

**Ronstadt Transit Center Joint Development Project
Request for Proposals (RFP) – Phase II
Revisions for Review**

REVISED PHASE II RFP

This copy of the Phase II RFP presents proposed revisions recommended by staff based on comments provided during discussion about the Draft RFP at the January 30, 2015, Stakeholders Meeting and in written comments received during the review period (January 30 and February 9, 2015).

Please Note: Suggested revisions are shown in red.

COMMENTS ON REVISIONS MAY BE PROVIDED UP UNTIL 9 AM MONDAY, MARCH 2. EMAIL TO REBECCA RUOPP AT Rebecca.Ruopp@tucsonaz.gov. FOR QUESTIONS EMAIL OR CALL (520) 837-6973.

- I. Request for Proposal (RFP) Process & Status**
- II. Phase II RFP Overview**
- III. Project Purpose & Goals**
- IV. FTA Guidance**
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I. REQUEST FOR PROPOSAL (RFP) PROCESS & STATUS

For the Ronstadt Transit Center Joint Development Project, the City is using a two-phased Request for Proposals (RFP) evaluation process. Phase I, which requested Offeror’s Statements of Qualifications, was completed on December 16, 2014, when Mayor and Council approved the recommendation of Evaluation Committee to move forward to Phase II with both of the Offerors who submitted in Phase I being invited to submit proposals for Phase II. The Offerors and their Phase I RFP submittals can be viewed at <http://oip.tucsonaz.gov/integrated-planning/ronstadt-transit-center-joint-development>.

The Phase II RFP, as represented by this document, requires Offerors to submit detailed project proposals, provide a public presentation, and may include interviews and discussions about the project proposal. The evaluation of Phase II Proposals will be separate from the Phase I Proposal evaluation. There will be no carry forward of scoring or ranking. The evaluation committee from Phase I will evaluate Phase II proposals.

If after proposals have been submitted and evaluated an Offeror is selected by Mayor and Council to proceed, the Offeror will be invited to enter into negotiations with the City for a development agreement. The City may define Terms and Conditions for a development agreement, including, but not limited to, Insurance, Performance Surety and/or Fidelity Bonds, Key Personnel, Conflict of Interest, Federal Transit Administration (FTA) Joint Development requirements, etc.

Should the City decide to enter into a development agreement, it shall make an award that is deemed to be in the City’s best interest. A final award is contingent upon approval of the negotiated agreement by the Tucson Mayor and Council and the Federal Transit Administration (FTA).

Project Timeline

Following is an **estimated timeline** for activities from the Issuance of the Phase II RFP through the Award of the Joint Development Project.

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| <ul style="list-style-type: none"> • Stakeholder Meeting re Phase II • Mayor & Council Review of Phase II RFP Scope (Executive Session) • Issuance of Phase II RFP • <u>Pre-submittal meetings with City and Sun Tran Staff and Site Visit</u> • <u>Deadline for Offeror Questions</u> • Due Date for Phase II Proposals • <u>Interviews with Offeror (if needed)</u> | <p>January/February 2015</p> <p>February 2015 <u>March 3, 2015</u></p> <p>February <u>March 9, 2015</u></p> <p><u>Mid to Late March 2015</u></p> <p><u>June 19, 2015</u></p> <p>May/June <u>30, 2015</u></p> <p><u>July 2015</u></p> |
| <ul style="list-style-type: none"> • Public Design Presentations and Feedback • <u>Assemblage of Comments on Design Presentation</u> | <p>May/June <u>2015</u></p> <p><u>July 2015</u></p> <p><u>August 2015</u></p> |

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<u>Offeror Response to Public Feedback on Design Presentations</u>	<u>Sept. 2015</u>
• Committee Phase II Evaluation	June/July 2015 <u>September/October 2015</u>
• Committee Recommendation to Mayor & Council (Executive Session)	<u>November 2015</u> August 2015
• <u>Announcement of Results of Proposal</u>	<u>November 2015</u>
<u>Evaluation Process</u>	
• Preliminary FTA Review	Submit August <u>December</u> 2015
• Development Agreement Negotiation	Fall 2015 <u>Early 2016</u>
• Formal FTA Review and Approval	Submit Late 2015 <u>Early - Mid 2016</u>
• Final Development Agreement to Mayor & Council	Early <u>Mid</u> 2016

II. PHASE II RFP OVERVIEW

The City of Tucson seeks a qualified development team to plan, design, construct, and own, lease, and/or manage components of an integrated multi-modal transit/mixed-use center on the 4.7-acre project area site, which includes the existing Ronstadt Transit Center (RTC) and two additional parcels currently used for parking.

A successful project proposal must be responsive to both the City’s purpose and goals and to the Federal Transit Administration’s (FTA’s) recently released Joint Development Guidance. The project purpose and goals were presented in in the Phase I RFP and are repeated in this RFP in *Section III* below. Because FTA funds were used to acquire property included in the designated project site, the FTA has a financial interest in this proposed joint development project. Careful review and consideration of the FTA’s guidance for FTA-Assisted Joint Development, which is highlighted in *Section IV* of this document, is critical as the FTA will be party to the decision on any final award.

Section V provides instructions to Offerors on preparing a Phase II proposal. *Section VI* lays out what is required for inclusion in an Offeror’s submittal. *Section VII* provides the criteria that will be used in evaluating any proposals received, including the weight that will be given to each criterion, as well as some general provisions for considering proposals. *Section VIII* is the Phase II Submittal Form that must be completed and provided with any submitted proposal.

The final section of this Phase II RFP, *Section IX* provides background references that may be useful in the preparation of a Phase II proposal. Included in Section IX is a link to the Phase I RFP, which beginning on page 4, provided descriptions of the project context, site specifics, City development process, and potential City incentives. Please note that all the information included in Section IX can be found on the City of Tucson, Office of Integrated Planning website, <http://oip.tucsonaz.gov/integrated-planning/ronstadt-transit-center-multi-modal-mixed-use-development-opportunity>.

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III. PROJECT PURPOSE & GOALS

The project purpose and goals, which were provided in the Phase I RFP, are repeated here, with some slight formatting modifications, to reiterate their importance. The purpose and goals represent the outcome of many hours of thoughtful deliberation by City staff and stakeholders working together to find agreement on a variety of issues put forth by a range of interests from bus riders to businesses, to developers, to downtown neighborhoods and more. A successful Offeror will clearly demonstrate how the proposed project meets the purpose and goals.

Purpose

The overall purpose of this project is to create a distinctive, multi-modal transit center and mixed-use development that contributes to an active, economically robust downtown, by achieving the following goals:

Goal A: Uses & Character

The project should incorporate (1) a transit center with similar or improved services, (2) private development featuring a mix of uses, and (3) public open space, which are thoughtfully integrated and serve a diversity of people working, living, and visiting downtown. Examples of types of land uses that are encouraged include residential, retail, daily services (e.g., daycare, grocery, pharmacy), employment, educational uses, and recreation and entertainment venues.

The project should incorporate community open space that is urban in character, well integrated with surrounding uses, highly visible to and actively used by people of all ages, includes some natural features, and has a clearly responsible entity in charge of its programming and maintenance.

The design of the project should create a signature destination that integrates the arts, recognizes the community's cultural diversity, includes sustainable/environmentally sensitive design, activates the streetscape, and offers architecture responsive to the urban historic fabric and views. Sensitivity to the needs of downtown neighborhoods, transit users, adjacent properties, and local downtown businesses is important.

Goal B: Transportation and Infrastructure

The project should be based on thoughtful site design that considers not only access and egress, but also contributes to improving surrounding multi-modal transportation circulation.

The project should incorporate establishment of the Ronstadt Transit Center as an adaptable hub that can serve multiple modes of transportation over time, including, but not limited to, public buses, shuttles, bicycles, and pedestrians. It should provide connections to the modern streetcar and Amtrak inter-city rail, and should accommodate complementary programs and facilities such as bike share, car share, drop-offs, and taxis.

The project should enhance the physical infrastructure and facilities for current bus riders and increase the appeal of transit to new riders. Examples of improvements identified by community members as desirable include incorporation of retail, food, and services; better designed bathrooms; air conditioning;

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shade; drinking fountains; and a play area.

The project should provide pedestrian and bicycle connectivity to surrounding uses; to walkways/alleys, roadways, and bikeways; to adjacent residential and commercial areas; and to transportation modes, such as between the bus facilities and the modern streetcar line at the southern boundary of the RTC project area and the Historic Train Depot at the northeastern end of the property.

Goal C: Financial and Economic Vitality

The project should be delivered in a timely manner providing a sufficient infusion of private investment to economically benefit public transit, the City's tax base, and downtown revitalization efforts.

Goal D: Communication and Participation

The project team should be committed to regular, collaborative meetings and communication with the City and other agencies, and community engagement with stakeholders.

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IV. FTA Guidance

FTA allows real property that was previously acquired with FTA assistance to be used for joint development. Because the proposed project site fits this description, the project sponsor is required to comply with recent Federal Transit Administration (FTA) guidance on joint development, i.e., Circular 7050.1, August 25, 2014.

http://www.fta.dot.gov/documents/FTA_C_7050_1_Guidance_on_Joint_Development_Circular.pdf

A key condition of the FTA requirements is that the joint development must not interfere with the City's continuing control over the use of project property or the City's ability to continue to carry out the originally authorized purpose for which the property was acquired. In addition, the joint development project must satisfy all four of the FTA eligibility criteria presented below.

Please Note: The intent of the following paragraphs, which are quoted directly from pages III-2 to III-7 of the FTA Circular 7050.01, this section is to highlight the FTA eligibility criteria so that anyone reviewing the proposal will be aware of them. **However, this section is not intended to substitute for the Offeror's careful review of the Circular-7050.01.**

FTA Eligibility Criteria

As an FTA-assisted capital project, a joint development project must satisfy the following four eligibility criteria. Please note that the following annotated text is quoted directly from FTA Circular 7050.01, with page citations provided.

FTA Criterion One: Economic Benefit

(Page III-3, FTA Circular 70501.01)

An FTA assisted joint development project must either (a) enhance economic development or (b) incorporate private ~~development~~ investment. The statute uses the word "or" when describing this criterion (as opposed to "and"), so a joint development project will satisfy this criterion if it produces either effect.:

- (1) Enhance Economic Development. The project sponsor may satisfy this criterion by demonstrating that the joint development will add economic value to privately or publicly-funded economic development activity in close proximity to a public transportation facility.
- (2) Incorporate Private Investment. Private investment need not be monetary. It can take the form of real property, commercial or residential development, or some other benefit to be generated initially or over the life of the joint development. The amount and form of private investment will be negotiated between the project sponsor and its joint development partners. *[Please note: For the Ronstadt Transit Center Joint Development Project, FTA's term "project sponsor" would apply to the City of Tucson and the term "joint development partners" to the successful Offeror.]* While FTA will not set a monetary threshold for private investment, it can decline approval for a joint development project if the level of private investment is not meaningful to promote an economic benefit.

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FTA Criterion Two: Public Transportation Benefit

(Page III-4, FTA Circular 70501.1)

As with the first criterion, the statute provides two ways to satisfy this criterion. The joint development project can either (a) enhance the effectiveness of a public transportation project to which it is related physically or functionally, or it can (b) establish new or enhanced coordination between public transportation and other modes of transportation.

(1) Enhances the Effectiveness of a Public Transportation Project and Is Related Physically or Functionally to That Public Transportation Project. Any reasonable forecast of how the joint development will enhance the effectiveness of a public transportation project will satisfy this criterion. These impacts may include, but are not limited to, any of the following:

- Increased ridership
- Shortened travel times
- Improved/enhanced wayfinding
- Deferred or reduced transit operating or capital costs
- Improved access or connectivity to public transportation

The alternative requirement for a physical "or" functional relationship allows a joint development to be built separate from, but in functional relationship to, a public transportation project. A joint development satisfies this element if it has a physical or functional nexus to a public transportation project.

(a) Physically Related. A joint development is physically related to a public transportation project if there is a direct physical connection to public transportation services or facilities. Some examples of physical relationships are:

- Projects built within or adjacent to public transportation facilities
- Avenues of access that connect directly to public transportation, e.g., bicycle paths, pedestrian paths, or parking facilities
- Connections between public transportation and airports, train stations, and other transportation facilities
- Projects using air rights over public transportation facilities

(b) Functionally Related. A joint development is functionally related to a public transportation project if by activity and use, with or without a direct physical connection, it enhances the use of, connectivity with, or access to public transportation. A joint development can also be functionally related to a public transportation project if it provides a transportation-related service (such as remote baggage handling or shared ticketing) or public access to community service such as daycare or health care).

FTA's considerations include, among other things, whether there is a reduction in travel time between the joint development project and the public transportation facility, reasonable access between the joint development and the public transportation facility, and

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increased trip generation rates resulting from the relationship between the joint development and the public transportation facility.

A functional, rather than physical, relationship permits a FTA assisted joint development to be located outside the structural envelope of a public transportation facility and even to be separated by an intervening street, major thoroughfare, or unrelated property. However, a functional relationship will not ordinarily extend beyond the distance most people can be expected to safely and conveniently walk or bicycle to use the transit service.

- (2) Establishes New or Enhanced Coordination between Public Transportation and Other Transportation. FTA will accept reasonably supported judgments of new or enhanced coordination from the project sponsor.
- (a) "Public transportation" is defined as "regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income," and it does not include school bus, charter, sightseeing, intra-terminal or intra-facility shuttle service, courtesy shuttle service for patrons of one or more specific establishments, intercity bus transportation, or intercity passenger rail transportation provided by Amtrak. FTA interprets the term "other transportation" to mean all forms of transportation that are not public transportation, including, but not limited to, airplane, school bus, charter bus, sightseeing vehicle, intercity bus and rail, automobile, taxicab, bicycle, and pedestrian transportation.
- (b) Connections that can establish new or enhanced coordination between public transportation and other transportation may include proximate or shared ticket counters, termini, park-and-ride lots, taxicab bays, passenger drop-off points, waiting areas, shared or coordinated signage, schedules, ticketing, and bicycle paths and sidewalks that connect public transportation to other transportation facilities. Projects that shorten the distance between public transportation termini and other transportation shall be presumed to enhance coordination. Pedestrian and bicycle improvements that are physically located outside the structural envelope of a public transportation facility may nonetheless be functionally related to the public transportation.

FTA Criterion Three: Fair Share of Revenue

(Page III-6, FTA Circular 70501.1)

A "fair share of revenue" is the division of revenue generated from a joint development project that the project sponsor and its partners negotiate and agree that the project sponsor will receive. The fair share of revenue may be amortized over the life of the project. FTA has determined that the minimum threshold for the amount of revenue that the project sponsor receives cumulatively from a joint development must be equivalent to the amount of the original federal investment contributed to the joint development project (see Chapter 6 of [the] Circular for more information). ~~*[Please note: Federal funds were used in the acquisition of portions of the proposed joint development project site totaling \$ to be inserted.]*~~ FTA grant funds or other FTA-assisted project property acquired for the purpose of joint development are included in this threshold. ***[Please note: The total FTA investment may vary based on how much of the RTC is contributed to***

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the joint development. If the entire RTC is contributed to the joint development, the City estimates the original federal investment in RTC is \$7 million.] The

project sponsor must report to FTA the source and expected amount of such fair share of revenue. FTA reserves the right to decline funding for or approval of a joint development project if the project does not generate a minimum threshold of revenue for the project sponsor.(1) To qualify as a fair share of revenue, FTA requires the following:

- (a) The project's sponsor's General Manager or Chief Executive Officer must certify, following reasonable investigation, that the terms and conditions of the joint development are commercially reasonable and fair to the project sponsor, and that the share of revenues generated for public transportation satisfy FTA's threshold requirement;
 - (b) FTA must review and approve the amount and source of revenue; and
 - (c) Such revenue must be used for public transportation services. This enhances the ability of a public transportation provider to negotiate for financial benefits in exchange for the benefits it will convey through the joint development.
- (2) Community Service or Publicly Operated Projects: When a joint development project is a community service or publicly operated facility, FTA recognizes that the revenue generated by the joint development project may be less than what would be generated from commercial, residential, or mixed-use development projects. As such, the resulting "fair share of revenue" can be less than the amount of the original FTA investment contributed to the project, but must be based upon the actual revenue generated by the community service or publicly-operated facility.

FTA Criterion Four: Fair Share of Costs

(Page III-7, FTA Circular 70501.1)

A joint development must provide that a person making an agreement to occupy space in a facility constructed with FTA assistance must pay a fair share of the costs of the facility to the project sponsor. "Person" here includes natural persons as well as businesses. FTA will not attempt to define what amounts to a fair share of the costs of the facility and will not impose a particular valuation methodology. FTA will accept commercial valuation methodologies used by the project sponsor to determine a fair share of the costs of the facility. However, FTA reserves the right to decline project funding or approval if the rental payment, or other means, is less than the actual cost to the project sponsor to operate and maintain the space in its facility.

The fair share may be paid in the form of rental payments, but may also take other forms, e.g., operating and maintenance agreements. Project sponsors and their partners/tenants have flexibility to form agreements other than for rent, so long as the value of such an agreement is at least equal to the costs of operating and maintaining the leased space.

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V Instructions to Offerors

A. DEFINITION OF KEY WORDS USED IN THE SOLICITATION

For purposes of this solicitation and any subsequent contract, the following definitions shall apply:

City: The City of Tucson, Arizona

Contract: The legal ~~agreement~~ **Development Agreement** executed between the City and the Contractor/Consultant. The Contract shall include this RFP document incorporated herein by reference, all terms, conditions, specifications, scope of work, amendments, the Contractor's offer and negotiated items as accepted by the City.

Contractor/Consultant: The individual, partnership, or corporation who, as a result of the competitive solicitation process, is awarded a contract by the City.

Contract Officer: The City employee or employees who have been designated specifically to act as a contact person or persons to the Contractor, and is/are responsible for monitoring and overseeing the Contractor's performance under this Contract.

Director of Procurement: The contracting authority for the City, authorized to sign contracts and amendments thereto on behalf of the City.

May: Indicates something that is not mandatory but permissible.

Offeror: The individual, partnership, or corporation who submits a proposal in response to solicitation.

Shall, Will, Must: Indicates a mandatory requirement. Failure to meet these mandatory requirements, if they constitute a substantive requirement, may, at the City's sole discretion, result in the rejection of a proposal as non-responsive.

Should: Indicates something that is recommended but not mandatory. If the Offeror fails to provide recommended information, the City may, at its sole option, ask the Offeror to provide the information or evaluate the proposal without the information.

B. INQUIRIES

Any questions related to this Request for Proposal shall be directed to the Contract Officer whose name appears on the cover page and in the header of each page. An Offeror shall not contact or ask questions of the department for whom the requirement is being procured. The Contract Officer may require any and all questions be submitted in writing. Offerors are encouraged to submit written questions via electronic mail or facsimile, at least ~~five~~ **ten business** days prior to the proposal due date. Any correspondence related to this solicitation should refer to the Request for Proposal number found on the cover page and in the header of each page, and to the page and paragraph number. An envelope containing questions should be identified as such, otherwise it may not be opened until after the official proposal due date and time. Oral interpretations or clarifications will be without legal effect. Only questions answered by a formal written amendment to the Request for Proposal will be binding.

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C. AMENDMENT OF REQUEST FOR PROPOSAL

If any amendments to this Request for Proposal are issued, the Offeror shall acknowledge receipt of such amendments by signing and returning them by the specified due date and time.

D. FAMILIARIZATION OF SCOPE OF WORK

Before submitting a proposal, each Offeror shall familiarize itself with the Scope of Work, laws, regulations and other factors affecting contract performance. The Offeror shall be responsible for fully understanding the requirements of the subsequent Contract and otherwise satisfy itself as to the expense and difficulties accompanying the fulfillment of contract requirements. The submission of a proposal will constitute a representation of compliance by the Offeror. There will be no subsequent financial adjustment, other than that provided by the subsequent Contract, for lack of such familiarization.

E. PREPARATION OF PROPOSAL

1. All proposals shall be on the forms provided in this Request for Proposal package. It is permissible to copy these forms as required. Facsimiles or electronic mail proposals shall not be considered.
2. At a minimum, the proposal shall include the signed Offer and Acceptance form, signed copies of any solicitation amendments, completed Price Page and a response to all evaluation criteria.
3. The Offer and Acceptance page shall be signed by a person authorized to submit an offer. An authorized signature on the Offer and Acceptance page, Proposal Amendment(s), or cover letter accompanying the proposal documents shall constitute an irrevocable offer to sell the good and/or service specified herein. The Offeror shall submit any additional requested documentation, signifying intent to be bound by the terms of the agreement.
4. The authorized person signing the proposal shall initial erasure, interlineations or other modifications on the proposal.

~~5. In case of error in the extension of prices in the proposal, unit price shall govern when applicable.~~

~~6.5. Unless otherwise noted, PPeriodsperiods~~ of time, stated as a number of days, shall be in calendar days.

~~7.6.~~ It is the responsibility of all Offerors to examine the entire Request for Proposal package and seek clarification of any requirement that may not be clear and to check all responses for accuracy before submitting a proposal. Negligence in preparing a proposal confers no right of withdrawal after the due date and time.

~~8.7.~~ The City shall not reimburse the cost of developing, presenting, submitting or providing any response to this solicitation.

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9.8. The Offeror must list any partners, team members, consultants, and/or subcontractors to be utilized in the performance of the services specified herein. For each partner, team member, consultant, and/or subcontractor, details on respective qualifications must be included.

F. TAXES

The City of Tucson is exempt from federal excise tax, including the federal transportation tax.

G. PROPOSAL/SUBMITTAL FORMAT

One (1) original and twelve (12) copies (13 total) of each proposal should be submitted on the forms and in the format specified in the Request for Proposal. Offerors shall also submit one electronic copy of the proposal on ~~edCD, disc~~ or zip ~~disc-drive~~ in MS Office ~~2003-2010~~ or .pdf format. Any confidential information shall be submitted on a separate cd, disc or zip disc. The original copy of the proposal should be clearly labeled "Original" and shall be single-sided, three hole punched and in a binder. The material should be in sequence and related to the Request for Proposal. **The sections of the submittal should be divided with labeled tabs and should include at a minimum the following sections: the completed Offer and Acceptance Form, all signed Amendments, a copy of this Request for Proposal document and the Offeror's response to the Phase II Submittal Requirements, including the completed Price Page. Additionally, the sections of the Submittal Requirements should be tabbed.** Failure to include the requested information may have a negative impact on the evaluation of the Offeror's proposal.

H. PUBLIC RECORD

All proposals submitted in response to this Request for Proposal shall become the property of the City and shall become a matter of public record available for review subsequent to the award notification.

I. CONFIDENTIAL INFORMATION

The City of Tucson is obligated to abide by all public information laws. If an Offeror believes that any portion of a proposal, offer, specification, protest or correspondence contains information that should be withheld, a statement advising the Contract Officer of this fact should accompany the submission and the information shall be so identified wherever it appears. The City shall review all requests for confidentiality and may provide a written determination to designate specified documents confidential or the request may be denied. Price is not confidential and will not be withheld. If the confidential request is denied, such information shall be disclosed as public information, unless the Offeror submits a formal written objection.

J. CERTIFICATION

By signature on the Offer and Acceptance page, solicitation Amendment(s), or cover letter accompanying the submittal documents, the Offeror certifies:

1. The submission of the offer did not involve collusion or other anti-competitive practices.
2. The Offeror shall not discriminate against any employee or applicant for employment in violation of Federal or State law.

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3. The Offeror has not given, offered to give, nor intends to give at any time hereafter, any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, meal or service to a public servant in connection with the submitted offer.
4. The Offeror hereby certifies that the individual signing the submittal is an authorized agent for the Offeror and has the authority to bind the Offeror to the Contract.

K. WHERE TO SUBMIT PROPOSALS

In order to be considered, the Offeror must complete and submit its proposal to the City of Tucson Department of Procurement at the location indicated, prior to or at the exact date and time indicated on the Request for Proposal cover page. The Offeror's proposal shall be submitted in a sealed envelope. The words "SEALED PROPOSAL" with the REQUEST FOR PROPOSAL TITLE, REQUEST FOR PROPOSAL NUMBER, PROPOSAL DUE DATE AND TIME and OFFEROR'S NAME AND ADDRESS shall be written on the envelope.

L. LATE PROPOSALS

Late proposals will be rejected.

M. OFFER AND ACCEPTANCE PERIOD

In order to allow for an adequate evaluation, the City requires an offer in response to this solicitation to be valid and irrevocable for ninety (90) days after the proposal due date and time.

N. WITHDRAWAL OF PROPOSAL

At any time prior to the specified solicitation due date and time, an Offeror may formally withdraw the proposal by a written letter, facsimile or electronic mail from the Offeror or a designated representative. Telephonic or oral withdrawals shall not be considered.

O. DISCUSSIONS

The City reserves the right to conduct discussions with Offerors for the purpose of eliminating minor irregularities, informalities, or apparent clerical mistakes in the proposal in order to clarify an offer and assure full understanding of, and responsiveness to, solicitation requirements.

P. CITY OF TUCSON BUSINESS LICENSE

It is the responsibility of the Contractor to have a City of Tucson Business License throughout the life of this Contract or a written determination from the City's Business License Section that a license is not required. At any time during the Contract, the City may request the Contractor to provide a valid copy of the business license or a written determination that a business license is not required. Application for a City Business License can be completed at <http://www.tucsonaz.gov/etax>. For questions contact the City's Business License Section at (520) 791-4566 or email at tax-license@tucsonaz.gov.

Q. AWARD OF CONTRACT

Notwithstanding any other provision of the Request for Proposal, the City reserves the right to: (1) waive any immaterial defect or informality; or (2) reject any or all proposals, or portions thereof; or (3) reissue the Request for Proposal.

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A response to this Request for Proposal is an offer to contract with the City for a development agreement based upon the terms, conditions and Scope of Work contained in the Request for Proposal. Proposals do not become Contracts unless and until they are executed by the City's Mayor and Council and the City Attorney. A contract has its inception in the award, eliminating a formal signing of a separate contract.

R. PROTESTS

A protest shall be in writing and shall be filed with the Director of Procurement. A protest of a Request for Proposal shall be received at the Department of Procurement not less than five (5) working days before the Request for Proposal due date. A protest of a proposed award or of an award shall be filed within ten (10) days after issuance of notification of award or issuance of a notice of intent to award, as applicable. A protest shall include:

- I.** The name, address, and telephone number of the protestant;
- II.** The signature of the protestant or its representative;
- III.** Identification of the Request for Proposal or Contract number;
- IV.** A detailed statement of the legal and factual grounds of protest including copies of relevant documents; and
- V.** The form of relief requested.

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VI. Phase II Submittal Requirements

Proposals must address, at a minimum, each of the items listed below and in the order presented. As noted in Section V.G. of this RFP, the sections should be divided with labeled tabs.

1. Contact Information

- (a) Provide primary contact information for the authorized representative, including name, title, address, telephone numbers and electronic mail address.
- ~~(b) Describe the contracting entity that the Offeror anticipates would be entering into contracts the Development Agreement with the City. At the time, The contracting entity enters into the Development Agreement with the City, it must be organized and in good standing under the laws of the State of Arizona. prior to entering into contracts with the City.~~

2. Executive Summary

- (a) Provide a narrative summary of the overall proposal not to exceed two pages using font size 12.

3. Project Description

- (a) Clearly detail and define the project, including, but not limited to:
 - i. Proposed mix of uses
 - ii. ~~Gross-Proposed~~ square footage of project components and aggregate square footage
 - iii. Building heights (feet and stories)
 - iv. Number of parking spaces (structured or surface)
 - v. Expected number of construction jobs, with supporting data
 - vi. Expect number of permanent jobs, with supporting data
 - vii. Estimated construction costs
 - viii. Estimated project costs (all costs)
- ~~(b) Provide a rendered site plan showing placement of proposed structures and public realm elements, the functional interconnection of interior and exterior uses and spaces, building elevations, and other graphics that ~~demonstrative demonstrate~~ a high quality project design with an architectural and artistic aesthetic and sensitivity sensitive to the surrounding development, and historic resources, the desert environment, and the northern viewshed.~~
- ~~(c) Provide a rendering that shows how the project relates to and integrates with the surrounding urban fabric.~~
- ~~(b)(d) Describe in what ways the project celebrates Tucson’s cultural diversity and recognizes the community’s long-standing commitment to the arts.~~
- ~~(e)(e) Provide a narrative description of the utilization of the site and how it will be activated in both the daytime and nighttime.~~

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- ~~(d)~~(f) Describe the incorporation of sustainable practices, such as LEED certification
- ~~(e)~~(g) Describe the community open space features and programming- including its integration with its surroundings; its accessibility to the public; its locational visibility, lighting, and other safety related features, its natural features; and its programming.
- ~~(f)~~(h) Describe public amenities both with and adjacent to the site that activate the pedestrian environment and serve a diversity of needs
- ~~(g)~~(i) Provide a circulation plan showing transit, vehicular, bicycle and pedestrian routes within and around the site, including access and egress. Plan should be informed by a traffic analysis to determine the ability of the surrounding roadway network to handle transit vehicle operations and additional traffic and parking demands projected to be generated by the project.
- ~~(h)~~(j) Provide a comprehensive project schedule addressing project development phases, including, but not limited to, planning, entitlements, design, plan review, permits, construction, and long-term operations and occupancy.
- ~~(i)~~(k) Provide a construction mitigation plan outlining strategies to maintain (1) vehicular, truck, and bus operations and pedestrian and bicycle access in the project area; (2) facilitate passenger access to bus and streetcar boarding locations; and protect the integrity of public utilities, streetcar infrastructure, and -historic resources, such as the historic depot-, and (3) adjacent residential and commercial properties, and continuous access to them; and (4) the quality of the downtown environment.

4. Integration of Transit Use

- (a) Describe how the transit facilities and uses will be integrated with the other proposed project elements.
- (b) Describe how the project will enhance the transit use, including, but not limited to:
- i. Operational needs of the bus system and its passengers
 - ii. Pedestrian and bicycle Connectivity between transit-, other modes of transportation, including but not limited to the modern streetcar and Amtrak inter-city rail; and other land uses
 - iii. Accommodation of complementary programs and facilities such as bike share, car share, drop-offs, and taxis
 - iv. Public and administrative functions such as ticket vending and sales, customer service, security, public restrooms and amenities (e.g., seating, shade, trash receptacles, signage), and storage
- (c) Describe how the project could be adapted over time to serve additional modes of transportation.

5. Response to City Goals & Plans & FTA Requirements

- (a) Describe how the proposed project achieves the City's Project Purpose and Goals presented

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in Section III of this RFP.

- (b) Describe how the proposed project meets the FTA eligibility criteria highlighted in Section III of this RFP, as well as other FTA requirements
- (c) Describe how the project conforms with applicable adopted City plans and regulations

6. Team

In the Phase I submittals, Offerors provided their proposed project teams and information on the proposed team members' qualifications relevant to the proposed joint development project. For the Phase II submittal, Offerors shall provide, at a minimum, the following information related to the team. Please note that if an Offeror's proposed team includes modifications from that proposed in the Phase I submittal, those changes should be noted and explained.

- (a) Confirm the team composition and describe the role of each of firm(s) and individual team members. Include resumes and write-ups, highlighting project work experience relevant to the RTC Joint Development Project.
- (b) Provide an organizational chart that illustrates the role of each proposed team member.
- (c) Provide team members projected availability to work on this project.

~~7.~~ Public Engagement Plan

~~7.~~ Stakeholders were actively involved in developing the project goals and preparing ~~have been involved in the development of~~ the Phase I and Phase II RFPs. A successful project will find ways to include the public throughout the development process. At a minimum, Offerors will:

- ~~(a)~~ Develop a plan for regular involvement of and communication with the stakeholders, including local businesses, transit users, Downtown neighborhoods, other interest community members public throughout the planning, permitting, design, construction, and operational phases of the project. At a minimum, the plan should be clear on purpose; types of approaches to be utilized, including dissemination of information, and when; involvement of development team members and coordination with City; and when input and feedback are likely to be solicited and it would be used.
- ~~(b)~~ Participate as appropriate if City should decide to pursue development of an Oversight Committee or similar structure.
- ~~(b)(c)~~ Attend meetings with City staff, Planning Commission, and City Council, and other City entities as needed.

8. Business Plan & Financial Capacity

- ~~(a)(c)~~ Confirm intention to be a long-term partner with the City in this project and propose a mechanism for interaction with City staff, transit operators, local businesspeople, Downtown neighborhoods, and other community members.
- (b) Describe the preferred methods of site conveyance that complies with continuing control of the transit function by the City per FTA guidelines.
- (c) Provide a Business Plan that includes the following:

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- i. Research/market demand data that demonstrates the project’s viability
- ~~ii. Utilization of the project site and required forms of control of the site [Might be covered elsewhere]~~
- ~~ii. _____~~
- iii. Anticipated qualified tenants/buyers/operators for the completed project
- ~~iv. Development costs, including all construction costs, soft costs and contingencies [Have also asked for costs under 2.b. above]~~
- ~~iv. _____~~
- v. Operating pro forma, including all revenues, expenses, debt service, taxes, and other assessments for at least 10 years after occupancy
- (d) Provide a Management Plan for the site’s administration, operation, marketing and maintenance to achieve the goals of the joint development over time working closely with property owners, tenants and residents who work or live on-site.
- (e) Demonstrate and quantify maximization of long-term benefits for the City. These benefits may be measured several ways, including, but not limited to:
 - i. Development of a project that supports multiple functions, including a multimodal transit facility and provides tax revenue benefits
 - ii. Construction of high-energy efficient and sustainable building(s)
 - iii. Recovery of the financial investment made by the City over a defined period of time
 - iv. Creation of ~~a~~ high-quality, accessible spaces for public use that enhances downtown and transit use.
- (f) Demonstrate financial capacity
 - i. Provide a master project budget – including all hard costs and soft costs – with a clear strategy and schedule to fund all project costs
 - ~~i.ii. Clear strategy to fund all project costs~~Provide a project pro forma for the predevelopment phase of the project through construction and the first ten years of project operations
 - ~~iii. Identification of~~Identify sources, types, and amounts of equity, debt, financing, grants, and other funding sources anticipated
 - ~~iii.iv. _____~~ Describe and quantify shortfalls in the project financing plan, if any. Propose a level and form of financial assistance that fills a clearly described financial gap in the proposal.
 - ~~iii.v. _____~~ Citation of other projects in which the types of equity, financing, grants, and other funding sources identified were successfully utilized by the Offeror
 - ~~iv.vi. _____~~ Provide clear and compelling information to demonstrate financial capacity to execute and complete the project successfully, including a Dun and Bradstreet credit report and references from lenders/investors.
- (g) Requested City assistance

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- i. Clearly outline the proposed business terms. Proposer requests for City assistance (if any) should only be for assistance that the City can reasonably accommodate, and should specify details such as type of assistance, length of agreement term, commencement and completion dates, etc.
- ii. Requested level of assistance must be clearly and quantitatively demonstrated to be less than the public benefit generated by the project.
- iii. Describe and quantify the economic, fiscal, employment and other tangible public benefits generated by the proposal that are beneficial to the City and the public. Qualitative public benefits such as social goals may be included as support to the well-defined quantitative benefits.
- ~~iv. Request a level of financial assistance that fills a clearly described financial gap in the proposal.~~

9. Public Presentation

Following the Phase II submittal, the City will organize a forum(s) to publically present the proposals. Within ~~2-weeks-30 days~~ following the public presentations, project teams will provide to the Procurement Department their responses to stakeholder comments received through the forum, including a written explanation as to how comments were incorporated in their responses, or if they were not why. The Procurement Department will make these responses available to the ~~Selection-Evaluation~~ Committee for review.

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Phase II Evaluation Criteria

A. ~~Draft~~ Specific Criteria

Proposal will be evaluated based on the following specific criteria:

1. Joint Development Project Description: Has the Offeror clearly detailed and defined the physical and operational aspects of the proposed joint development project? Has the Offeror demonstrated a high quality project design sensitive to its surroundings? Does the project include a community open space(s) and other public amenities that will activate the pedestrian environment?
2. Integration of Transit Use: Has the Offeror clearly described how the required transit facilities, uses, and purpose will be integrated with the proposed project. Does the proposal clearly describe enhancements to the transit use, including, but not limited to, operational, connectivity, and physical enhancement?
3. Response to City Goals ~~and FTA Requirements~~: Does the proposal demonstrate how the proposed project will achieve the City Purpose and Goals presented in Section III of this RFP?
4. Response to FTA Guidance: Does the proposal appear to successfully demonstrate how the proposed project will meet the FTA eligibility criteria? [Note: The FTA will make the final decision on whether the proposal meets FTA requirements for joint development.]
- 3-5. Public Engagement: Does the proposal provide a thoughtful plan for engaging meaningful engagement of the public in the project development process going forward?
- 4-6. Team: Is the team composed of the appropriate highly skilled members to develop the specific joint development project proposed? Do the individual team members have the necessary qualifications, experience, and availability to fulfill their assigned roles for this project?
- 5-7. Public Engagement: Does the proposal provide a thoughtful plan for engaging meaningful engagement of the public in the project development process going forward?
- 6-8. Business Plan & Financial Capacity: Does the proposal provide sufficient evidence that the project is feasible and that Offeror is committed to long-term partnership with the City? Does the proposal offer viable, well-reasoned Business and Management Plans? Has the Offeror demonstrated how long-term benefits for the City will be maximized? Does the proposal include a viable strategy for funding all project costs?

B. Other Evaluation Tools

The following methods may also be used in the evaluation process:

- (a) Interviews: The City reserves the right to conduct interviews with the Offerors at any point during the evaluation process. However, the City may determine that interviews are not necessary. In the event interviews are conducted, information provided during the interview process shall be taken into consideration when evaluating the stated criteria. The City shall not reimburse the Offeror for the costs associated with the interview process.
- (b) Additional Investigations: The City reserves the right to make such additional investigations as it deems necessary to establish the competence and financial stability of any Offeror submitting a proposal.

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- (c) Prior Experience: Experiences with the City and entities that evaluation committee members represent and that are not specifically mentioned in the solicitation response may be taken into consideration when evaluating offers.
- (d) ~~Multiple Awards: To provide adequate contract coverage, at the City's sole discretion, multiple awards may be made.~~