



City of Long Beach
Purchasing Division
333 W Ocean Blvd/7th Floor
Long Beach CA 90802

City of Long Beach

Request For Proposal Number FM 13-062

For

Professional Services Related to the Request For Proposal (RFP) for a New Long Beach Civic Center

Release Date: September 13, 2013
Non-mandatory Pre-proposal Conference Meeting: September 24, 2013
Deadline to submit questions in writing: September 25, 2013
Post Q & A: September 27, 2013
Due Date: October 4, 2013

For additional information, please contact:
Anne Takii, Buyer, 562-570-6362
This RFP is available in an alternative format by calling 562-570-6362

See Section 5 for instructions on submitting proposals.

Company Name _____ Contact Person _____

Address _____ City _____ State _____ Zip _____

Telephone (____) _____ Fax (____) _____ Federal Tax ID No. _____

Prices contained in this proposal are subject to acceptance within _____ calendar days.

I have read, understand, and agree to all terms and conditions herein. Date _____

Signed _____

Print Name & Title _____



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The City will not be held responsible for proposal envelopes mishandled as a result of the envelope not being properly prepared. Facsimile or telephone proposals will NOT be considered unless otherwise authorized; however, proposals may be modified by fax or written notice provided such notice is received prior to the opening of the proposals.

1. OVERVIEW OF PROJECT

The Civic Center Project (Project) involves 14.89 acres in downtown Long Beach that is currently utilized for the existing City Hall, Main Library, former State Courthouse, a destination park and related parking. The City may solicit proposals to redevelop the Civic Center into a vibrant mix of land uses, public institutional space possibly including a new City Hall and Main Library, a destination park and attendant public open space throughout the campus and potential for new public/private development. It is anticipated that the campus will be re-envisioned in an architecturally significant manner.

A Request for Qualifications (RFQ) was issued on April 26, 2013, with responses due on July 26, 2013. Seven qualified submissions were received by the deadline. City staff anticipates presenting to City Council in October 2013, a short list of RFQ Respondents and requesting authority to selectively issue a Request for Proposal (RFP) to this short list to design, build, finance, operate and maintain a new Civic Center. In order to prepare an informed and cognizant scope for the RFP, certain specific oversight and feasibility evaluations are necessary, including architectural, financial analysis and community outreach services. The City seeks the services of a qualified company, or companies, with demonstrated related experience, to provide any or all of these services.

2. ACRONYMS/DEFINITIONS

For the purposes of this RFP, the following acronyms/definitions will be used:

Awarded Vendor The organization/individual that is awarded and has an approved contract with the City of Long Beach, California for the services identified in this RFP.

Division Department of Business and Property Development

Evaluation Committee An independent committee comprised solely of representatives of the City established to review proposals submitted in response to the RFP, score the proposals, and select a vendor.

May Indicates something that is not mandatory but permissible.

RFP Request for Proposal.

Shall/Must Indicates a mandatory requirement. Failure to meet a mandatory requirement may result in the rejection of a proposal as non-responsive.



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- Should** Indicates something that is recommended but not mandatory. If the vendor fails to provide recommended information, the City may, at its sole option, ask the vendor to provide the information or evaluate the proposal without the information.
- City** The City of Long Beach and any department or agency identified herein.
- Subcontractor** Third party not directly employed by the vendor who will provide services identified in this RFP.
- Vendor** Organization/individual submitting a proposal in response to this RFP.

3. SCOPE OF PROJECT

City staff anticipates presenting a short list of RFQ respondents to the City Council in October 2013 and requesting authority to selectively issue a Request for Proposal (RFP) to this short list to design, build, finance, operate and maintain a new Civic Center. In order to prepare an informed and cognizant scope for the RFP, certain professional services are required. The City seeks the services of qualified company/companies, with demonstrated related experience, to provide certain architectural, financial analysis and community outreach services. The City encourages qualified firms to form appropriate teams to submit a joint proposal for all of the services outlined in A, B and C below. However, individual firms may submit a proposal for any or all of the services outlined in A, B and C but should demonstrate related experience, at a minimum, for each of the items listed within each service. Additionally, the City may engage additional consultants and legal counsel, as appropriate, independent of this RFP.

It is anticipated that the scope of work for the Architectural Services and Financial Analysis Services may involve two phases. Phase 1 would involve among other tasks, assistance in the development of the Request for Proposal for the short-listed firms and would commence in October 2013 upon the approval of the City Council to proceed with the RFP. Phase 1 would conclude upon the release of the RFP, anticipated to be in March 2014. Phase 2 would involve among other responsibilities, participation in a pre-proposal meeting, assistance in responding to requests for information, RFP evaluation, due diligence and selection. The City may elect to engage the Architectural Services and Financial Analysis vendors for one or both phases, and the City may choose to terminate the services of a vendor early or to not move forward with the project or the scope of work.



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4. SUBMITTAL INSTRUCTIONS

ALL TIMES IN RFP ARE PACIFIC DAYLIGHT TIME (PDT)

4.1 There will be a non-mandatory pre-proposal conference meeting held on Tuesday, September 24, 2013 at 1:30 PM, PDT. There will also be the option to call-in by phone to the conference. Please see instructions below. In addition to a pre-proposal conference, the Purchasing Division will accept questions and/or comments in writing. For questions regarding this RFP, submit all inquiries via email to RFPPurchasing@longbeach.gov by September 25, 2013. Responses to the questions will be posted on the City’s website purchasing.longbeach.gov under the “Bids/RFPs” tab no later than September 27, 2013. All proposers are recommended to visit the abovementioned City website on a regular basis as the responses may be posted earlier than the date above.

NON-MANDATORY PRE-PROPOSAL CONFERENCE

Date: Tuesday September 24, 2013
 Time: 1:30 – 3:00 PM, PDT
 Location: 333 W. Ocean Blvd. Council Chambers
 Long Beach, CA 90802

CALL-IN OPTION (Audio Conference)

September 24, 2013
 1:30– 3:00 PM, PDT
 Call-in toll number (US/Canada): 1-408-792-6300
 Access Code: 579 532 970

4.2 Proposed Timeline

TASK	DATE/TIME
Pre-proposal Conference	September 24, 2013, 1:30 - 3:00 PM
Deadline for submitting questions	September 25, 2013 by 4:00 PM
Answers to all questions submitted available	September 27, 2013 by 4:00 PM
Deadline for submission of proposals	October 4, 2013 by 11:00 AM
Interview/Presentation period	Week of October 4, 2013
Selection of vendor(s)	October 14, 2013
Release of the RFP for New Civic Center	March 2014



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NOTE: These dates represent a tentative schedule of events. The City reserves the right to modify these dates at any time, with appropriate notice to prospective vendors.

- 4.3 Vendors shall submit one (1) original proposal marked "ORIGINAL" and four (4) identical copies marked "COPY". In addition, an electronic copy of the narrative and cost file shall be saved as two separate PDF readable files on one CD/USB flash drive and submitted to the following address:

City of Long Beach
Purchasing Division
Attn: Anne Takii, Buyer
C/O City Clerk
333 W Ocean Blvd/Plaza Level
Long Beach CA 90802

Proposals shall be clearly labeled in a sealed envelope or box as follows:

REQUEST FOR PROPOSAL NO.: FM 13-062
FOR: Professional Services Related to the RFP for a New Long Beach Civic Center

- 4.4 Proposals must be received by 11:00 a.m. PDT, on October 4, 2013. Proposals that do not arrive by the specified date and time WILL NOT BE ACCEPTED. Vendors may submit their proposal any time prior to the above stated deadline.
- 4.5 The proposal should be presented in a format that corresponds to and references sections outlined below and should be presented in the same order. Responses to each section and subsection should be labeled so as to indicate which item is being addressed. For ease of evaluation, proposals should be presented in the format described within this RFP.
- 4.6 Proposals are to be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this RFP. Expensive bindings, colored displays, promotional materials, etc., are not necessary or desired. Emphasis should be concentrated on conformance to the RFP instructions, responsiveness to the RFP requirements, and on completeness and clarity of content.
- 4.7 Descriptions on how any and all equipment and/or services will be used to meet the requirements of this RFP shall be given, in detail, along with any additional information documents that are appropriately marked.
- 4.8 The proposal must be signed by the individual(s) legally authorized to bind the vendor.



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- 4.9 If complete responses cannot be provided without referencing supporting documentation, such documentation must be provided with the proposal and specific references made to the tab, page, section and/or paragraph where the supplemental information can be found.

5. PROPOSAL EVALUATION AND AWARD PROCESS

- 5.1 Proposals shall be consistently evaluated based upon the following criteria:
- Demonstrated ability to provide the scope of services for the Civic Center Project; recommendations and approach to meeting the scope of services in the proposed timeframe;
 - Experience in performance of comparable engagements;
 - Demonstrated ability, through reference checks, to meet deadlines and respond quickly to requests
 - Reasonableness of cost;
 - Expertise and availability of key personnel;
 - Financial stability and durability; and
 - Conformance with and responsiveness to the terms of this RFP.
- 5.2 Proposals shall be kept confidential until a contract is awarded.
- 5.3 An individual or organization awarded a consultant contract pursuant to this RFP may not subsequently submit a bid or proposal, or participate in the preparation of a bid or proposal, for the new Civic Center.
- 5.4 The City may also contact the references provided in response to Section 9.3; contact any vendor to clarify any response; contact any current users of a vendor's services; solicit information from any available source concerning any aspect of a proposal; and seek and review any other information deemed pertinent to the evaluation process. The City shall not be obligated to accept the lowest priced proposal, but shall make an award in the best interests of the City of Long Beach.
- 5.5 The City reserves the right to request clarification of any proposal term from prospective vendors.
- 5.7 Selected vendor(s) will be notified in writing. Any award is contingent upon the successful negotiation of final contract terms. Negotiations shall be confidential and not subject to disclosure to competing vendors unless and until an agreement is reached. If contract negotiations cannot be concluded successfully, the City reserves the right to negotiate a contract with another vendor or withdraw the RFP
- 5.8 Any contract resulting from this RFP shall not be effective unless and until approved by the City Council.



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6. **PROTEST PROCEDURES**

6.1 Who May Protest

Only a proposer who has actually submitted a proposal is eligible to protest a contract awarded through a Request for Proposals (“RFP”). A proposer may not rely on the protest submitted by another proposer but must pursue its own protest.

6.2 Time for Protest

The City will post a notice of the intent to award a contract at least ten (10) business days before an award is made. The notice will be available to all proposers who submitted a proposal via the City’s electronic bid notification system at <http://www.longbeach.gov/purchasing/default.asp>. A proposer desiring to submit a protest for a proposal must do so within five (5) business days of the electronic notification of intent to award. The City Purchasing Agent must receive the protest by the close of business on the fifth (5th) business day following posting of notification of intent to award the contract. Proposers are responsible for registering with the City’s electronic bid notification system and maintaining an updated vendor profile. The City is not responsible for proposers’ failure to obtain notification for any reason, including but not limited to failure to maintain updated email addresses, failure to open/read electronic messages and failure of their own computer/technology equipment. The City’s RFP justification memo will be available for review by protestors once the notification of intent to award has been posted via the City’s electronic bid notification system.

6.3 Form of Protest

The protest must be in writing and signed by the individual who signed the proposal or, if the proposer is a corporation, by an officer of the corporation, and addressed to the City Purchasing Agent. Protests may be submitted via US Mail, hand delivery or email, and must include a valid email address, street address and phone number sufficient to ensure that the City’s decision concerning the protest will be received. Protests must set forth a complete and detailed statement of the grounds for the protest and include all relevant information to support the grounds stated, and must refer to specific portions of the RFP and attachments upon which the protest is based. Once the protest is received by the City Purchasing Agent, the City will not accept additional information on the protest unless the City requests it.

6.4 City Response to Protest

The City Purchasing Agent or designee will respond with a decision regarding the protest within two (2) business days of receipt of protest by email or US Mail to the address provided in the protest. This decision shall be final.



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6.5 Limitation of Remedy

The procedure and time limits set forth herein are mandatory and are the proposer's sole and exclusive remedy in the event of a protest. The proposer's failure to comply with these procedures shall constitute a waiver of any right to further pursue a protest, including filing a Government Code Claim or initiation of legal proceedings.

7. PROJECT SPECIFICATIONS

A. ARCHITECTURAL SERVICES

1. Assist in the development of the Request for Proposal
 - a. Develop design guidelines and development standards based on the newly adopted PD-30 / Downtown Plan for the mix of land uses anticipated (Exhibit A) and feedback from the Community Outreach efforts
 - b. Identify project objectives, constraints, requirements
 - c. Identify program requirements for anticipated land uses, including public uses, private uses, parking and open space
 - d. Identify space requirements on a functional basis for City Hall and the Main Library
 - e. Prepare massing diagrams of alternative development scenarios
 - f. Offer recommendations for reducing environmental impacts of the project, including LEED certification, compliance with the City's Green Building standards, and Low Impact Development Standards, and encouraging New Zero consumption or other environmentally friendly building initiatives
 - g. Develop demonstrable selection criteria specifically related to achieving the urban planning and architectural goals of the Project for inclusion in the RFP
 - h. Participate in a community outreach program to translate the community's vision for a new Civic Center into the RFP
 - i. Participate in meetings with City and/or Port staff
 - j. Participate in City Council and Board of Harbor Commissioners meetings
2. Assist in RFP Evaluation, due diligence and selection
 - a. Participate in a pre-proposal conference
 - b. Respond to or assist with responses to Requests for Information (RFIs)
 - c. Confirm compliance with submittal requirements
 - d. Verify submittal information
 - e. Verify assumptions and estimates
 - f. Confirm floor plan design schematics and ensure functionality, efficiency, stacking, and special space needs
 - g. Assist in preparation of Project Agreement
 - h. Establish entitlement cost and timeframe
 - i. Establish construction cost and construction timeframe



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B. FINANCIAL ANALYSIS SERVICES

The financial analysis services provided by the Vendor will comprise Development/Structuring and Execution phases as described below. Please note that the City reserves the right to broaden or narrow the Scope of Services to fit the City's needs as appropriate. In addition, as further described in Section 12.19, each vendor must disclose any existing or potential conflict of interest relative to the performance of the contractual services resulting from this RFP. Any such relationship that might be perceived or represented as a conflict should be disclosed. The City reserves the right to disqualify any vendor on the grounds of actual or apparent conflict of interest.

1. DEVELOPMENT/STRUCTURING SCOPE OF SERVICES

- a. Perform ongoing project management and coordination activities related to the Civic Center Project, including establishing the necessary schedule, status updates, reports and other documents to assist the City throughout the duration of the Civic Center Project commencing with scoping refinement to procurement and ultimately successful project commercial and financial close.
- b. Develop a Project Management Plan, including advice on project governance, organizational process, and interdepartmental analysis.
- c. Refine project concept, objectives, constraints and requirements.
- d. Develop project performance expectations.
- e. Review the City's existing financial and legal obligations and commitments that relate to the Civic Center Project, including existing lease obligations, Tidelands Area implications, potential use of Tideland Operating Fund, and public park requirements to help determine if structural changes are needed to enhance the ability of the Civic Center Project to be financed.
- f. Identify and analyze legal structure alternatives, including lessor-lessee scenarios involving the City and the Port.
- g. Provide general consultative services related to alternative delivery transactions including, but not limited to: Design-Build, Design-Build-Operate-Maintain, Design-Build-Finance, and Design-Build-Finance-Operate/Maintain.
- h. Assist with identifying and procuring transactional partners as necessary.
- i. Participate in the Community Outreach Program.
- j. Participate in meetings with City and/or Port staff.
- k. Participate in City Council and Board of Harbor Commissioners meetings.
- l. Provide ongoing and updated advice on market data, trends, comparable transactions and updated valuations, and reporting and disclosure practices.
- m. Prepare a financial analysis that will inform which procurement method is the most advantageous and appropriate for the City to pursue. Conduct a preliminary risk analysis and prepare a financial model. The project delivery alternatives would, at a



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minimum, include the five project delivery alternatives described in the table below, and each alternative should assume one revision. The analysis should also determine the economic feasibility of the Rehab alternative.

Alternates Consideration:

The alternatives should consider all, but not be limited to, the following significant factors:

1. Identify and perform a comprehensive review of all types of risks and the party assuming the risk. Vendor will be expected to retain the necessary risk management expertise to adequately assess the risk and propose appropriate mitigation strategies.
2. Identify financing assumptions and risks
3. Identify any significant infrastructure requirements
4. Identify phasing and interim space needs
5. Identify unique and special space needs
6. Identify needed parking
7. Include offsite lease consolidation
8. Identify necessary interior improvement costs and fixtures, furniture and equipment
9. Include a Life Cycle maintenance and capital improvement program
10. Identify offsetting revenue associated with surplus property sale or lease
11. Identify impacts to property tax rolls
12. Provide an economic impact forecast
13. Provide a development proforma, including cash flows, and Net Present Value analyses
14. Identify potential private use



	Project Delivery Alternatives		
	Rehab Existing Civic Center	New Civic Center (City Hall but no Port HQ)	New Civic Center (City Hall and Port HQ)
Description	Seismic retrofitting, code compliance, interim space needs	City is the only public agency tenant	Both the City and the Port occupy the Civic Center
Design-Bid-Build			
Design-Build-Finance-Operate-Maintain	N/A		

2. EXECUTION SCOPE OF SERVICES

- a. Develop a term sheet of proposed and actual Project Agreements. The term sheet will summarize in an easily understandable manner, the key terms of proposed and actual agreements in a consistent manner.
- b. In close coordination with the Architectural consultant and City staff, develop the RFP and related RFP documents.
- c. Develop selection criteria for the RFP respondents
- d. Participate in a pre-bid conference
- e. Coordinate the responses to Requests for Information (RFIs) and Change Orders
- f. Perform an analysis to determine the responsiveness and viability of the proposals received



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- g. Determine the potential delivery teams to be subjected to further evaluation, and perform written and oral evaluations of their ability to perform, including risk analysis and financial analysis. Such financial analysis will include the following:
 - i. Verify assumptions and estimates
 - ii. Confirm valuation of alternatives
 - iii. Conduct cost-benefit-risk analysis
 - iv. Perform a comprehensive strengths/weakness analysis
 - v. Analyze financing proposals
 - vi. Determine Present Value per square foot of occupancy cost
 - vii. Determine Value for Money over the Life Cycle
- h. Participate in competitive dialogue meetings with potential delivery teams.
- i. Facilitate selection of a preferred delivery team.
- j. Participate in negotiations and achievement of financial/commercial close.
- k. Negotiate and document the terms of any arrangements with prospective delivery team(s), including providing, without limitation: advice regarding contract options and terms; and assistance in obtaining the execution of an agreement incorporating terms and features determined to be in the best interests of the City.
- l. Participate in the Community Outreach Program.
- m. Participate in meetings with City and/or Port staff.
- n. Participate in City Council and Board of Harbor Commissioners meetings.

C. COMMUNITY OUTREACH SERVICES

The Mayor and City Council have clearly stated their expectation of a robust, comprehensive and inclusive public outreach and community engagement and education program that precedes the release of the RFP to ensure that community concerns, comments and suggestions are solicited, analyzed and correlated in a manner that helps define includes two rounds of a city-wide engagement processes that originally collects, and then later refines, feedback, comments and suggestions from stakeholders and the community. Additionally, presentations to both the Planning Commission and City Council are anticipated. At a minimum, the outreach program should incorporate the following elements:

1. Stakeholder interviews
2. Web-based outreach tools, including a Project website
3. Social networking, outreach and related web logs
4. Online surveys and comment platforms with geocoding capability
5. Interactive mobile applications
6. Multiple language platforms



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7. Preparation and production of leading edge graphics, site plans, maps and diagrams
8. Citywide community and group meetings
9. On-the-street outreach

8. WARRANTY/MAINTENANCE AND SERVICE

Not applicable.

9. COMPANY BACKGROUND AND REFERENCES

9.1 PRIMARY CONTRACTOR INFORMATION

Vendors must provide a company profile. Information provided shall include:

- Company ownership. Identify the type of ownership or legal structure of the firm (sole proprietor, partnership, corporation, joint venture, etc.). If incorporated, the state in which the company is incorporated and the date of incorporation. An out-of-state vendor must register with the State of California Secretary of State before a contract can be executed (<http://www.sos.ca.gov/business/>).
- Location of the company offices.
- Location of the office servicing any California account(s).
- Number of employees both locally and nationally.
- Location(s) from which employees will be assigned.
- Name, address and telephone number of the vendor's point of contact for a contract resulting from this RFP.
- Company background/history and why vendor is qualified to provide the services described in this RFP.
- Length of time vendor has been providing services described in this RFP to the **public and/or private sector**.
- Summary of Relevant Experience. Provide a listing of projects that the vendor has completed within the last three (3) years in the subject area with emphasis on activities relevant and related to the proposed project. Proposals should clearly and accurately demonstrate the specialized knowledge and extensive, successful experience required of the vendor for consideration.
- Describe members of the team, their specific relevant experience, and how the team plans to interact with City staff.
- Resumes for key staff to be responsible for performance of any contract resulting from this RFP.
- To the extent that Proposer is responding to multiple sections of this RFP, please confirm whether the City may selectively contract with the Proposer to provide the services outlined in A, B or C individually, or whether the Proposer's



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willingness to contract with the City is contingent on the City accepting the Proposer's proposal in its entirety.

- If your team requires a party to integrate the work of the Architectural, Financial Analysis, and Community Outreach vendors, please describe your proposed approach in managing the relationships.

9.2 SUBCONTRACTOR INFORMATION

9.2.1 Does this proposal include the use of subcontractors?

Yes _____ No _____ Initials _____

If "Yes", vendor must:

9.2.1.1 Identify specific subcontractors and the specific requirements of this RFP for which each proposed subcontractor will perform services.

9.2.1.2 Provide the same information for any subcontractors as is indicated in Section 9.1 for the vendor as primary contractor.

9.2.1.3 References as specified in Section 9.3 below must also be provided for any proposed subcontractors.

9.2.1.4 The City requires that the awarded vendor provide proof of payment of any subcontractors used for this project. Proposals shall include a plan by which the City will be notified of such payments.

9.2.1.5 Primary contractor shall not allow any subcontractor to commence work until all insurance required of subcontractor is obtained.

9.3 REFERENCES

Vendors should provide a minimum of three (3) references from similar projects performed for state and/or large local government clients within the last three years. Additionally, please provide one reference for a client, to whom the Vendor has made recommendations significantly different from what was expected. Information provided shall include:

- Client name;
- Project description;
- Project dates (starting and ending);
- Technical environment;
- Staff assigned to reference engagement that will be designated for work per this RFP;
- Client project manager name and telephone number.



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9.4 BUSINESS LICENSE

The Long Beach Municipal Code (LBMC) requires all businesses operating in the City of Long Beach to pay a business license tax. In some cases the City may require a regulatory permit and/or evidence of a State or Federal license. Prior to issuing a business license, certain business types will require the business license application and/or business location to be reviewed by the Development Services, Fire, Health, and/or Police Departments. For more information, go to www.longbeach.gov/finance/business_license.

9.5 APPROACH.

Provide answers to the following questions:

1. How would your team approach the RFP's Scope of Work?
2. How is your team uniquely positioned to help the City achieve an accelerated delivery of the scope of work?
3. Describe your role in negotiating the Project Agreement on previous P3 engagements.
4. Describe whether your team has completed projects that are similar to the Civic Center Project and how your team will apply the lessons learned.
5. Describe your project management plan, detailing how your team will coordinate work with other external consultants retained by the City, the City Attorney's Office, outside legal counsel, and City staff.
6. Please describe the key issues to emphasize or avoid with respect to the Civic Center Project.
7. Credibility of the vendor that the vendor will provide an unbiased technical analysis The vendor should indicate who they will demonstrate an unbiased approach to analysis an be able to show from past engagements a demonstrated willingness and ability to tell the client, when there is an issue, that the approach the client wants or the results the client expects are not supported by an unbiased approach to the issue.

9.6 WORK PLAN. Include a proposed work schedule, by activity/task, indicating when each activity/task will be accomplished and highlighting any significant methodologies in accomplishing them.

9.6 DELIVERABLES. Generally describe the form and content of each deliverable that your team will provide the City in order to fulfill your firm's scope of services.

10. COST

10.1 Provide a Fee Schedule for services to be provided. The fee to be paid to the Vendor will be made at the Vendor's established billable rates for staff hours and expenses actually accrued in producing the required services, up to a maximum fee



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established through negotiations. The Vendor's billable rates shall not include mark-ups for overhead and profit; no additional payment will be made for those items. The City will not reimburse the Consultant for mileage, travel, office supplies, the use of computer equipment, or any overhead expenses.

- 10.2 The City does not warrant or guarantee that the total contract amount will be reached or that any specific amount of work will be authorized during the term of the contract.
- 10.3 Please provide an estimated fee quote to provide the Scope of Services, broken down by major task or activity. The fee quote provided in response to this question will be non-binding and is for informational purposes by the City.

11. ADDITIONAL REQUIREMENTS FROM FUNDING SOURCE

Not applicable.

12. TERMS, CONDITIONS AND EXCEPTIONS

- 12.1 This contract will be for a period of 12 months with two annual renewal options at the option of the city. The contract term will not exceed 36 months total.
- 12.2 The City reserves the right to alter, amend, or modify any provisions of this RFP, or to withdraw this RFP, at any time prior to the award of a contract pursuant hereto, if it is in the best interest of the City to do so.
- 12.3 The City reserves the right to waive informalities and minor irregularities in proposals received.
- 12.4 The City reserves the right to reject any or all proposals received prior to contract award.
- 12.5 The City shall not be obligated to accept the lowest priced proposal, but will make an award in the best interests of the City of Long Beach after all factors have been evaluated.
- 12.6 Any irregularities or lack of clarity in the RFP should be brought to the Purchasing Division designee's attention as soon as possible so that corrective addenda may be furnished to prospective vendors.
- 12.7 Proposals must include any and all proposed terms and conditions, including, without limitation, written warranties, maintenance/service agreements, license agreements, lease purchase agreements and the vendor's standard contract language. The omission of these documents may render a proposal non-responsive.



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- 12.8 Alterations, modifications or variations to a proposal may not be considered unless authorized by the RFP or by addendum or amendment.
- 12.9 Proposals that appear unrealistic in the terms of technical commitments, lack of technical competence, or are indicative of failure to comprehend the complexity and risk of this contract, may be rejected.
- 12.10 Proposals may be withdrawn by written or facsimile notice received prior to the proposal opening time.
- 12.11 The price and amount of this proposal must have been arrived at independently and without consultation, communication, agreement or disclosure with or to any other contractor, vendor or prospective vendor.
- 12.12 No attempt may be made at any time to induce any firm or person to refrain from submitting a proposal or to submit any intentionally high or noncompetitive proposal. All proposals must be made in good faith and without collusion.
- 12.13 Prices offered by vendors in their proposals are an irrevocable offer for the term of the contract and any contract extensions. The awarded vendor agrees to provide the purchased services at the costs, rates and fees as set forth in their proposal in response to this RFP. No other costs, rates or fees shall be payable to the awarded vendor for implementation of their proposal.
- 12.14 The City is not liable for any costs incurred by vendors prior to entering into a formal contract. Costs of developing the proposals or any other such expenses incurred by the vendor in responding to the RFP, are entirely the responsibility of the vendor, and shall not be reimbursed in any manner by the City.
- 12.15 Proposal will become public record after the award of a contract unless the proposal or specific parts of the proposal can be shown to be exempt by law. Each vendor may clearly label all or part of a proposal as "CONFIDENTIAL" provided that the vendor thereby agrees to indemnify and defend the City for honoring such a designation. The failure to so label any information that is released by the City shall constitute a complete waiver of any and all claims for damages caused by any release of the information.
- 12.16 A proposal submitted in response to this RFP must identify any subcontractors, and outline the contractual relationship between the awarded vendor and each subcontractor. An official of each proposed subcontractor must sign, and include as part of the proposal submitted in response to this RFP, a statement to the effect that the subcontractor has read and will agree to abide by the awarded vendor's obligations.



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- 12.17 The awarded vendor will be the sole point of contract responsibility. The City will look solely to the awarded vendor for the performance of all contractual obligations that may result from an award based on this RFP, and the awarded vendor shall not be relieved for the non-performance of any or all subcontractors.
- 12.18 The awarded vendor must maintain, for the duration of its contract, insurance coverage as required by the City. Work on the contract shall not begin until after the awarded vendor has submitted acceptable evidence of the required insurance coverage.
- 12.19 Each vendor must disclose any existing or potential conflict of interest relative to the performance of the contractual services resulting from this RFP. Any such relationship that might be perceived or represented as a conflict should be disclosed. The City reserves the right to disqualify any vendor on the grounds of actual or apparent conflict of interest.
- 12.20 Each vendor must include in its proposal a complete disclosure of any alleged significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the vendor or in which the vendor has been judged guilty or liable. Failure to comply with the terms of this provision will disqualify any proposal. The City reserves the right to reject any proposal based upon the vendor's prior history with the City or with any other party, which documents, without limitation, unsatisfactory performance, adversarial or contentious demeanor, significant failure(s) to meet contract milestones or other contractual failures.
- 12.21 The City will not be liable for Federal, State, or Local excise taxes.
- 12.22 Execution of Attachment A of this RFP shall constitute an agreement to all terms and conditions specified in the RFP, including, without limitation, the Attachment B contract form and all terms and conditions therein, except such terms and conditions that the vendor expressly excludes.
- 12.23 The City reserves the right to negotiate final contract terms with any vendor selected. The contract between the parties will consist of the RFP together with any modifications thereto, and the awarded vendor's proposal, together with any modifications and clarifications thereto that are submitted at the request of the City during the evaluation and negotiation process. In the event of any conflict or contradiction between or among these documents, the documents shall control in the following order of precedence: the final executed contract, the RFP, any modifications and clarifications to the awarded vendor's proposal, and the awarded vendor's proposal. Specific exceptions to this general rule may be noted in the final executed contract.
- 12.24 Vendor understands and acknowledges that the representations above are material and important, and will be relied on by the City in evaluation of the proposal. Any



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vendor misrepresentation shall be treated as fraudulent concealment from the City of the true facts relating to the proposal.

- 12.25 No announcement concerning the award of a contract as a result of this RFP may be made without the prior written approval of the City.
- 12.26 Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the applicable provisions of Long Beach Municipal Code Section 2.73 et seq, the **Equal Benefits Ordinance**. Proposers shall refer to attachment/appendix for further information regarding the requirements of the ordinance.

All Proposers shall complete and return, with their bid, the Equal Benefits Ordinance Compliance form contained in the attachment/appendix. Unless otherwise specified in the procurement package, Proposers do not need to submit with their bid supporting documentation proving compliance. However, supporting documentation verifying that the benefits are provided equally shall be required if the proposer is selected for award of a contract.

- 12.27 All work performed in connection with construction shall be performed in compliance with (a) all applicable laws, ordinances, rules and regulations of federal, state, county or municipal governments or agencies (including, without limitation, all applicable federal and state labor standards, including the prevailing wage provisions of sections 1770 *et seq.* of the California Labor Code), and (b) all directions, rules and regulations of any fire marshal, health officer, building inspector, or other officer of every governmental agency now having or hereafter acquiring jurisdiction. The Contractor shall indemnify, defend and hold the City harmless from any and all claims, causes of action and liabilities based upon or arising from the failure of any work related to the Project to comply with all such applicable legal requirements, including, without limitation, any such claims, causes of action or liabilities that may be asserted against or incurred by City with respect to or in any way arising from the Project's compliance with or failure to comply with applicable laws, including all applicable federal and state labor requirements including, without limitation, the requirements of California Labor Code section 1770 *et seq.*

Contractor agrees that all public work (as defined in California Labor Code section 1720) performed pursuant to this Agreement (the "Public Work"), if any, shall comply with the requirements of California Labor Code sections 1770 *et seq.* City makes no representation or statement that the Project, or any portion thereof, is or is not a "public work" as defined in California Labor Code section 1720.

In all bid specifications, contracts and subcontracts for any such Public Work, Contractor shall obtain the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in this locality for each craft,



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classification or type of worker needed to perform the Public Work, and shall include such rates in the bid specifications, contract or subcontract. Such bid specifications, contract or subcontract must contain the following provision: "It shall be mandatory for the contractor to pay not less than the said prevailing rate of wages to all workers employed by the contractor in the execution of this contract. The contractor expressly agrees to comply with the penalty provisions of California Labor Code section 1775 and the payroll record keeping requirements of California Labor Code section 1771."