

City of San Antonio

ADDENDUM III

SUBJECT: Request for Proposal (RFP) for La Villita – Retail Shops, Galleries & Working Artist Galleries, (RFP 014-043, RFX# 6100004716), Scheduled to Open: **October 10, 2014**; Date of Issue: **July 09, 2014**

FROM: Denise D. Gallegos, C.P.M., CPPB
Procurement Administrator

DATE: August 29, 2014

**THIS NOTICE SHALL SERVE AS ADDENDUM NO. III TO THE ABOVE REFERENCED
REQUEST FOR PROPOSALS**

A. THE ABOVE MENTIONED REQUEST FOR PROPOSALS IS HEREBY AMENDED AS FOLLOWS:

1. **Add: Exhibit 13, City of San Antonio SBEDA Program Presentation** – Exhibit is posted as a separate document.
2. **Add: Exhibit 14, Pre-Submittal Sign in Sheet dated August 13, 2014**- Exhibit is posted as a separate document.
3. **Add: Exhibit 15, How to Respond to RFP/RFQ/RFCSPs** - Exhibit is posted as a separate document.
4. **Add: RFP Attachment E SBEDA Utilization Plan Form**- Exhibit is posted as a separate document.
5. **Add: RFP Attachment F Local Preference Program Identification Form**- Exhibit is posted as a separate document.
6. **Add: RFP Attachment G Veteran Owned Small Business Preference Program Identification Form**- Exhibit is posted as a separate document.
7. **Add: RFP Attachments in Word Format**- Exhibit is posted as a separate document.

B. QUESTIONS SUBMITTED IN ACCORDANCE WITH SECTION 007, PRE-SUBMITTAL CONFERENCE:

Question 1: How does SBEDA apply to this RFP when we are an artist and/or retail operation?

Response: The SBEDA portion of this RFP provides for 20 evaluation preference points for certified Small Business Enterprises if they respond as the prime entity and meet the SBEDA eligibility criteria.

Question 2: What is the “work” the SBEDA presentation refers to?

Response: The term references any commercially useful subcontracting or supplier opportunities respondents anticipate in the performance of this contract.

Question 3: Does subcontracting apply to the retail shops?

Response: There is **no subcontracting** goal associated with this solicitation.

Question 4: Does the City want SBE certifications?

Response: The City of San Antonio recognizes certifications obtained through the South Central Texas Regional Certification Agency (SCTRCA).

Question 5: If a Working Artist Studio Gallery requires a minimum of 50% of exhibited art or craft within gallery to have been created/produced within the gallery by hand by the artist, artisan, craft person, or artist collaborative operating and managing the gallery, how can this be possible on the first day of the new lease?

Response: It is understood that the artist will not be able to immediately create the 50% of the art inventory within the shop on their first day of operations. Artists will be required to stock a minimum of 50% of their inventory with their own work upon opening, which at that point will be created off premises. However, after that point, they must replace/replenish any sold inventory of their own artwork with work created within the shop.

Question 6: Will matting & framing of art or craft be required to be conducted within lease space?

Response: No.

Question 7: If La Villita's hours are expanded, who will pay for facility security & lighting?

Response: The City currently pays for the facility operational expenses, and will continue to do so.

Question 8: When will common area maintenance & utility fees be identified?

Response: The RFP states that Common Area Maintenance Fees (CAM) and Utilities Fees will be separate from, and in addition to, Rental Fees. These CAM and Utility fees will be determined prior to negotiation and execution of new lease agreements with selected tenants.

Question 9: Will City staff read aloud the list of questions on handout provided to attendees at pre-submittal conference?

Response: The handout that contained the questions submitted by Respondents before the pre-submittal conference in accordance to Section 011-Restrictions on Communications and was provided as a courtesy to all attendees.

Question 10: When & where will responses to questions regarding RFP be available?

Response: All questions received by the Staff Contact Person and at the Pre-Submittal Conference held on August 13, 2014 will be placed on an Addendum and posted to the City of San Antonio website (www.sanantonio.gov) once responses are finalized. It is the responsibility of the Respondent to check the website often for new documents.

Question 11: Why does RFP language discourage use of pegboard for display?

Response: See response to Question 2 in RFP Addendum II.

Question 12: Will City post to its website suggested alternatives to pegboard for display?

Response: See response to Question 2 in RFP Addendum II.

Question 13: Since I am a potter, may I have a kiln with 220 volt service in my lease space?

Response: After the RFP pre-submittal conference, staff made additional inquiries and found that there are numerous issues involved in determining the placement of a kiln within one of the historic La Villita buildings. The City's Fire Marshall's Office has stated that a review would be required by their office, the City's Buildings Inspection staff, and external utility providers on a proposed installation. Fire prevention measures would be required for floors,

walls, and ceilings. This would be a very complicated process dependent on the building's infrastructure. This request will also require the review and direction of the Office of Historic Preservation.

Question 14: May I have a kiln powered by gas or electricity in my lease space? In the past, Potters were told that they could not have a kiln.

Response: See response to Question 13.

Question 15: RFP's insurance requirement includes coverages for business automobile liability and workers' compensation. May both these coverage requirements be waived?

Response: If the proposed scope of services does not encompass the risks related to auto or worker's compensation losses, requirements may be requested to be waived due to not being applicable to the scope of services being proposed.

Question 16: As a present La Villita lessee, my insurance expires in October 2014 and when I renew my insurance it will expire in October 2015. As part of my proposal, should I submit copy of insurance certificate with October 2015 expiration date?

Response: Please submit your current insurance as of the date of your submission.

Question 17: How can a potential lessee determine what repairs are required at the site he may be interested in within La Villita? How does a Respondent know in advance if a building is a money pit? Can the City provide a list of deficiencies for each building? What is the City's expectation?

Response: It is up to the perspective respondents to complete their own due diligence in assessing the building conditions. The City will work with potential respondents to evaluate all conditions. The City has provided, in RFP Exhibits 9, 10, and 11, information prepared by consultants on the condition of each building. The City's expectation is that perspective respondents include within their proposals fully thought out plans for interior renovations/repairs, which is critical to their business plan.

Question 18: If the external part of the building is hindering the internal building, who is responsible for the repairs? Where is the line drawn? Who will be responsible?

Response: See response to Question 16 in RFP Addendum II.

Question 19: If I am awarded a new lease in La Villita and two years into a five year lease term the air conditioner fails and I install a replacement air conditioner, will I be eligible for rent abatement equivalent to the cost of the replacement air conditioner?

Response: No. Rental Abatements associated with this RFP will be based only upon initial improvements made by new lessee prior to opening for business.

Question 20: If I am awarded a new lease in La Villita and I undertake building improvements and/or repairs, do I have to move out of building while improvements/repairs are underway?

Response: It will be at the discretion of the new lessee to determine how improvements are to be completed. Based upon the proposed repairs/renovations submitted by respondents to the RFP, completing repairs to an empty building, prior to opening for business, may be the most effective and efficient option. All improvements must be completed prior to opening for business.

Question 21: When will Alamo Street construction begin, end, & what impact will there be upon Alamo Street businesses?

Response: The timeline for the proposed project has not yet been determined. The Department for Culture and Creative Development (DCCD) staff is reviewing this matter with staff from the City's Transportation and Capital Improvement Department. This information may not be finalized prior to the RFP deadline, but will be shared once the timeline is finalized.

Question 22: How will Alamo Street construction impact NIOSA?

Response: The City's Transportation and Capital Improvement Department (TCI) will work closely with all stakeholders, including the San Antonio Conservation Society on timelines for all its projects. TCI will discuss with each stakeholder how the project impacts their business and/or event.

Question 23: Within my proposal, should I identify repairs for City to undertake?

Response: See response to Question 16 in RFP Addendum II.

Question 24: If the ceiling in the La Villita property I wish to lease is constructed of plaster & lathe, do I have to repair the plaster & lathe ceiling or may I replace it with a new, different product?

Response: Since La Villita is a Nationally Registered Historic District, any contributing property would require review by the Texas Historical Commission under the Antiquities Code. The commission would be allowed the opportunity to review proposed interior changes, when the materials in place are original. With that in mind, repair with in-kind materials (i.e. – plaster and lathe with plaster and lathe) would be required.

If the materials in question are NOT historic, they would not have to be retained. The goal would be to preserve original material, which would include repairing with in-kind materials.

Question 25: Is ceiling maintenance/repair the obligation of the lessee? If the roof is the City's responsibility and it is causing a ceiling leak; whose responsibility is that? Do the ceiling repairs to the old houses need to be brought back to the original construction state?

Response: Lessee (Tenant) is responsible for all interior maintenance, repairs, and renovations. The City will work with potential respondents to evaluate all conditions. When provided notice of issues, staff will assess the situation, determine the needs, and will complete work based upon available funds. If the current interior facilities (ceilings, walls, floors, etc) are not historic, there is no requirement for them to be brought back to the original construction state.

Question 26: Does the Conservation Society need to approve both the inside and outside repairs of a building?

Response: The San Antonio Conservation Society (SACS) would only review those projects (both interior and exterior) utilizing money from their La Villita Restoration Fund (part of proceeds raised during NIOSA). If the project was not using this funding, it would not require review by SACS. All exterior review would require review through the City's Office of Historic Preservation (OHP) and the Historic and Design Review Commission (HDRC) and all projects (interior/exterior) would require review by Texas Historical Commission.

Question 27: As a present La Villita lessee, may I begin retail operations within my lease space in order to demonstrate my retail skills so this experience can be considered during the proposal evaluation?

Response: See response to Question 25 in RFP Addendum II.

Question 28: What are home goods? Are artistic curtains considered home goods?

Response: See response to Question 27 in RFP Addendum II.

Question 29: Will more than one person monitor La Villita lease performance, and how often will monitoring occur?

Response: Yes, multiple staff members may monitor La Villita lease compliance. There are no limits or parameters to monitoring; and such monitoring may occur as often as daily.

Question 30: Why hasn't City budgeted to provide for more than 1 staff person at La Villita?

Response: The FY13 and FY14 budgets were managed by DCCD in transition after the October 2012 transition of La Villita and other cultural facilities from the Downtown Operations Department. DCCD has recommended improvements in the FY15 budget to increase staffing support for La Villita.

Question 31: Regarding duplication of product, how will the City consider and evaluate having jewelry sold at more than one location within La Villita?

Response: Each proposal submitted will be rated and ranked individually by the appropriate evaluation panel. Those with the highest scores will be considered for negotiations.

Question 32: How does a Respondent determine which category to apply?

Response: The respondent must select the category based upon what type art, craft, or non-art product they plan to sell.

Question 33: What is the rationale behind disallowing more than one La Villita shop to sell identical product?

Response: Previous La Villita studies and reports cited concerns with duplication of merchandise/product. DCCD desires that there be a diverse array of art, crafts, and products available for residents and tourists.

Question 34: Is repurposing of the buildings in La Villita being considered?

Response: The uses included in the RFP will be implemented. There are not considerations at this time for other uses.

Question 35: What tenant advised City that some lessees were not complying with their leases?

Response: This question is not applicable to this RFP solicitation.

Question 36: During the evaluation of proposals, will points be assigned before proposed products are considered?

Response: The Small Business Office of the Economic Development Department is responsible for calculating the Small Business Prime Contract Program points. The Finance Department, Purchasing Division is responsible for calculating the Price Schedule, Local Preference Program and the Veteran Owned Small Business Program. These points will be assigned before the evaluation committee meets to evaluate the other evaluation criteria for this project.

Question 37: When did management of La Villita transfer from to Dept. for Culture & Creative Development?

Response: The Department of Culture and Creative Development began management and oversight of La Villita in October 2012.

Question 38: Based on the definitions within the RFP, is Casa Manos Allegres a gallery or a retail shop?

Response: Casa Manos Allegres operates as a Gallery, specializing in the sale of folk art.

Question 39: RFP information indicates the La Villita building presently occupied by Village Gallery has a basement - is this accurate?

Response: No. There is a utility room with storage under Building 11 (currently occupied by Copper Gallery). This utility room/storage area is not included in the RFP.

Question 40: Why does the RFP provide for retail shops within La Villita if the City wishes to honor its 1939 Ordinance regarding La Villita?

Response: There have been five (5) retail shops at La Villita for many years, the RFP continues that precedent. While DCCD continues to pursue the "arts village" as envisioned by Maury Maverick in 1939, the goal is to make the village a viable enterprise in the 21st century, 75 years after Mayor Maverick's ordinance was adopted.

Question 41: Will event spaces in La Villita be made available for lessees of buildings to conduct workshops? Will there be indoor and outdoor space?

Response: Outdoor plazas as well as indoor spaces have always been available for use by tenants and will continue to be so, based upon availability and whether the outdoor space has been reserved by an outside private group.

Question 42: Is anything being done to make parking easier near La Villita?

Response: The city has and continues to explore options for improving parking options in downtown including improving the way finding system for better access to existing parking in the downtown area.

Question 43: Is the City considering hiring an outside firm to manage La Villita?

Response: No.

Question 44: Will a party/Respondent be forced to sign a lease if he's recommended for award?

Response: No, if an individual does not wish to sign a lease, they will not be forced to do so. However, if an individual desires tenancy of a La Villita Shop, they will be required to sign a lease.

Question 45: If the City hires a retail expert and she recommends lessee's interior display fixtures be replaced due to being outdated or poor quality, will lessee be obligated to do so?

Response: For Working Artist Studio Galleries, Question 8, on page 40 of the RFP document asks that respondents: "Describe how you plan to display the art or craft within the space." The submitted proposals will be reviewed and rated by the evaluation panel. The retail expert will only be participating as an advisor to the panel as an added value. However, it is not unusual for a panel to make suggestions that can later be discuss with the selected lessee.

For Galleries, Question 7, on page 42 of the RFP document asks that respondents: "Describe how you plan to display the art or craft within the space." The submitted proposals will be reviewed and rated by the evaluation panel. The retail expert will only be participating as an advisor to the panel as an added value. However, it is not unusual for a panel to make suggestions that can later be discuss with the selected lessee.

For Retail Shops, Question 7, on page 43 of the RFP document asks that respondents: "Describe how you plan to display the art or craft within the space." The submitted proposals will be reviewed and rated by the evaluation panel. The retail expert will only be participating as an advisor to the panel as an added value. However, it is not unusual for a panel to make suggestions that can later be discuss with the selected lessee.

Question 46: The RFP's definitions of gallery and working artist studio gallery identify percentages of product. How will the percentages be determined? Percentages shall be based on quantity of art or craft exhibited and available for purchase. For example, if a working artist studio gallery exhibited and had available for purchase 100 items, and 50 items were artworks or craftworks created/produced within the lease space by hand by the artist, artisan, craft person, or artist collaborative operating and managing the gallery, and 40 items were artworks or craftworks created/produced by hand by an artist, artisan, or craft person, either off premises or on the premises, then the working artist studio gallery would comply with the definition.

Response: Percentages shall be based on quantity of art or craft exhibited and available for purchase.

Question 47: What proposed designation is planned for the upstairs space in Building 14?

Response: Both spaces are designated at Working Artist Studio Galleries.

Question 48: If awarded a new lease, may an artist who paints landscapes change his subject matter and begin painting something different?

Response: Yes, if a painter enters into a lease, they may change the subject matter of their painting.

Question 49: If we propose 15 art mediums to be sold, and we are awarded a new lease based on our proposal, may we add another art medium during the lease term?

Response: Respondents are required to include the type of art or craft they plan to exhibit and sell as part of their proposed plan. If the respondent is selected for tenancy, this information will be incorporated into your lease agreement. However, if new art medium is proposed to be added during the lease term, it will be subject to review and approval to ensure it meets and stays with the original intent of the selected goods and services included in the lease.

Question 50: Will any preference be given to current La Villita lessees in the evaluation process?

Response: All proposals will be evaluated utilizing Section 012, Evaluation of Criteria in the RFP.

Question 51: What action will the City take if proposals are not received for each building within La Villita?

Response: After the RFP process has been completed, if there are spaces/buildings for which new tenants are not selected, the City may, at its discretion, enter into discussions with individuals or businesses for occupancy.

Question 52: There are several vacant buildings currently at La Villita. If the City only receives 4-5 RFP responses, will City only fill empty buildings and leave other current occupants alone?

Response: See response to Question 51.

Question 53: If proposals are submitted in hard copy format, do all 10 copies have to be submitted in individual binders?

Response: If submitting a hard copy, place proposal inside a three (3) ring binder or other securely bound fashion."

Question 54: How many RFP's have been received to date?

Response: See response to Question 45 on RFP Addendum II.

Question 55: What are the qualifications of evaluation team members?

Response: All evaluation panelists were selected based upon their knowledge, expertise, and background in related areas. All panelists are well known and information about each exists in the public domain.

Question 56: Why are City of San Antonio employees included on the evaluation panels/committees?

Response: See response to Question 55.

Question 57: What was the basis to determine ratio mix?

Response: See response to Question 24 in RFP Addendum II.

Question 58: How do we create information to satisfy "Proposed Plan" portion of RFP?

Response: The RFP includes questions that must be answered regarding the proposed plan. Each potential applicant must develop their plan independently; the City cannot assist in any manner.

Question 59: When can artist submit artwork in the proposal? Could they provide a website and/or DVD of their artwork?

Response: If you plan to submit a Working Artist Studio Gallery Proposal, please refer to Questions 12, 13, 14, & 15 (particularly, Question 15) in the Proposed Plan, Category A: Working Artist Studio Galleries on pages 40 and 41 of the RFP document regarding submission of images of artwork.

If you plan to submit a Gallery Proposal, please refer to Questions 11, 12, and 13 (particularly, Question 13) in the Proposed Plan, Category B: Galleries on page 42 of the RFP document regarding submission of images of artwork.

Question 60: Does it count against a Respondent if they don't do a one man show?

Response: See response to Question 54 in RFP Addendum II.

Question 61: Can a Word version of the RFP be included on the website?

Response: Yes, the RFP Attachments are currently on the City website and attached as an exhibit to this addendum.

Question 62: Regarding Local Preference points, if I live in Comal County but a shop member in La Villita which is in San Antonio, would I be able to receive points for Local Preference? How about if only a member of a shop at River Art Group at building #14?

Response: Local Preference Points are awarded to City businesses as defined a business headquartered OR meets the following conditions:

- An established place of business for at least one year in the incorporated limits of the City
- and from which at least 20% of its full-time, part-time and contract employees are regularly based
- OR a minimum of 100 employees and from which a substantial role in the business's performance if a commercially useful function or a substantial part of its operations is conducted

Question 63: If the City is going back to the 1939 ordinance, why are (5) retail shops included?

Response: See response to Question 40.

Question 64: Will there be any event space to put on workshops?

Response: See response to Question 41.

Question 65: Will there be additional designated parking?

Response: There is currently no designated parking.

Question 66: Will the qualifications of the panel be available?

Response: See response to Question 55.

Question 67: Is there a proposal outline available to use as a guide?

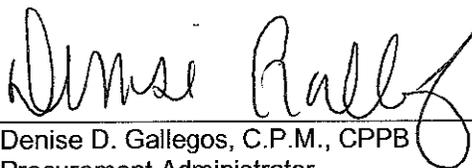
Response: See Exhibit 15 to the RFP which is posted as a separate document to this Addendum.

Question 68: Do I have to get workman's comp insurance if I only have one or two part-time employees at my shop? Usually it's just my wife running the shop.

Response: If Bidder believes that the proposed scope of services does not encompass the risks related to workers' compensation losses they may be requested to be waived as not being applicable to the scope of services being proposed. However, given the terms of the indemnification section if an injury arises related to workers compensation the City will seek indemnification from the Lessee.

Question 69: If I were to open an artist studio, do I need to provide biographies etc. of the artist's work I carry other than mine in the RFP?

Response: Biographies could be provided if the applicant believes it adds value to proposals and to the samples of the artworks or products of those artists and beyond the works that will be created by the artist that will be the main tenant.



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