICATIONS BY FAX OR ELECTRONIC MAIL.**

All questions related to this call for expressions of interests should be addressed to the attention of Gord Howie, Chief Administrative Officer, at: [cao@districtofstewart.com](mailto:cao@districtofstewart.com).

## **BACKGROUND AND INSTRUCTIONS TO APPLICANTS**

### **1. The Land**

The Northland Dock sits on provincial crown land legally described as Block E, District Lots 4198 & 6689, Cassiar District (the “**Land**”).

Historically, the portion of the Land on which Northland Dock is situated formed part of provincial crown lands legally described as Block A, District Lot 4198, and District Lot 6689, Cassiar District (the “**Parent Lot**”). For a number of years the Parent Lot was held by the federal crown for the operation of a public wharf. The federal crown relinquished the Parent Lot to the province around March, 2002.

Around November 2005, the province prepared a survey plan of the Land, which shows the Land to include the portion of the Parent Lot on which the Northland Dock is situated. The survey of the Land is attached as Appendix A.

### **2. The Lease**

The District leases the Land from the Province pursuant to Lease No. 635706, dated May 15, 2006 (the “**Lease**”). The term of the Lease expires in 2036.

As part of selling its interest in the Northland Dock, the District intends to negotiate a surrender of the Lease. It will be the responsibility of the prospective purchaser to enter into a new lease of the Land with the province. As part of the new lease, the province will likely ask for a business plan for the Northland Dock and the Land.

All applicants are encouraged to discuss with the province what the acceptable business plan would be and submit the business plan as part of the Application.

Any agreement between the District and the prospective purchaser will be subject to the Lease being fully terminated to the satisfaction of the District, and the prospective purchaser entering into a new lease of the Land with the province. The terms and conditions of the new lease (and the associated business plan) of the Land will be a matter for the prospective purchaser to negotiate with the province.

PLEASE NOTE, that the District is advised by the province as follows:

- (1) This RFEI, and any resulting agreements, are without prejudice to the rights of the province in respect to the Lease. The province has made no representations or warranties to the District that the new lease will be granted; and
- (2) The province may, in its discretion, require security in connection with the new lease.

### **3. The Northland Dock**

The Northland Dock was originally built around 1965.

In 2002, when the federal crown relinquished its interest in the Parent Lot, they also transferred the possession and operation of the Northland Dock to the District.

While the above background is to the best of the District's understanding, the District will not provide any representation or warranty as to the District's ownership of the Northland Dock. The prospective purchaser will be responsible to satisfy itself as to the nature of the interest in the Northland Dock. The District will assist the prospective purchaser in its due diligence.

The Northland Dock is currently in a state of substantial disrepair. The prospective purchaser will have to either repair the dock or decommission it in accordance with any requirements of the province, all at the Purchaser's sole cost. The District makes no representations or warranties about the condition of the Northland Dock and any sale will be on a strictly "as is where is" basis.

### **4. District's goals**

The District's goals for the sale of the Northland Dock are to:

- (a) dispose of the Northland Dock promptly and in the manner acceptable to the province; and
- (b) maximize value from the Northland Dock.

### **5. Purchase price**

Each applicant must offer a purchase price for the Northland Dock.

## **6. Business plan**

Each applicant is encouraged to submit a business plan for the Northland Dock that would likely be acceptable to the province. Any agreement for the sale of the Northland Dock will be conditional upon the province agreeing to enter into a lease with the applicant, which will likely be subject to an acceptable business plan.

## **7. Evaluation criteria**

The District will determine if each applicant offers an acceptable purchase price, and is likely to be able to negotiate a lease with the province. Preference may be given to applicants offering more than \$250,000.00 (suggested upset price) (exclusive of taxes) for the Northland Dock.

## **8. Process**

The RFEI is an invitation for each applicant to provide their offer of purchase to the District. The RFEI does not create any obligation or duty to applicants that the District could breach, including under any evaluation process arising from or related to this request.

All costs and expenses associated with the preparation and submission of the Application, including any costs incurred by the applicant during the evaluation process, will be borne solely by the applicant.

## **9. Next steps**

The District will review and evaluate Applications to identify qualified applicants for further consideration and may request applicants to clarify information provided in their Applications.

The District may, at its discretion, negotiate in parallel with one or more applicants, or in sequence, or in combination, and may at any time terminate all or any one set of negotiations with the applicants.

The District is under no obligations whatsoever to enter into a binding agreement with any applicant, or to sell Northland Dock to any applicant.

The District reserves the right to reject any and all proposals received, or to negotiate terms and conditions with any applicant, as the District determines in its sole discretion. The highest or any proposal will not necessarily be accepted.

## **10. Use of Applications**

Once submitted, the Applications become the property of the District and the District has no obligation to return the Applications to the applicants.

## **11. Background documents**

The following background documents will be made available to each proponent upon request:

- (a) the Lease
- (b) the District's preferred form of Agreement of Purchase and Sale for the Northland Dock
- (c) inspection Report dated January 12, 2015 concerning the condition of the Northland Dock,

## **COMMUNITATIONS**

### **12. Inquiries**

All questions concerning the proposed disposition should be addressed in writing to:

Gord Howie  
Chief Administrative Officer  
PO Box 460  
Stewart, BC, V0T1W0  
[cao@districtofstewart.com](mailto:cao@districtofstewart.com)

Inquiries and responses may be recorded and may be distributed to all applicants involved, at the District's discretion.

### **13. Addenda**

Addenda to this request for expressions of interest may be issued and published on the District's website, at the District's discretion. Applicants are fully responsible to check the District's website for any addenda.

#### **14. Information from other sources**

Information obtained from any source other than from Gord Howie is not official and must not be relied on.

### **SUBMISSION OF APPLICATIONS**

#### **15. Delivery**

Applicants should submit one printed copy of the Application, in a sealed envelope or package, delivered by hand or courier to the address set out on the cover page of this request for expressions of interest. Applications should not be faxed or emailed.

The applicant should set out their name and mailing address on the envelope and the envelope should be clearly marked as set out on the cover of this RFEI.

#### **16. Late applications**

Applicants are strongly encouraged to submit their Applications before 4:30p.m. on the Closing Date. The District reserves the right to accept Applications submitted after this time but is not obligated to do so.

### **NO DUTY OR OBLIGATION ASSUMED BY DISTRICT**

#### **17. No Claim Against the District**

The District will not be responsible for any costs, expenses, losses, damages or liabilities incurred or alleged to be incurred by the applicant in connection with the RFEI.

#### **18. Reservation of Complete Control of Process**

The District reserves the right to retain complete control over the RFEI process at all times. Without limiting the foregoing, the District is not legally obligated to review, consider or evaluate Applications in accordance with the RFEI procedures and the District reserves the right to continue, interrupt, cease, or modify its review, evaluation, negotiation or any other RFEI process for any or all Applications at any time without further explanation or notification to any applicant.

## **19. Information Disclaimer**

The District is not liable or responsible for any verbal or written information, or any advice, or any errors or omissions which may be contained in this document or documents disclosed or otherwise provided to the applicant by the District.

The applicant should conduct its own independent investigations and interpretations and should not rely on the District, with respect to information, advice or documentation provided by the District.

The District shall not be liable or responsible for the accuracy or completeness of the information in this document or for any other written or oral information made available to any applicant related to this document or associated process.

## **20. No Legal Obligation**

The District assumes no legal duty or obligation in respect of this request for expressions of interests or any of the processes described herein. All applicants are entitled to withdraw their applications at any time.

## **21. Confidentiality**

Every document, including applications, delivered to the District pursuant to this request for expressions of interests will be received and held in confidence by the District, subject to the provisions of the *Freedom and Information and Protection of Privacy Act*.

# APPENDIX A

## THE SURVEY OF THE LAND ON WHICH NORTHLAND DOCK IS SITUATED

