

CITY OF SAN ANTONIO
TRANSPORTATION AND CAPITAL IMPROVEMENTS



REQUEST FOR PROPOSALS:
STERLING PROPERTY REDEVELOPMENT

(RFP-TCI02192016CH)

RFP ISSUE DATE:
FEBRUARY 19, 2016

SUBMITTAL DEADLINE:
MARCH 18, 2016 AT 11:00 A.M. LOCAL TIME

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STERLING PROPERTY REDEVELOPMENT

I. BACKGROUND

The City of San Antonio (hereafter referred to as “the City” or “City”) seeks a Developer or Development Team to re-develop the Sterling Property, which includes two commercial buildings and a house, located on +/- .5122 acres at the corner of 1434 East Commerce Street and 323 Idaho, approximately 2 miles from downtown San Antonio. The property currently is owned by the City of San Antonio and is within the Historic Gardens Neighborhood Association and the Downtown Neighborhood Community Perimeter Plan.

Because this Project is on a prominent corner on the Eastside and has been identified in several community plans as a potential economic generator (i.e. Downtown Neighborhood Plan, St. Paul Gateway District Redevelopment Plan, and the Dignowity Hill Neighborhood/Eastside Reinvestment Plan), the City would like to facilitate its development through an RFP process.

The two commercial buildings on the Sterling property are believed to have been constructed in the 1920's. The property is zoned AE-1 and has been vacant since the 1970's. The City has conducted the necessary due diligence on the property, to include a structural integrity study, forensic study of foundation and a Phase I Environmental Site Assessment. These documents are and labeled as Exhibits C, D and E.

The Sterling Building sits within the Inner City Reinvestment Infill Policy (hereafter referred to as “ICRIP”) target area on the corner of Hackberry and East Commerce and is in a prime location for creating synergistic re-development in the East Commerce corridor. Re-development of the Sterling Property will add to the revitalization activities within the community.

II. SCOPE OF WORK

In 2010, Council District 2 began a series of Eastside Reinvestment Summits, attended by residents, civic and neighborhood leaders, stakeholders, developers, property and business owners and public sector entities, to strategize on how to accomplish the redevelopment of the Eastside. Several important catalytic projects were identified which would achieve the revitalization of the East Side of the City and the Sterling Property fits within that vision.

The City and the Inner City Tax Increment Reinvestment Zone (hereafter referred to as “TIRZ11”) Board recognize the importance of their continued role in economic development, community development and planning and urban design, in accordance with the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code. As such, on October 5, 2012, the TIRZ11 Board selected the Sterling Building Redevelopment Project from a list of respondents to a solicitation issued by the TIRZ11 Board and authorized funding for the acquisition and due diligence of the Sterling Property. The City purchased the foreclosed Property on the courthouse steps on March 5, 2013, for the purpose of advertising it for redevelopment.

The key objective of this Request for Proposals is to identify a highly qualified, creative developer or development team capable of creating a commercial development at the Sterling Property.

The City will review the submittals received and may identify a short list of qualified respondents for further consideration and interviews. If the City selects a successful Respondent, the parties then will negotiate the terms and conditions of sale and/or long-term lease of the Property and all development and financial considerations.

Submittals must include a redevelopment plan (the concept should include a plan to utilize both commercial buildings on the Sterling Property and also may incorporate the residential house, located at 105 South Hackberry behind the commercial buildings, as well as the lot at 323 Idaho), sources and uses/project proforma, descriptions of Respondent's relevant experience and track record, in-house development capabilities and capacity, Respondent's proposed management team and structure and adequate financial resources for the Project. The City is open to and

encourages creative redevelopment solutions, but the proposed solutions must be within the context and spirit of the results of the Eastside Reinvestment Summit.

DEVELOPMENT CONSIDERATIONS

- Requirements
 - *Utilize the three contiguous buildings along East Commerce*
 - *Utilization also may incorporate the house behind the commercial buildings*
 - *The Property must be utilized as a commercial development*

- Property Condition
 - *The Structural Assessment and Forensic Foundation Study on the contiguous commercial properties attached*
 - *Phase I ESA of entire site is attached*
 - *323 Idaho is a vacant lot*
 - *105 S. Hackberry is a residential house*
 - *City's Historic Design and Review Committee has issued an Advisory Opinion the property has historic significance. (Historic Significance Statement Attached)*

- Zoning
 - *Property is zoned AE-1*
 - *Accommodates arts and entertainment venues and supporting uses in a higher density, pedestrian-oriented environment*
 - *Supports infill development and the redevelopment of parcels along an existing arterial, where lot and building vacancies are prevalent*
 - *The primary goal of this district is to create a mixed-use environment where arts and entertainment venues, commercial, residential and office uses harmoniously co-exist*

CITY DEVELOPMENT ASSISTANCE AND INCENTIVES

The City may waive allowable development fees, as cited in the Inner City Reinvestment Infill Policy (Reference the attachment or respective exhibit to that Policy). Additional incentives, such as tax rebates and economic development grants, are subject to negotiation. If the selected Respondent incorporates housing units of a density greater than 16 units per acre, the development would be eligible for additional incentives, as outlined in the Center City Housing Incentive Policy (hereafter referred to as "CCHIP").

The CCHIP provides greater incentives to housing projects within the Targeted Growth Areas identified in the Downtown Strategic Framework Plan and prioritizes the Downtown Core. The Policy encourages historic rehabilitation, adaptive reuse, Brownfield redevelopment and transit oriented development. The policy also rewards good urban design and encourages mixed use and mixed income development and redevelopment.

The CCHIP applies to multi-family rental and for sale housing projects within the Community Revitalization Action Group Target Area. Eligible Projects will receive (if available) City Fee Waivers, SAWS Impact Fee Waivers, Real Property Tax Reimbursement Grants, Inner City Incentive Fund Loans, and Mixed Use Development Forgivable Loans based on the terms outlined in the CCHIP.

III. SCHEDULE OF EVENTS

The following tentative schedule has been prepared for this project.

Pre-Submittal Conference	March 4, 2016
Deadline for Submission of Written Questions	March 9, 2016
RFP Responses Due	March 18, 2016
Briefing to City Council Neighborhood and Livability Committee	April 18 2016
Anticipated City Council Consideration	May 5, 2016

IV. PRE-SUBMITTAL CONFERENCE

A Pre-Submittal Conference will be held on **Friday, March 4, 2016 at 3:30 P.M.** at the **Frost Bank Tower, 19th Floor Main Board Room, located at 100 W. Houston St., San Antonio, Texas 78205.** Attendance at the Pre-Submittal Conference is optional but strongly encouraged. Respondent is encouraged to prepare and submit its questions in writing three (3) calendar days in advance of the Pre-Submittal Conference in order to expedite the proceedings.

City's responses to questions received by this due date may be distributed at the Pre-Submittal Conference and posted on City's website at <http://epay.sanantonio.gov/RFPListings/>.

This meeting place is accessible to disabled persons. The Municipal Plaza Building is wheelchair accessible. The accessible entrance is located at 114 W. Commerce. Accessible parking spaces are located at City Hall, 100 Military Plaza. Auxiliary aids and services are available upon request. Interpreters for the Deaf shall be requested at least 48 hours prior to the meeting. For assistance, call (210) 207-7245 Voice/TTY.

Any oral responses provided by City staff at the Pre-Submittal Conference shall be preliminary. A written summary of the Pre-Submittal Conference shall contain official responses and posted on City's website at <http://epay.sanantonio.gov/RFPListings/>. Any oral response given at the Pre-Submittal Conference that is not confirmed in the written summary of the Pre-Submittal Conference or by a subsequent addendum shall not be official or binding on City. Only written responses shall be official and all other forms of communication with any officer, employee or agent of City shall not be binding on City.

V. SUBMITTAL DOCUMENT REQUIREMENTS AND EVALUATION CRITERIA

City will conduct a comprehensive, fair and impartial evaluation of all submittals received in response to this RFP. City may appoint a selection committee to perform the evaluation. Each submittal shall be analyzed to determine overall responsiveness and qualifications under the RFP. The selection committee may select all, some or none of the Respondents for Contract award recommendation. If City elects to conduct interviews, interviewed Respondents shall be interviewed and re-scored based upon these same criteria or upon other criteria, to be determined by the selection committee.

Respondent's submittal shall include the following items in the following sequence:

- A. **EXECUTIVE SUMMARY** – Respondents shall include a one page Executive Summary for the Statement of Qualifications ("SOQ"). The summary shall state the number of years in business, number of years in business in the local office, local office address and number of employees employed in local office.
- B. **SUBMITTAL COVER / SIGNATURE PAGE** (Form #1) – Respondent shall include the completed Submittal Cover/Signature Sheet with submittal, indexed or labeled as "**Tab 1**". The Submittal Cover/Signature Sheet shall be signed by a person, or persons, authorized to bind the entity or entities submitting the response. Submittals signed by a person other than an officer of the company or partner of the firm shall be accompanied by evidence of authority. Joint ventures require signatures from all firms participating in the

joint venture. Joint ventures are required to provide legal proof of the joint venture such as a joint venture agreement as an attachment to their submittal.

- C. SUBMITTAL CHECKLIST AND TABLE OF CONTENTS (Form #2) – Respondent shall complete this form, which is to be used as the Table of Contents for its submittal. The checklist shall be indexed or labeled as “**Tab 2**” in submittal.
- D. DISCRETIONARY CONTRACTS DISCLOSURE FORM (Form #3) – Respondents shall complete the form online at, <https://www.sanantonio.gov/eforms/atty/ContractsDisclosureForm.pdf>, print a copy of the completed form and submit as “**Tab 3**” in its ORIGINAL SUBMITTAL ONLY. If Respondent is proposing as a team or joint venture, then each party to that team or joint venture shall complete and submit a separate form with the submittal.
- E. LITIGATION DISCLOSURE FORM (Form #4) – Complete Litigation Disclosure form and additional pages for explanation, if necessary, index or label as “**Tab 4**” in submittal. If Respondent is proposing as a team or joint venture, then each party to that team or joint venture shall completed and submit a separate form with the submittal.
- G. SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY FORM (Form #5) – Respondent shall complete the SBEDA Utilization Commitment Form, as found in the RFP, and indexed or labeled as “**Tab 5**” of the submittal.
- H. CONTRACT TEMPLATE AND GENERAL CONDITIONS (Indexed and labeled as “**Tab 6**”) – Respondents shall review the Contract Template and General Conditions for City of San Antonio Construction Contracts, provided as **RFP Exhibit A** and **RFP Exhibit B** hereto, and provide written comments and/or concerns regarding the provided Contract and General Conditions under this **Tab 6**. If Respondent does not have any comments and/or concerns, Respondent shall indicate this in this **Tab 6**. If no objections are submitted by the Respondent, City shall presume Respondent shall sign the Contract and General Conditions as presented, if a Contract is awarded.
- I. PROOF OF INSURABILITY/PAYMENT AND PERFORMANCE BONDS (Indexed and labeled as “**Tab 7**”) Respondent shall provide statement from A+ or better rated insurance company treasury certified surety company that project will be fully insured and bonded.
- J. LETTERS OF REFERENCE (required) – Respondent shall provide a maximum of five (5) letters of reference. Letters of Reference shall be indexed and labeled as “**Tab 8**”.
- K. STATEMENT OF QUALIFICATIONS – Respondent shall provide a narrative document addressing all evaluation criteria in **Section II** of this RFP. Sufficient information regarding past projects and key personnel’s experience should be provided, to indicate Respondent’s team has met or exceeded the minimum qualifications provided in **Section II** of this RFP.

A. PROJECT CHARACTERISTICS (25 Points)

Respondent shall provide an overview of the project including the conceptual design of the redeveloped facility. The conceptual design for facilities, at a minimum, shall include concept renderings, a concept site plan, and elevations that collectively illustrate the location, size, and context of the project. The required renderings and drawings include:

1. Concept Plan: (Indexed and Labeled as “Tab 9”) – Respondent shall include a concept plan that consists of the following:

- a) Concept Renderings: Provide a concept design (plan, computer aided model, aerial sketch, photomontage, etc.) that characterizes the context of the urban design of the qualifying project. The concept drawings shall clearly illustrate the relationship of the qualifying project to the principal street and surrounding developments.

- b) Concept Site Plan: The site plan shall encompass the subject property and portions of contiguous parcels, include landscape and urban design concept(s). The site plan shall also indicate all major pedestrian entrances, all proposed outdoor areas; and the circulation plan showing how the qualifying project relates to public rights-of-way to and within the site, for walking, cycling, public transportation, and motor vehicles. Summarize the preliminary programming of facilities, including if any, the mix of uses, square footage(s), total parking spaces, parking allocations (shared or exclusive), and types of parking e.g. structured or surface.
- c) Elevations: Provide exterior building elevations, illustrating the massing, openings, and any related elements.

2. Project Overview (Indexed and Labeled as “Tab 10”) – The qualifying Project overview, at a minimum, must satisfy the following requirements:

- a. Describe the proposed business arrangements (i.e. ground lease, build-to-suite, parking management agreements, etc.);
- b. Describe the plan for the development, financing and operation of the qualifying project showing the anticipated schedule of which funds will be required;
- c. Describe the implementation strategy for the qualifying Project;
- d. Provide a preliminary schedule including permits and approvals from any federal, state or local agencies, to the extent such are required, and timing of any contemplated requests for federal, state or local resources, and the initiation, construction phasing, completion and opening of the qualifying project including major milestones and the proposed major responsibilities and timeline for activities to be performed by the City and the private entity;

3. Location and Site Analysis (Indexed and Labeled as “Tab 11”)

- a) Describe how the proposed design of the improvements and the attributes of the site will generate maximum financial, economic and social benefits; and
- b) List any public utility facilities that will be affected by the qualifying Project and a statement of the plans to accommodate the affected facilities.

4. Market and Competitive Analysis (Indexed and Labeled as “Tab 12”)

Provide a market study supporting the revenue assumptions and viability of the qualifying Project. To indicate feasibility, Respondent shall forecast the supply and demand relationship, including but not limited to demographic data, traffic counts, rent levels, and absorption rates. Include any supporting due diligence studies, analyses, or reports.

5. Construction Schedule (Indexed and Labeled as “Tab 13”)

- a) Provide a timeline identifying all the stages of Project development from design to completion of turn-key project.
- b) Provide a construction timeline using the critical path method. Timeline should set out the work schedule for the project from the design stage to project acceptance by the City.

6. Political and Legal Analysis (Indexed and Labeled as “Tab 14”)

- a) Provide an explanation of how the qualifying Project will complement or comply with the City’s Eastside Reinvestment Initiative.
- b) List all permits and approvals required for the development and completion of the qualifying Project from federal, state, or local agencies.
- c) Identify any federal, state or local resources Respondent contemplates requesting for the qualifying Project. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment, both one-time and on-going.

B. Project Costs and Financing (25 points)

Respondent shall include the following information in their submittal:

1. Financial Analysis (Indexed and Labeled as “Tab 15”)

- a. Explain Respondent’s financing plan for the qualifying Project, including identifying the source(s) and amount of debt and equity to be used to capitalize the qualifying Project and the relationships (e.g., outside lender, parent company, etc.).
- b. Provide the following information:
 - Loan commitment letters and contact information for funding sources;
 - The sources and anticipated amounts of working capital to cover operating costs and to adequately maintain operations from the start-up through completion; and
 - Letters from lending institutions, not more than three months old that demonstrate the existence of liquid assets or suitable unencumbered lines of credit to carry out the predevelopment activities. Evidence of the private entity’s liquid assets or some acceptable form of equity shall be equal to the equity requirements of the prospective construction lender.
- c. Use of Federal, State or Local Funding: To the extent the private entity has identified federal, state, or local funding sources; describe such sources.

2. Project Budget (Indexed and Labeled as “Tab 16”)

- a. Using standard estimating techniques, Respondent shall provide a development budget, detailing any anticipated land acquisition(s), the anticipated pre-development costs, hard and soft costs, from construction through occupancy.
- b. Respondent’s budget shall include cost estimates to pay for the relocation of any utility facilities, which will be displaced as a result of project development.

3. Proforma Financial Statements (Indexed and Labeled as “Tab 17”)

- a. Respondent shall provide a discounted cash flow analysis, for the duration of the qualifying Project, including but not limited to: estimates of costs, operating expenses, capital reserves including replacement and re-tenanting reserves, net operating income, debt service, partnership percentages, disposition benchmarks and calculations of net present value and an internal rate of return.
- b. Respondent shall provide projected balance sheet, statement of losses and earnings, and income statement for the first year of operation.

C. Community Impact (Indexed and Labeled as “Tab 18”) (25 points)

Respondent shall include the following information for this Section:

- a. State the community benefits, including the economic impact and tax revenues, the qualifying Project will have on the City.
- b. Estimate the number of jobs to be generated for area residents and level of pay and fringe benefits of such jobs.
- c. Project the number and value of subcontracts generated for area subcontractors.

D. Project Return (Indexed and Labeled as “Tab 19”) (25 points)

Other factors that may be considered by the City in the evaluation and selection of received proposals may include, but not limited to:

- a. The extent the offered consideration generates value and returns to the City and benefits to the public, including in-kind consideration greater than the fair market value of the asset;
- b. The proposed cost of the qualifying Project;
- c. The general reputation, industry experience and financial capacity of the private entity;
- d. Opportunity cost of taking an alternative action;
- e. The private entity's commitment to comply with a minority business enterprise participation plan or with the goals of such plan; and
- f. The private entity's plans to employ local contractors and residents

L. CERTIFICATE OF INTERESTED PARTIES (TEC FORM1295) (Indexed and labeled as “Tab 20”)

Effective January 1, 2016, the City of San Antonio is required to comply with Texas Government Code, Chapter 2252, Subchapter Z, Section 2252.908 (hereafter referred to as “the Code”). The Code states City shall not enter into a contract with a business entity unless and until the business entity has submitted a Certificate of Interested Parties (hereafter referred to as “Form 1295”) to City for filing with the Texas Ethics Commission (hereafter referred to as “TEC”). The Form 1295 requirement imposed upon City applies to ALL contracts:

- having a value greater than \$50,000;

- requiring San Antonio City Council approval; and/or
- renewals, extensions or amendments that must be approved by the San Antonio City Council.

TEC has made available on its website the new filing application that must be used by Respondent to file its Form 1295 with City. Respondent shall use TEC's application to enter the required information on Form 1295 and print a copy of the form containing a unique certification number for that response.

An authorized agent of Respondent then must sign the printed copy of the form and have the Form 1295 notarized. The notarized completed Form 1295 containing the unique certification number then must be submitted with Respondent's submittal to City, pursuant to this solicitation, to ensure City and Respondent meet the Code requirements.

Form 1295 must be completed on-line by the business entity. It is accessible at:

https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm

As a result of this new requirement imposed upon City by the Code, City is requiring **all** Respondents submitting on **each** project to complete Form 1295, print a copy showing the unique Certification Number and Date Filed in the Certification of Filing box at the upper right corner of Form 1295 for that submittal, sign it, have it notarized and submit it with their submitted proposal.

City shall review Form 1295 as part of the Minimum Requirements Review performed upon receipt of the all proposals. Deficiencies in or missing Form 1295 shall not be a disqualifying error. Instead, City shall notify Respondent of any requirements to cure the deficiency and/or to submit/re-submit Form 1295 within two (2) days of notice to remain eligible to be considered for a contract award. City shall include the selected Respondent's Form 1295 in its package prepared for the San Antonio City Council's consideration for contract award.

This Form 1295 shall be indexed and labeled as "**Tab 16**" of your submittal.

Respondent is expected to examine this RFP carefully, and understand the terms and conditions for providing the services listed herein and respond completely. Failure to complete and provide any of the above-referenced documents may result in Respondent's submittal being deemed non-responsive and, therefore, disqualified from consideration.

Evaluation Criteria:	Maximum Points
A. Project Characteristics and Analysis	25 points
B. Project Costs and Financing	25 points
C. Community Impact	25 points
D. Project Return	25 points
TOTAL	100 points

VI. SUBMISSION INSTRUCTIONS

When submitting a Statement of Qualifications in person, visitors to City Hall shall allow time for security measures. Visitors to City Hall will be required to enter through the east side of the building. The public will pass through a metal detector and x-ray machine located in the lobby. All packages, purses and carried items will be scanned during regular business hours of 7:45 a.m. to 4:30 p.m. After the public proceeds through the metal detector, they will sign in and receive a visitor's badge. For those that might require the use of a ramp, entry is available on the south side of the building (Dolorosa side). Security will meet the visitor in the basement with a hand scanner.

Respondent shall submit a total of **six (6)** Qualification Statements which shall include one **(1)** original unbound Qualification Statement, signed in ink, and **five (5)** printed copies of the submittal, as well as one **(1)** copy of the entire submittal in an Adobe PDF format on a compact disk (**CD**) in a sealed package, clearly marked on the front of the package "**RFP: STERLING PROPERTY**". All submittals shall be received in the Office of the City Clerk **NO LATER THAN 11:00 AM FRIDAY, MARCH 18, 2016**, at the address indicated below. Any submittal received after this time shall not be considered.

Physical Address:

Office of the City Clerk
Attn: Transportation and Capital Improvements
100 Military Plaza
City Hall, 2nd Floor,
San Antonio, Texas 78205

Submittals sent by facsimile or email will not be accepted.

Responses to the solicitation should be complete and well organized. Adherence to the maximum page criterion is critical; each page side (maximum 8 1/2" x 11") with criteria information will be counted. Respondent shall adhere to the page limitations for each section as stated herein. Pages which have project photos, charts, and graphs will be counted towards the maximum number of pages. Front and back covers, Table of Contents pages and tabbed divider pages will not be counted if they do not contain submittal information. The use of recycled paper is encouraged. Three-ring binders are **NOT** permitted. With regards to other types of binding, plastic (not metal) spiral or "comb" binding is highly recommended. Unnecessarily elaborate brochures, artwork, bindings, visual aides, expensive paper or other materials beyond which is sufficient to present a complete and effective submission are not required. All pages shall be numbered. Margins shall be no less than 1" around the perimeter of each page. Electronic files, websites or URLs shall not be included as part of the proposal, other than the CD specified above. Each submittal shall include the sections and attachments in the sequence listed in the RFP Section V, Submittal Document Requirements & Evaluation Criteria, and each section shall be divided by tabs and indexed as indicated in this RFP. Failure to meet the above conditions may result in disqualification of the proposal.

Respondents who submit responses to this RFP shall correctly reveal, disclose and state the true and correct name of the individual, proprietorship, corporation and /or partnership (clearly identifying the responsible general partner and all other partners who would be associated with the Contract, if any). No nick-names, abbreviations (unless part of the legal title), shortened or short-hand, or local "handles" will be accepted in lieu of the full, true and correct legal name of the entity. These names shall comport exactly with the corporate and franchise records of the Texas Secretary of State and Texas Comptroller of Public Accounts. Individuals and proprietorships, if operating under other than an individual name, shall match with exact Assumed Name filings. Corporate Respondents and limited liability company Respondents shall include the 11-digit Comptroller's Taxpayer Number on the signature page of the Proposal.

VII. AMENDMENTS TO RFP

Changes, amendments or written responses to questions received in compliance with **Section VIII, Restrictions on Communication** herein may be posted on City's website at <http://epay.sanantonio.gov/RFPListings/>. It is Respondent's responsibility to review this site and ascertain whether any amendments have been made prior to

submission of a proposal. If Respondent does not have access to the Internet, Respondent shall notify City, in accordance with **Section VIII, Restrictions on Communication**, Respondent wishes to receive copies of changes, amendments or written responses to questions by mail or facsimile.

No oral statement of any person shall modify or otherwise change or affect the terms, conditions or specifications stated in the RFP, and changes to the RFP – if any – shall be made in writing only.

VIII. RESTRICTION ON COMMUNICATIONS

Once this RFP has been released, Respondent is prohibited from communicating with City staff regarding the RFP or Submittals, with the following exceptions:

Respondent is prohibited from communicating with elected City officials and their staff regarding the RFP or submittal from the time the RFP has been released until the Contract award consideration is posted as a City Council agenda item. Respondent is prohibited from communicating with City employees from the time the RFP has been released until the Contract is awarded. These restrictions extend to “thank you” letters, phone calls, emails and any contact that results in the direct or indirect discussion of the RFP and/or submittal submitted by Respondents. Violation of this provision by Respondent and/or its agent may lead to disqualification of Respondent’s submittal from consideration. Exceptions to the restrictions on communication with City employees include:

1. Respondent may ask verbal questions concerning this RFP at the Pre-Submittal Conference.
2. Respondent may submit written questions concerning this RFP to the Staff Contact Person listed in the address below until **4:00 PM on March 9, 2016**. Questions received after the stated deadline will not be answered. It is suggested that all questions be sent by electronic mail or by fax to:

Clayton Hoelscher, Contract Coordinator (210) 207-4034 (via fax) or clayton.hoelscher@sanantonio.gov

However, questions sent by certified mail, return receipt requested, will also be accepted and should be addressed to:

Clayton Hoelscher, Contract Coordinator
City of San Antonio, Transportation and Capital Improvements
Contract Services Division
114 W. Commerce Street, Room 910, San Antonio, TX 78205

3. During interviews, if elected, verbal questions and explanations will be permitted. If interviews are conducted, Respondents shall not bring lobbyists. City reserves the right to exclude any persons from such selection committee meetings as it deems in its best interests.

IX. AWARD OF CONTRACT AND RESERVATION OF RIGHTS

City reserves the right to award one, more than one, or no contract(s) in response to this RFP.

- A. The Contract(s), if awarded, will be awarded to the Respondent(s) whose submittal(s) is/are deemed most advantageous to the City, as determined by the selection committee, upon approval by City Council.
- B. The City may accept any submittal in whole or in part. If subsequent negotiations are conducted, said negotiations shall not constitute a rejection or alternate RFP on the part of the City. However, final selection of a Respondent is subject to City Council approval.

- C. The City reserves the right to accept one or more submittals or reject any or all submittals received in response to this RFP and to waive informalities and irregularities in the proposals received. The City also reserves the right to terminate this RFP, and reissue a subsequent solicitation, and/or remedy technical errors in the RFP process.
- D. The City shall require the selected Respondent(s) to execute a contract with the City in substantially the same form as attached, prior to City Council award. No work shall commence until the City executed the contract document(s) and Respondent provides the necessary evidence of bonds insurance as required in this RFP and the contract. Contract documents are not binding until approved by City Attorney. In the event the selected Respondent(s) and the City cannot negotiate and execute a contract within the time specified by the City, the City reserves the right to terminate negotiations with the selected Respondent(s) and commence negotiations with another Respondent.
- E. This RFP neither commits the City to enter into a Contract nor award any services related to this RFP, nor does it obligate the City to pay any costs incurred in preparation or submission of a response or in anticipation of a Contract.
- F. The City administers its design and construction management through an Internet-based management system. All vendors shall be required to use the City's system for all transactions regarding this On-Call Contract and submit schedules for any issued task orders.
- G. **Conflicts of Interest:** Respondent acknowledges it is informed that the Charter of City of San Antonio and its Ethics Code prohibit a City officer or employee, as those terms are defined in the Ethics Code, from having a financial interest in any contract with the City or any City agency such as City-owned utilities. An officer or employee has a "prohibited financial interest" in a contract with the City or in the sale to the City of land, materials, supplies or service, if any of the following individual(s) or entities is a party to the contract or sale: City officer or employee; his parent, child or spouse; a business entity in which he or his parent, child or spouse owns ten percent or more of the voting stock or shares of the business entity, or ten percent or more of the fair market value of the business entity; or a business entity in which any individual or entity above listed is a Subcontractor on a City contract, a partner or a parent or subsidiary business entity.
- H. Respondent is required to warrant and certify that it, its officers, employees and agents neither are officials nor employees of the City, as defined in Section 2-42 of City's Ethics Code. (Discretionary Contracts Disclosure) – Instructions and web-link to electronic form are included in **Form 3** of this RFP.
- I. **Independent Contractor:** Respondent understands and agrees, if selected, it and all persons designated by it to provide services in connection with this Contract, is, are and shall be deemed to be (an) Independent Contractor(s) responsible for its (their) respective acts or omissions, the City shall in no way be responsible for Respondent's actions and that none of the parties hereto shall have authority to bind the others or to hold out to third parties it has such authority.
- J. Effective January 1, 2006, Chapter 176 of the Texas Local Government Code requires that persons or their agents, who seek to contract for the sale or purchase of property, goods or services with the City, shall file a completed Conflict of Interest Questionnaire (hereafter referred to as "CIQ"), with City Clerk not later than the seventh (7th) business day after the date the person:
- (1) begins Contract discussions or negotiations with City; or
 - (2) submits to the City an application, response to a request for proposals or bids, correspondence or another writing related to a potential agreement with City. The CIQ form is available from the Texas Ethics Commission at:

<http://www.ethics.state.tx.us/forms/CIQ.pdf>.

In addition to the CIQ form, the City requires individuals to submit a CIQ Addendum. The CIQ Addendum is available from the City of San Antonio at:

<http://www.sanantonio.gov/atty/ethics/pdf/OCC-CIQ-Addendum.pdf>.

Completed CIQ forms and CIQ addendum forms may delivered by hand to the Office of the City Clerk at City Hall, 2nd floor, 100 Military Plaza, San Antonio, TX 78205 or may be mailed to the Office of the City Clerk, P.O. Box 839966, San Antonio, TX 78283-3966. Respondent shall consult its own legal advisor if it has any questions regarding the statute, CIQ form or CIQ Addendum

- K. All submittals become public records, the property of the City upon receipt and shall not be returned. Any information deemed to be confidential by Respondent should clearly be noted on the page(s) where confidential information is contained; however, the City cannot guarantee it will not be compelled to disclose all or part of any public record under the Texas Public Information Act, since information deemed to be confidential by Respondent may not be considered confidential under Texas law, or pursuant to a Court order.
- L. Any cost or expense incurred by the Respondent associated with the preparation of the submittal, the Pre-Submittal Conference, if any, or during any phase of the selection process shall be borne solely by Respondent.
- M. **Solicitation Process Review:** Any Respondent desiring a review of the solicitation process shall deliver a written request to the Director of TCI within seven (7) calendar days from the date the notice of non-selection was sent. When the TCI Director receives a timely written request, the TCI Director or his/her designee shall review the respondents concerns and the solicitation process for legitimacy and procedural correctness. After performing a full review, the TCI Director shall notify the requesting Respondent in writing of his/her determination.
- N. **Debriefings:** In an effort to improve solicitation responses, TCI is making available on its web site a "Solicitation Response Tip List" that includes the top common items that "make or break" submissions. Providing this information prior to the due date of the submittal provides Respondents with an opportunity to develop a better response for each TCI solicitation. As a result of this up-front effort, Respondent is entitled to one (1) debriefing per calendar year after the San Antonio City Council has made an award of a Contract if:
 - (a) it is not the selected respondent; and
 - (b) it has not been debriefed since January 1, 2016.

Once a firm has been debriefed, it will not be eligible for future debriefings within that calendar year. Any Respondent meeting the above criteria desiring an individual submittal debriefing shall deliver a written request to the TCI Contract Services Division within seven (7) calendar days from the date a notice of non-selection was sent.

- O. The City reserves the right to verify any and all information submitted by Respondents at anytime of the solicitation/evaluation process.
- P. Final approval of a selected firm(s) is subject to the action of the San Antonio City Council.
- Q. The City reserves the right to contact any Respondent to negotiate if such is deemed desirable by the City.

X. SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY COMPLIANCE PROVISIONS

The City of San Antonio, through City Ordinance No. 2010-06-17-0531, has adopted and implemented a Small Business Economic Development Advocacy ("SBEDA") Program. Information regarding the SBEDA Ordinance may be found on the City's Economic Development (EDD) website and is also available in hard copy form upon request

to the City. In accordance with the SBEDA Program, any contract entered into as a result of this solicitation shall be subject to the SBEDA Affirmative Procurement Initiative and goal as determined by the applicable SBEDA Goal Setting Committee. Upon selecting a Respondent to negotiate the terms and conditions of a binding agreement, the selected Respondent's proposal shall be submitted to the Goal Setting Committee for determination regarding the applicability of an Affirmative Procurement Initiative, relative goal and required date for return of a Subcontractor/Supplier Utilization Plan. Should the selected Respondent be unable or unwilling to contractually commit to meet the goals set by the Goal Setting Committee, the City shall decline the Respondent's proposal and may negotiate with the next favorable Respondent.