REQUEST FOR PROPOSALS (RFP)

Downtown Santa Monica
4th/5th and Arizona Development

www.smgov.net/4thandArizona

Submission Due: May 1, 2013 by 4PM
Send to: Attn: Elana Buegoff
Economic Development Div.
1901 Main Street, Ste E.
Santa Monica, CA 90405
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INTRODUCTION AND SUMMARY

The City of Santa Monica (City) is issuing this Request for Proposals (RFP) to a selected group of development teams for the mixed-used development opportunity of a City-owned two and one half acre site at 4th/5th Street and Arizona Avenue in Downtown Santa Monica.

In May of 2012 the City issued Request for Qualifications (RFQ) for the development of this site seeking interested development teams to demonstrate their relevant experience, qualifications and financial capabilities. As part of the RFQ process three developer-design teams were selected as finalists to participate in a limited Request for Proposal (RFP) process. This RFP is directed solely to the three developer-design teams (the ‘Teams’).

The RFQ provided detailed contextual information on the City of Santa Monica and the Downtown core. It is the intent of this limited RFP to provide details on the development site, development and planning considerations, guiding objectives, submission requirements, and the process that the City will use to evaluate submissions. The project site is located in the City’s Downtown Specific Plan area. Currently there is an ongoing public process to update the downtown’s existing standards and guidelines to include the expanded area set by the 2010 LUCE and provide a specific long range vision which incorporates the Light Rail which will be operational in 2016.

This RFP process will be used to select the most qualified development team that best meets the requirements of this RFP based on the submitted materials and process as required herein described and who best demonstrates the capability to successfully deliver the project.

Staff reports, videos of Council meetings and other resources relating to the RFP and public visioning process are available for download at the project website: www.smgov.net/4thandArizona. Please check the project website regularly for further information, updates and addendums.

RFP responses are due by 4:00 pm, on May 1, 2013. We look forward to your submittal.
THE SITE

The Site
The Site consists of 9 contiguous parcels totaling 112,000 square feet (approximately 2.5 acres), located at 1324 – 1334 5th Street and 1301-1333 4th Street, between Fourth and Fifth Streets, south of Arizona Avenue.

Location
Located in the heart of Downtown Santa Monica, one block east of the Third Street Promenade, one of the nation’s most successful outdoor pedestrian shopping streets, and near the world-famous Santa Monica Pier and beaches. The Site is also a short walk to the future Light Rail station at Colorado and Fourth Street, the Colorado Esplanade-- a pedestrian and bicycle pathway that will connect Light Rail station to the Pier, Downtown, Civic Center, and a new Civic Center park designed by James Corner Field Operations. Downtown Santa Monica was named by Forbes Magazine as one of the most ‘alluring downtowns in the nation’ citing its walkability, beachfront setting and diverse collection of business and cultural offerings.

Current Uses
The Site is currently occupied by two bank tenants with leases that have option terms extending through 2022 and 2026 (“the Bank Leases”). The developer of the Site will be required to assume the Bank Leases as part of the development of the Site. The reestablishment of one or both banks as tenants in the future development is highly encouraged. The Site is also currently used for surface public parking and a seasonal public ice skating rink.

Ownership
The 4th Street parcels were purchased by the Redevelopment Agency of the City of Santa Monica in 2010, and conveyed to the City in 2011. The 5th Street parcels were acquired by the City between 2007 and 2009. It is anticipated that the Site will be conveyed as a long-term ground lease with a 55 year base term plus option periods agreed to by the City and the selected developer.
Upcoming Area Projects

- The City is currently evaluating the development potential of a multiplex movie theater project at Public Parking Structure 3, which is located across from the Site on 4th Street.

- A future light rail station at 4th Street and Colorado Blvd (less than 0.4 miles from the Site) will serve as the western terminus of the Exposition Line (connecting Santa Monica to Downtown Los Angeles). The station is expected to open in 2016 with a projected ridership of 64,000 per weekday along the line.

- The United States Postal Service is in process to sell the historic, 37,500 square foot postal facility at 1248 5th Street, located across the street from the Site.

- In addition, there are a number of capital improvement projects in the general downtown area planned and underway to improve the streetscapes, roadways and general infrastructure, including the Colorado Esplanade designed by Peter Walker Partners and two new civic center parks designed by James Corner Field Operations. There are numerous mixed-use residential, office and hotel developments proposed to be developed in the area in various stages of the planning and development process.\(^1\)

Visioning and the Downtown Specific Plan

The project has undergone a well-documented and vibrant community visioning process which identified key site specific priorities: a local public gathering space that functions much as the current ice rink does, creating a place for local residents to gather and enjoy the area, additional public parking to replace, at a minimum, the public parking that will be removed when Parking Structure 3 is replaced with a movie theater, and exemplary architecture that will contribute to the identity of Santa Monica and envisioning a project design for this Site that will be worthy of landmarking in the future.

In addition to this site specific visioning process the City is also undergoing a Downtown Specific Plan process, estimated to be complete in late 2013. The draft Specific Plan concepts include this Site among eight opportunity sites in the downtown, which may receive specific urban form parameters beyond the underlying zoning requirements in exchange for community benefits which improve the site and the area. The DSP will identify area wide priorities for community benefit contributions, as well as contributions for improved area circulation and parking and strategies for cultural arts and open space.

\(^1\) [http://www01.smgov.net/planning/planningcomm/planningcaselists.htm](http://www01.smgov.net/planning/planningcomm/planningcaselists.htm)
The Site is located within the Downtown Core and will be governed by a new Downtown Specific Plan which is currently under formation\(^2\).

The development plan will be subject to Council approval. It will inform and ultimately conform to the updated Downtown Specific Plan, and will be governed by a Development Agreement for entitlements, a public benefit package, and a Disposition and Development Agreement (DDA) for the business terms and long-term ground lease. The proposed development plan for this Site will be subject to the City’s standard regulatory review and approval process.

\(^2\) [http://www01.smgov.net/planning/DowntownSpecificPlan/index.html](http://www01.smgov.net/planning/DowntownSpecificPlan/index.html)
DEVELOPMENT OBJECTIVES

Recognizing that the Downtown is essentially built-out and a public-private development opportunity of this importance and magnitude will not likely be available in the Downtown core again, the community participated in a comprehensive and inclusive engagement process to define a common vision for the development of this opportunity Site. While not seeking to be overly prescriptive on design and the exact mix of uses, the vision calls for exceptional and iconic architecture; a mix of uses that complement the balance of Downtown activity and augments the vitality of the Third Street Promenade; and incorporates a well-designed open/event space component that serves as a gathering space for the community, including a seasonal public ice rink and other community event programming.

As a key transit oriented opportunity site in the Downtown Specific Plan area, the project is expected to include a significant public benefits contribution package as part of the Development Agreement, addressing not only the top site-specific objectives but also the expected area-wide contributions towards affordable housing, public art or cultural facilities, and improvements for multi-modal transportation and walkability.

The City Council endorsed the following nine project objectives assuming the inclusion of significant community benefits of which open space and public parking are the top priorities. The proposed development should address the nine project objectives listed below:

1. Open space must be an exceptionally designed, sizable and programmable gathering space, with a well-developed community events management plan to ensure on-site activity throughout the year that will add to the civic life of the community with public events and seasonal activities, such as a winter ice rink.

2. Incorporation of ground-floor retail, restaurant, cultural and public uses that animate the street and that contributes to an interactive and vibrant pedestrian experience.

3. The development above the ground floor should include a mix of uses that may include retail, restaurant, cultural, office, hotel and residential that maximize market feasibility and create an anchor for the northern portion of the Downtown. A single type of use for all upper-level spaces will not be considered.

4. The proposed development must exemplify exceptional architecture and sustainable design and construction. The City will require LEED Silver certification at minimum but LEED Gold certification is preferred.

5. Public access to views should be created in parts of the development where greater heights support ocean or mountain views.
6. Parking for the development should consider LUCE parking approaches and shared parking considerations. Parking that is exclusively reserved for the future tenants should be minimized, while shared parking should be maximized for public availability.

7. The development must include a minimum of 339 public parking spaces to replace parking that will be lost when the public Parking Structure No. 3 is demolished. Additional public parking more than the required 339 spaces is encouraged to be built provided there is a viable financing plan, shared parking plan and an appropriate traffic circulation design to mitigate any potential impacts to City streets, including bicycle parking and access. The development must address ingress and egress in accordance with the Downtown Specific Plan. The parking structure must be subterranean and the City’s preference is for the public parking spaces to operate as part of the City’s public parking supply.

8. The proposed project design and development of the Site should allow for maximum flexibility in order to respond to changes in community and market needs over the coming decades.

9. The development must exemplify the concepts identified in the Downtown Specific Plan process. Conceptualization and design of the Site must be coordinated with the specific planning process to ensure that each informs the other.

**LAND USE AND DEVELOPMENT STANDARDS**

The City adopted a Land Use and Circulation Element (LUCE) in 2010 which identified goals and objectives for new development in the downtown, but deferred development standards to a Specific Plan. The Downtown Specific Plan (DSP) is currently underway and will be completed in mid to late 2013.

Currently, the site straddles two different zones with different standards. At the January 23, 2013 Planning Commission meeting the Planning Commission discussed possible DSP baseline FAR numbers for the site as 3.5 for the 5th Street frontage, and 4.0 for the 4th Street frontage. As opportunity site parameters are finalized, there will be further discussion about considering a single FAR for the whole site, or maintaining standards that support the different characters of the street frontages.

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In order to inspire creativity and imagination this RFP intentionally does not specify potential land-use and development standards, but anticipates that the development team will study the process of developing the DSP, and propose concepts for this project that inform and inspire the DSP while respecting the visioning and community priorities identified to date.

It is anticipated that the project will be processed as a Development Agreement which is a negotiated contract with the City Council that includes the developer’s contribution of significant community benefits, and requires review by the Planning Commission and the Architectural Review Board and final approval by the City Council. Landmarks Commission review will be necessary for the demolition of structures 40 years or older.

Given the size and prominence of the site, the review process is likely to include additional non-regulatory review with a number of City Boards and Commissions as part of the design development.

**CEQA**

The development site will be evaluated in environmental clearance documents as part of the Downtown Specific Plan. The DSP will develop parameters for the site based on the visioning and DSP public processes and include them in the environmental documentation. Where feasible, the City will utilize these documents to minimize additional CEQA review. The extent of additional CEQA analysis necessary will be dependent upon the scope of the project submitted and its relationship to the project site assumptions in the Downtown Specific Plan.

**SUBMISSION PROCEDURES: THE RFP PACKAGE**

In order to be considered responsive to this RFP, developer-design teams must submit the following information (“RFP Package”) in accordance with the requirements of this RFP:

1. Twelve (12) bound hard copies of all the submission documents identified in this RFP and an electronic copy in a PDF format saved to a CD.

2. One copy of the Team’s financial materials submitted to Keyser Marston Associates, Inc. under a separate cover and marked “Financial Materials”. The City will attempt to maintain the confidentiality of marked financial materials to the extent permitted by law.
The twelve (12) copies of the proposal shall be submitted to:

   Attn: Elana Buegoff
   City of Santa Monica Economic Development Div.
   1901 Main Street, Suite E
   Santa Monica, CA 90405

The copy of the Team’s “Financial Materials” shall be submitted to:

   Kathe Head, Managing Principal
   Keyser Marston Associated, Inc.
   500 South Grand Avenue, Suite 1480
   Los Angeles, CA 90071

Submission Due Date
To be considered, an RFP Package must be received not later than 4:00 PM on May 1, 2013. Proposals may be hand carried, mailed or delivered by messenger. Electronic submissions will not be accepted.

Submittal Contents
The submission consists of the following elements, which should be answered as completely as possible and in the order provided below.

   A. Cover Letter
   B. Developer Information
   C. Development Concept
   D. Community Involvement Plan
   E. Community Event and Open Space Program Management Plan
   F. Financial Analysis of Development
   G. Required Forms
   H. Developer’s Financial Capacity (to be submitted separately to Keyser Marston under a separate cover)

A. Cover Letter
The cover letter shall serve as an Executive Summary of the major points contained in the proposal and must be signed by a principal or officer authorized to represent and commit on behalf of the firm(s).

Cover letters should be no more than two (2) single-spaced pages and shall include the name, address, phone number and email address of the proposer’s lead contact person.
**B. Developer Information**

1. Basic Information
   a) State the official name, address and the names and titles of the proposer’s principals.

   b) Indicate the form of legal entity (e.g., individual, limited partnership, nonprofit corporation, general partnership, joint venture, for-profit corporation, limited liability company, etc.) and any relationship the development organization may have with a parent corporation, subsidiaries, joint ventures or other entities.

   c) Submit one copy of the proposer’s Articles of Incorporation, partnership, or other business organizational documents (as appropriate) filed with the California Secretary of the State. Organization must be in good standing and authorized to do business in California.

2. Development Team
   a) Provide the name, title, address, telephone and fax number, email address and résumés for key development team members, including, but not limited to, and to the extent known at this time: the developer, architect/designer, landscape architect, sustainability consultant, proposed general contractor (in known), market analyst, parking specialist and other consultants who would work with the developer on the project. Please provide an organization chart that identifies key contacts and the relationship between team members. If your team has changes since the RFQ response was submitted, please highlight the changes.

**C. Development Proposal**

1. In narrative form, provide description of the design concept, rationale, and development program including mixes of uses. Include a summary of uses and floor areas. The submittal should include statements indicating how the design concept satisfies the development objectives and conditions specified in the RFP, and responds to the community visioning and DSP process to date.

2. Provide a conceptual site and floor plan illustrating proposed site and building configurations, bicycle, pedestrian and vehicular circulation and access points, open space, streetscape, back of house service functions and landscape treatment.

3. Provide a conceptual elevation and/or perspective rendering of proposed development illustrating building massing and architectural character. The proposing team will be expected to present their conceptual design ideas to the selection committee.
4. Describe the parking component of the project including how and where the required 339 public parking spaces will be located, operated and priced. Discuss how ingress and egress will be managed so as not to impact existing traffic circulation. Discuss the proposed parking management strategy and address how the uses on site will support shared parking and also provide parking options alternative travel options (e.g. bike racks, bike center, car pool drop-off points), and a draft concept for Transportation Demand Management strategies.

5. Provide a draft community benefits package that responds to the community benefit priorities defined in the LUCE, included in the site visioning process and reflecting the progress to date on the Downtown Specific Plan.

6. Include a preliminary schedule of performance outlining the estimated time for each step and phase (if appropriate), including a summary “time line” or other similar graphic representation of the development process. The schedule should recognize the time involved in finalizing the Disposition and Development Agreement (DDA), receiving project entitlements, designing the project, financing the project, commencing and completing construction, lease negotiations, marketing and final occupancy.

D. Community Involvement Plan

1. Describe the plan and overall approach in engaging downtown stakeholders, community residents and other interested individuals in obtaining input and feedback on the project’s design and how the development team will address the public input and community’s general feedback on the project’s design.

E. Community Event and Open Space Program Management Plan

1. Provide an annual event management plan on the seasonal programming that includes weekday, weekend and special events. Describe the staffing approach and organizational budget, management and operation plan and the overall approach to programming, event scheduling, event set up, take down, event marketing and overall community outreach, involvement and activities planned for the space.

F. Financial Analysis of Development Program

a) Provide a construction period sources and uses of funds statement and a permanent sources and uses of funds statement for the proposed scope of development broken down by use (i.e. residential, commercial, parking, etc.)
b) Provide a development pro-forma that identifies the direct construction costs, the indirect construction costs, and the construction period financing costs for the proposed scope of development. The information must include specific estimates of the contractor related costs; developer fees; any payments proposed to be made to parties related to the development team; and any costs associated with providing the community benefits requirements imposed on the project. The analysis should assume that the Team will be required to pay for the relocation of the bank tenants.

c) Provide a summary of notes and assumptions that will assist the City in understanding the assumptions applied in the financial analysis.

d) Describe any responsibilities and/or obligations that the Team is proposing that the City accept.

e) Provide the following operating pro forma information:
   i. Provide income and operating expense estimates for the project at stabilized occupancy;
   ii. Provide cash flow projections that illustrate the anticipated income and operating expenses during the project’s phased construction (if applicable) and during the initial stabilization period; and
   iii. Provide cash flow projections for the project for the 20-year period following the project’s full buildout and achievement of stabilized occupancy. Describe the assumptions applied in the projections.

f) Based on information provided in the sources and uses of funds statements, clearly set forth the following information:
   i. The construction loan underwriting terms;
   ii. The permanent loan underwriting terms; and
   iii. The expected stabilized return on any equity to be invested in the project, and the threshold internal rate of return on that investment.

g) Include a statement of basic assumptions affecting the economic feasibility of the project.

h) Identify any financial contingencies that the Team is imposing on the proposal begin offered to the City.

i) Identify the proposed ground-lease term, structure and payment schedule being proposed.
G. Required Disclosure Forms
Submit a completed Oaks Initiative Disclosure Form (Exhibit C) and State of Arizona Disclosure Form (Exhibit D).

Oaks Initiative: Under the provisions of the City of Santa Monica Taxpayer Protection Amendment of 2000 ("Taxpayer Protection Act"), the Team, if selected, will be considered a "recipient of a public benefit." Under the Taxpayer Protection Act, City public officials who approve this license are prohibited from receiving gifts, campaign contributions or employment from contractor for a specified time (Exhibit C).

This prohibition extends to individuals and entities that are specified and identified in the Taxpayer Protection Act and includes Tenant and its trustees, directors, partners, corporate officers and those with more than a 10% equity, participation, or revenue interest in the license. Proposer understands and agrees that: (A) Proposer is aware of the Taxpayer Protection Act; (B) Proposer will complete and return the forms provided by the City in Exhibit C in order to identify all of the recipients of a public benefit specified in the Taxpayer Protection Act; and (C) Proposer will not make any prohibited gift, campaign contribution or offer of employment to any public official who approved this license.

State of Arizona Disclosure Form: The City Council of the City of Santa Monica adopted Resolution No. 10479 (CCS) on May 25, 2010, which requires a review of all current and likely future agreements and contracts with Arizona-based businesses to examine the feasibility of acquiring such products and services elsewhere while the Arizona law remains in effect (Exhibit D). Please review, sign and submit the form (Exhibit D).

H. Developer’s Financial Capacity Materials
(to be submitted separately to Keyser Marston under a separate cover)
1. The most recent audit, review or compilation financial statement prepared by an independent accounting firm in accordance with generally accepted accounting principles. The Financial Capacity Materials should be submitted for the Team member(s) that will be held responsible for the project financing and ground lease obligations imposed on the transaction. The Financial Capacity Materials must cover a one-year period ending no earlier than December 31, 2011.

2. Identification of the outstanding recourse and non-recourse debt, including repayment terms for the Team member(s) that will be financially responsible for the proposed project.

3. Identification of any non-performing loans including the outstanding balance and duration of the delinquency for the team member(s) that will be financially responsible for the proposed project.
4. Identification of any loans or financial obligations that the Team member(s) that will be financially responsible for the proposed project have defaulted on during the last five years.

**SELECTION CRITERIA**

Proposals will be evaluated based on, but not limited to, the following criteria:

A. Development Strategy
   The proposal must demonstrate a thoughtful and realistic understanding of the potential market demand and the existing context as well as a thorough understanding of the development review process. In addition, the City will evaluate the development teams based upon their preliminary selection of specific land uses and product types, the integration of public benefits, and the extent to which it will achieve the City’s objective to create an iconic, compelling and synergistic development.

B. Design Approach
   The extent to which the proposal achieves architectural excellence and responsiveness to the City’s design, sustainability and circulation objectives.

C. Community Approach
   The proposal must demonstrate how the development team will promote community involvement in the project development stages, as well the programming of the community/cultural events programming of the development’s open/event space.

D. Financial Analysis and Capacity
   The proposal must demonstrate the project’s economic vitality, financeability, and financial benefit to the City as the property owner.

**SELECTION PROCEDURE**

*General*

All RFP Packages submitted by the due date will be reviewed and evaluated based on the information contained in the respective proposals, performance of the Team’s past developments, and other pertinent factors. The City reserves the right to request additional information from the Team as deemed necessary and appropriate by the City. The City also reserves the right to solicit additional information regarding the Team or individual members from third parties other than those provided as referenced by the Team.
B. Final Decision

The final Team selection decision will be made, if at all, by the City Council following a recommendation by the evaluation committee. The evaluation committee expects to conduct interviews with the Teams prior to making their final recommendations. The Team may also, at the discretion of the City, be required to respond in writing to questions or clarifications. The evaluation committee will make a recommendation to the City Council either to recommend a final selection, reject all proposals, or terminate the RFP. All teams will be notified in writing of the City’s decision.

C. Exclusive Negotiations

Once, and if, a final selection is made, the City expects to enter into exclusive negotiation with the selected Team. These negotiations will take place under the auspices of an Exclusive Negotiation Agreement (ENA) to be executed by the City and the selected Team. A nonrefundable performance deposit of $25,000 will be required to be submitted by the selected development team at the time of executing the ENA.

DEVELOPER AGREEMENTS

The final agreement to develop the Site between the Team and the City will be in the form of a Ground Lease and a Disposition and Development Agreement (DDA).

If a hotel use is proposed, to protect the City’s economic interest, the DDA shall contain a condition whereby the selected proposer shall require a Labor Peace Agreement between the proposer, hotel operator and any labor organization seeking to represent employees at the hotel. The negotiation and execution of the DDA is expected to occur within twelve months following the execution of the ENA. Provisions of the agreement(s) shall include, but not be limited to:

1. Scope of Development
2. Schedule of Performance
3. Business Terms and Conditions
4. Community Benefits Package
5. Specific obligations of the Developer and the City to develop the Project
TIMELINE

The following is the conceptual timeline for the RFP process:

February 1, 2013: Release RFP.
May 1, 2013: Submission Deadline by 4:00 PM.
May-June, 2013: Review of submittals and interviews.
July 2013: Preparation of recommendation to Council.
Aug. 2013: Council review and authorization of Exclusive Negotiation Period
Sept. 2013: Exclusive Negotiation period begins.

Note: All dates subject to change

AMENDMENTS

Any amendments to the RFP will issued through the City and posted to the project website at www.smgov.net/4thandArizona. The City will not be bound by any oral statements or modifications. If this RFP is amended, all terms and conditions that are not modified will remain unchanged. All teams will acknowledge receipt of each amendment to this solicitation in writing by including a statement to such effect in its proposal.

COST LIABILITY

The City is not liable to pay or reimburse any costs incurred by the respondents in the development, submission, or review of the RFP packages. This includes, without limitation all costs incurred by the Team in its response to this RFP, in response to any request for information made by the City throughout the selection process, in negotiating with the City, on any matter related to this RFP, or otherwise, unless specifically agreed to in writing by the City.

STATEMENT OF RIGHTS AND UNDERSTANDING

The City reserves, and may, in its sole discretion, exercise the following rights and options with respect to this Request for Proposals (RFP)

a. to accept, reject or negotiate modifications to any and all submissions as it shall, in its sole discretion, deem to be in its best interest; submission of an RFP does not bind the City to any action or to any party. Submissions do not create or assume any relationship, agency or obligation by the City, its officers or employees.
b. to issue additional solicitations for proposals and/or addenda;
c. to negotiate with any one or more of the respondents;
d. to waive any irregularities in any submission;
e. to select any submission as the basis for negotiations, and to negotiate with respondents for amendment or other modifications to their submission;
f. to conduct investigations with respect to the qualification of each respondent; and/or to obtain additional information deemed necessary to determine the ability of the respondent. This includes information needed to evaluate the experience and financial capability of the respondent.

CONFLICT OF INTEREST

Teams must comply with the requirements of all applicable federal, state and local laws related to this Project, including those pertaining to conflicts of interest or appearance thereof. Teams must disclose any and all circumstances which could give rise to any potential conflict of interest or appearance thereof in connection with its participation in the Project with the City of Santa Monica, and its agents, representatives and consultants

QUESTIONS RELATED TO THIS SOLICITATION

All questions related to this RFP are to be in writing. The Economic Development Division may be contacted by fax at (310) 391-9996, by e-mail at econdev@smgov.net, or at City of Santa Monica, Economic Development Division, 1901 Main Street, Suite E, Santa Monica, CA 90405.

Subject line for all communication should be “4th and Arizona RFP”. City will provide written responses and post question and answers at www.smgov.net/4thandArizona.

EXHIBITS

• Exhibit A – Site Map
• Exhibit B – Assessor Map
• Exhibit C – Oaks Initiative Disclosure
• Exhibit D – State of Arizona Disclosure
Exhibit A. Site Map
Exhibit B. Assessor Map
Exhibit C. Oaks Initiative Disclosure Form
Santa Monica’s voters adopted a City Charter amendment commonly known as the Oaks Initiative. It prohibits a public official from receiving specified personal benefits from a person or entity after the official votes, or otherwise takes official action, to award a “public benefit” to that person or entity. Examples of a “public benefit” include public contracts to provide goods or services worth more than $25,000 or a land use approval worth more than $25,000.

The Oaks Initiative requires the City to provide this note and information about the Initiative’s requirements. An information sheet on the Oaks Initiative is attached. You may obtain a full copy of the Initiative’s text from the City Clerk.

In order to facilitate compliance with the requirements of the Oaks Initiative, the City compiles and maintains certain information. That information includes the name of any person who is seeking a “public benefit.” If the “public benefit” is sought by an entity, rather than an individual person, the information includes the name of every: (a) trustee, (b) director, (c) partner, (d) officers, or (e) ten percent interest in the entity. Therefore, if you are seeking a “public benefit” covered by the Oaks Initiative, you must supply that information on the attached form (Attachment A).
City of Santa Monica
Oaks Initiative Disclosure Form

All persons or entities receiving public benefits defined below from the City of Santa Monica shall provide the names of trustees, directors, partners and officers and names of those with more than a 10% equity, participation or revenue interest. This information is required by City Charter Article XXII—Taxpayer Protection.

Name of Entity: ____________________________________________

NAME(S) OF PERSONS OR ENTITIES RECEIVING PUBLIC BENEFIT:

NAME(S) OF TRUSTEES, DIRECTORS, PARTNERS, AND OFFICERS:

NAME(S) OF THOSE WITH MORE THAN A 10% EQUITY, PARTICIPATION OR REVENUE INTEREST:

Public benefits include:
1. Personal services contracts in excess of $25,000 over any 12-month period;
2. Sale of material, equipment or supplies to the City in excess of $25,000 over a 12-month period;
3. Purchase, sale or lease of real property to or from the City in excess of $25,000 over a 12-month period;
4. Non-competitive franchise awards with gross revenue of $50,000 or more in any 12-month period;
5. Land use variance, special use permit, or other exception to an established land use plan, where the decision has a value in excess of $25,000;
6. Tax “abatement, exception, or benefit” of a value in excess of $5,000 in any 12-month period; or
7. Payment of “cash or specie” of a net value to the recipient of $10,000 in any 12-month period.

Prepared by: __________________________      Signature: ________________________
Date:  __________________________ Title:    ________________________

FOR CITY USE ONLY:
Bid/PO/Contract # ___________________________    Permit # ___________________________

(1/06)
Exhibit D. State of Arizona Disclosure Form
NOTICE:
City Policy on Doing Business with Arizona Firms

The City Council of the City of Santa Monica adopted Resolution No. 10479 (CCS) on May 25, 2010, which requires a review of all current and likely future agreements and contracts with Arizona-based businesses to examine the feasibility of acquiring such products and services elsewhere while the Arizona law remains in effect.

Additionally, vendors offering goods or services to the City of Santa Monica must complete and sign the attached disclosure form; this applies to all solicitations, including but not limited to, bids and proposals. Please review, sign and submit the form with your bid packet prior to the closing date of bid.

Contractors that do not have headquarters in the State of Arizona and those that will not be working with Arizona-headquartered subcontractors to provide goods and/or services as specified in this solicitation will take priority in the bidding process.

NOTE: Headquarter location or residency may not be considered as a factor if prohibited by applicable law.

Failure to return this form or inability to certify as to its provisions will render your bid or proposal non-responsive.

State of Arizona Disclosure Form - see next page.
Pursuant to Resolution No. 10479 (CCS) adopted May 25, 2010

City of Santa Monica
State of Arizona Disclosure Form

TO BE COMPLETED BY ALL VENDORS PROVIDING GOODS AND SERVICES TO THE CITY OF SANTA MONICA

Headquarter location or residency may not be considered as a factor if prohibited by applicable law.

Please check the appropriate boxes below.

Our company’s headquarters are located in the State of Arizona.

☐ Yes  ☐ No

Goods or services pertaining to this solicitation will be provided by a subcontractor whose business is headquartered in the State of Arizona.

☐ Yes  ☐ No

If the response to the statement above was “yes”, please list any and all subcontractors headquartered in the State of Arizona that may be providing goods or services (pertaining to this solicitation) to the City of Santa Monica.

If more than one, attach a list of additional subcontractors, including the physical address of each location.

Name of Subcontractor: ____________________________________________________________

Street Address: ________________________________________________________________

City: __________________________ State: __________ Zip Code: _________________________

*** PORTION BELOW TO BE COMPLETED BY ALL VENDORS ***

*****************************************************************************

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Signed: ___________________________ Date: ___________________________

Printed name: ___________________________ Title: ___________________________

Name of Company: ___________________________________________________________

Street Address of Headquarters: ________________________________________________

City: __________________________ State: __________ Zip Code: _______________________

Telephone # (including area code): _________________ Email: ______________________

FOR CITY USE ONLY

NOTES:________________________________________________________________________

[Pursuant to Resolution No. 10479 (CCS) adopted May 25, 2010]