

Questions Submitted and City of Hollywood Responses
for University Station Redevelopment Opportunity
(received related to cancelled RFP 4620-19-PB)

Question 1

Is there an estimated budget for this? (Submitted: Jul 30, 2019 9:02:52 AM EDT)

There is no stated price for the long term lease or purchase of the land, nor is there any specific budget related to City or CRA funds for this project. Respondents should indicate the financial value of the project to the City in terms of purchase price, as well as job creation and property tax generation.

A purchase price offer or detailed lease payments must be expressed in a fixed, non-contingent dollar amount. All land dispositions under a purchase scenario, transfer of title will be by special warranty deed at the closing. Regarding the condition of the property, the purchaser must be willing to accept the property on an “as is” and “where is” basis, with all faults and subject to any and all latent defects.

Level of Return and Benefit to the City of Hollywood

- a. Describe the economic, fiscal, employment and other tangible public benefits generated by the proposal. Requests of City Assistance must be limited so that the City can reasonably accommodate and be clearly and quantitatively demonstrated to be less than the public benefit generated by the project.
- b. Quantitative public benefits such as social or redevelopment goals may be included as support to the well-defined quantitative benefits.
- c. Special requested City Assistance, if any and include details such as type of assistance, level of assistance, length of agreement term, commencement and completion dates, etc.

Question 2

Is residential housing consistent with the current zoning designation? (Submitted: Aug 6, 2019 2:53:04 PM EDT)

The current zoning is government use or GU, but the properties to the north are DH-3 (Dixie Highway High Intensity Mixed-Use District) and to the south are ND-3 (North Downtown High Intensity Mixed Use District). Both of these zoning classifications allow for residential development except on the ground floor adjacent to Dixie Highway or 21st Avenue.

Question 3

Can residential housing be built within the Government Use zoning category as of right, when control of the property is transferred by the city to a private entity? If not, what hearings or approvals would be required to obtain the appropriate zoning classification? If the zoning classification permits such uses by a private user, please explain whether any additional hearings such as a special exception would be required for a residential use. (Submitted: Aug 6, 2019 2:53:18 PM EDT)

The provisions of Article 4 section 9 entitled Government Use District of the City's Zoning and Land Development Code would apply as long as the City remains the owner of the property. This zoning designation allows for residential development. If the proposer seeks to purchase the property from the City, then a zoning change would be required and would proceed pursuant to Article 5 of the Zoning and Land Development Code. This would require the zoning change to be approved by both the Planning and Development Board and the City Commission.

Question 4

Are there any known conditions, aside from the standard development process, that would preclude the immediate construction on the proposed site. Meaning, are there any other restrictions on the property that will need to be resolved before development can be possible. (Submitted: Aug 6, 2019 2:53:32 PM EDT)

There are no known conditions that would prevent development on this site.

Question 5

Are there any Phase 1 or Phase 2 environmental assessments of the property? (Submitted: Aug 6, 2019 2:53:48 PM EDT)

The City is not aware of any environmental assessments done on the property.

Question 6

Will Barry University agree to pay market rent for the 20,000 sq. ft. that they desire, or is their expectation to continue at an effective rent of \$5.00 per square foot? (Submitted: Aug 6, 2019 2:54:03 PM EDT)

Proposers are encouraged to speak with Barry University directly. The City has stated that Barry University has been a good tenant and that the City believes the presence of a post-secondary educational institution in Downtown Hollywood is beneficial. There are no requirements to provide reduced rent for Barry University.

Question 7

Article XIII(a) of the City's Charter requires at least 1 appraisal before the City can vote to dispose of the property. Has an appraisal been ordered and if so will it be released for review by respondents before the RFP response deadline? Is it correct that the City will need to first obtain an appraisal before the City can legally award this RFP? (Submitted: Aug 6, 2019 2:54:16 PM EDT)

The City has not ordered an appraisal of the site. The City's charter does not require the City to obtain an appraisal before selecting a development proposal to move forward. An appraisal may be required based on the proposer's desire to purchase vs. lease the land.

Question 8

Is our reading of the City Charter correct that Article XIII (c) requires a referendum before the shuffle board court could be sold? (Submitted: Aug 6, 2019 2:54:39 PM EDT)

Yes, a sale of the shuffleboard court would require a voter referendum.

Question 9

Is our reading of the City Charter correct that Section 13.02 (a) requires that at least 5/7 of the Commission vote in favor of leasing City owner property for a term of twenty (20) years or longer? (Submitted: Aug 6, 2019 2:54:55 PM EDT)

Yes, the long-term (20 years or more) lease of City-owned property requires a 5/7th vote of the City Commission or a majority vote of the City's electors voting on such a proposal.

Question 10

Please confirm that it is the City's new policy that no P3 proposal will be released until the earlier of an award or 180 days from the date of the submission. Also please confirm that if the city will not release the proposal, will it release – 1) the name of the proposer, 2) a redacted version of the P3 proposal, and/or 3) an executive summary of what is being proposed by the Proposer. (Submitted: Aug 6, 2019 2:55:14 PM EDT)

Under Section 255.065(15)(b)1, Florida Statutes, provides that "[a]n unsolicited proposal received by a responsible public entity is exempt from s. 119.07(1) and s. 24(a), Art. 1 of the State Constitution until such time as the responsible public entity provides notice of an intended decision for a qualifying project." This exemption ceases 180 days after receipt of the unsolicited proposal (subsection 3(c)). The City will not release the P3 proposal, nor information pertained within outside what is required per the State Statute.

Question 11

Please confirm, as stated in the pre-bid conference, that the P3 proposer may not alter its original submission from what was provided to the City on May 29, 2019. (Submitted: Aug 6, 2019 2:56:04 PM EDT)

Under Section 255.065 of the Florida Statutes, there is no explicit prohibition against the P3 proposer altering its original submission from what was provided to the City on May 29, 2019.

Question 12

Please confirm the maximum height desired for the property. (Submitted: Aug 6, 2019 2:56:22 PM EDT)

The zoning classifications for the properties to the north and south of the subject site allow for maximum height of 10 stories, not to exceed 140 feet. The City desires a development that will complement the existing zoning.

Question 13

Please confirm, based upon notice requirements, and the City's internal agenda scheduling requirements, the earliest date that this item would appear on a Commission/CRA agenda. (Submitted: Aug 6, 2019 2:56:37 PM EDT)

The earliest date this could appear on an agenda is October 16th.

Question 14

Please confirm that the City desires the entire ground floor to be lined with retail, and also advise whether respondents should assume they are responsible for construction of a rail terminal/stop. (Submitted: Aug 6, 2019 2:56:54 PM EDT)

The City desires active uses on the first floor of the building which could include retail. This is per the City's Regional Activity Center zoning that is in place for the parcels to the north and south of this site. Respondents are not responsible for construction of a rail terminal stop, but are encouraged to develop proposals that acknowledge a future stop is anticipated for this area. The station area master plan the City and its Community Redevelopment Agency (CRA) recently completed shows this stop as an at-grade covered platform located adjacent to the FEC rail corridor.

Question 15

Please advise the number of parking spaces desired for FEC's future use. (Submitted: Aug 6, 2019 2:57:07 PM EDT)

This City is not specifying the inclusion of parking spaces to accommodate a future commuter rail stop. It does request public parking to replace the loss of parking currently on the site. Proposals could include options for additional public parking to be built when a commuter stop is added.

Question 16

Are there any deed restrictions or any restrictive covenants related to these properties? (Submitted: Aug 6, 2019 2:57:22 PM EDT)

No, the City's Charter requires voter approval of a sale of recreational properties and a 5/7ths vote of the City Commission for a lease of 20 years or more or a majority vote of the City's electors voting on such a proposal.

Question 17

Is the City or the CRA willing to make a financial commitment up to \$783,250 enable this site to be considered a "Local Government Area of Opportunity" application per the requirements of the Florida Housing Finance Corp. for the upcoming 9% LIHTC application cycle? (Submitted: Aug 6, 2019 2:57:36 PM EDT)

Yes, the City is willing to consider proposals that include a financial commitment from the City and/or CRA.

Question 18

Sections 1.22 and Section 1.41 of the General Terms and Conditions seem to conflict with respect to financial statements submitted being confidential. Please confirm the language in 1.22 controls and such financial information will be kept confidential. (Submitted: Aug 6, 2019 2:57:48 PM EDT)

Yes, financial information will be kept confidential per Section 1.22

Question 19

Will there be an addendum issued to correct the Evaluation Criteria scoring in the narratives vs the summary to correct inconsistencies? (Submitted: Aug 6, 2019 2:58:25 PM EDT)

The RFP has been cancelled, the evaluation criteria for any proposals submitted under the P3 statute is as follows:

- | | |
|--|-------------------|
| 1. Qualifications, Experience of the Proposer/Development Team | 30 Points |
| 2. Development Plan | 20 Points |
| 3. Financial Plan | 20 Points |
| 4. Management Plan | 10 Points |
| 5. Development Timeframe | 10 Points |
| 6. Financial Benefit to the City | 10 Points |
| MAXIMUM TOTAL POINTS: | 100 Points |

Question 20

Please explain how the schedule required in Tab III, Paragraph 9 is different from the Development Timeframe requested in Tab VI. They appear to be largely redundant. (Submitted: Aug 6, 2019 2:58:38 PM EDT)

The RFP has been cancelled, please refer to the guidelines for proposal submissions.

Question 21

Paragraph 6 in the Other Considerations section references a “two-stage Request for Proposals.” Please clarify. (Submitted: Aug 6, 2019 2:58:52 PM EDT)

An evaluation committee comprised of City staff will review and score all of the accepted proposals and provide a ranking to the Hollywood City Commission. The Commission then has the authority to accept the committee’s ranking and authorize staff to negotiate a development agreement with the top-ranked proposer; substitute its own ranking and authorize staff to negotiate a development agreement with the Commission’s top-ranked proposer; or reject all of the proposals.

Question 22

Please confirm that pursuant to Section 255.065(15)(b), Florida Statutes, the City will not release the unsolicited proposal received by the City which is exempt from the Public Records Act, Section 119.07(1), Florida Statutes, and Section 24(a), Article I of the Florida Constitution until such time as the City provides notice of an intended decision, or 90 days after a notice rejecting all proposals where notice is not concurrently provided of the City’s intent to seek additional proposals for the qualifying project. As the Florida Legislature recognized in enacting the exemption in Section 255.065(15)(b), an entity submitting an unsolicited proposal will be placed at an unfair competitive disadvantage <https://www.bidsync.com/bidsync-app-web/vendor/links/punchout/BidDetailMini.xhtml?bidid=2045291#> if its competitors obtain a copy of the unsolicited proposal before submitting their proposals. See Ch. 2016-154, § 2, Laws of Fla. (statement of legislative intent recognizing, among other reasons for the exemption, “[p]rotecting such information ensures that other private entities do not gain an unfair competitive advantage.”). (Submitted: Aug 8, 2019 4:31:19 PM EDT)

Yes, the unsolicited proposal remains exempt from public records disclosure. See question 10.

Question 23

Because the City has solicited proposals for qualifying projects by issuing Solicitation RFP # 4620-19-PB (the “RFP”) rather than publishing notice of an unsolicited proposal pursuant to Section 255.065(3)(b), Florida Statutes, please confirm that the entity that submitted the unsolicited proposal may submit a proposal in response to the RFP. The

RFP includes terms and conditions and technical information that the City will use in evaluating proposals as well as the evaluation criteria pursuant to which proposals will be evaluated by the City. The entity that submitted the unsolicited proposal did not have this information at the time it submitted its unsolicited proposal. Thus, the entity that submitted the unsolicited proposal will be placed at an unfair competitive disadvantage if its unsolicited proposal is evaluated against proposals prepared by offerors who had knowledge of the information in the RFP at the time they prepared their proposals, including the evaluation criteria to be applied by the City in ranking proposals. Moreover, unless all proposals to be evaluated by the City are submitted pursuant to the specifications in the RFP, the City will not be able to conduct an apples-to-apples comparison of the proposals. (Submitted: Aug 8, 2019 4:32:11 PM EDT)

In view of the City's cancellation of the RFP, this question is moot.

Question 24

We see Question 23, which was apparently submitted by the P3 proposer, or its legal counsel. At the pre-bid conference City Staff, including the Deputy City Attorney, made it clear that the P3 proposer would not be able to change or modify its bid. As alluded to at the pre-bid conference, if the P3 proposer were able to change or modify its proposal it would invalidate the entire P3 process. Since it is now clear that the P3 proposer would like to alter or resubmit its bid, please advise if the City intends to cancel this procurement, and reissue it as a straight RFP, or if the City is going to hold the P3 vendor to its initial proposal. If the City were to allow the P3 proposer to resubmit a new proposal under its own P3 submission, it would be completely contrary to State law, and it will open up this entire P3 procurement to challenge. The proposer took this risk when it submitted its P3, and it is now bound by its submission. (Submitted: Aug 9, 2019 11:21:05 AM EDT)

The City does not intend to cancel this procurement and reissue it as a straight RFP. In fact, the City has cancelled the RFP.

Question 25

At the pre-bid conference, there was a discussion concerning whether these parcels would be sold or leased. The City Staff advised that it was up to the proposer to decide how it would like to acquire the property. Upon researching this issue further, there does not appear to be an option. Under the P3 statute, the property cannot be sold, it can only be conveyed via a lease. As a result, please advise if the City would consider reissuing this procurement as a straight RFP so that the property could be sold. If not, the only option appears to be a long term lease. Please confirm same. (Submitted: Aug 9, 2019 11:36:13 AM EDT)

The City will not consider reissuing this procurement as a straight RFP. In fact, the City is cancelling the RFP. It is the City's position that nothing in the P3 statute prohibits the sale of the property.

Question 26

Since all of the questions previously asked have still not be answered, we assume that the City needs additional time to formulate proper responses. As such, since the Q&A deadline is tomorrow, is the City willing to extend its Q&A deadline in case there are any followup questions once these questions have been answered? (Submitted: Aug 12, 2019 11:39:18 AM EDT)

Follow up questions will be accepted until 5:00 p.m. August 17, 2019

Question 28

Can you clarify the Reference Questionnaire requirement? We cannot locate the reference requirement in the RFP itself but the form is attached. The form seems to be more appropriate for a fixed-fee deliverable procurement versus a redevelopment activity with such a broad scope. (Submitted: Aug 12, 2019 3:55:24 PM EDT)

n/a, the RFP is cancelled

Question 29

In accordance with Section 30.15(4)(e) of the City's Code, please advise if the City Manager has named a designee for the instant procurement. Also, please confirm that Alan Fallik remains the City Attorney designee, as advised during the pre bid conference. (Submitted: Aug 26, 2019 11:25:11 AM EDT)

In view of the City's cancellation of the RFP, this question is moot.

Question 30

Since there may be a need for follow up questions, please confirm that all questions will be answered prior to the City's newly enacted September 2nd Q&A end date. (Submitted: Aug 26, 2019 11:27:22 AM EDT)

Follow up questions will be accepted until 5:00 p.m. August 17, 2019

Question 31

In accordance with Governor DeSantis' State of Emergency 19-189, please advise how long the timeframes contained herein will be tolled. (Submitted: Aug 29, 2019 11:50:10 AM EDT)

Proposals are due by 3:00 p.m. on September 18, 2019.

Question 32

If the entity that submitted the unsolicited proposal elects to update, complement or reorganize its original submission by responding to the RFP, does such entity have to provide a standby, irrevocable Letter of Credit in the amount of \$25,000 considering that the entity has already submitted an application fee pursuant to Section 255.065, Florida Statutes? **(Submitted: Sep 10, 2019 7:02:40 PM EDT)**

In view of the City's cancellation of the RFP, this question is moot.

Question 33

In regards to the shuffleboard court, the answer to question 5 clarifies that a City referendum would be required if the shuffleboard court is sold. Is a City referendum required if the shuffleboard court property is leased? Meaning can the shuffleboard court be removed from its present location without a referendum? **(Submitted: Sep 11, 2019 5:01:15 PM EDT)**

A City referendum is not required if the shuffleboard court property is leased. However, under Section 13.02 of the City Charter, if the shuffleboard court property is leased for a term of 20 years or longer, a 5/7 vote of the City Commission or a City referendum is required.

Question 34

Is residential housing and/or commercial use consistent with the property's land use? Will a land use plan amendment be required? **(Submitted: Sep 11, 2019 5:02:18 PM EDT)**

Yes, the City does not believe a land use plan amendment will be required

Question 35

Although previously asked, the City has not yet responded: The P3 statute seems to prohibit the sale of public property. As such, how can the property be sold as outlined in the City's responses? Is the City considering reissuing this procurement as a straight RFP or RLI in order to enable the property to be sold? **(Submitted: Sep 11, 2019 5:06:07 PM EDT)**

The City does not agree that the P3 statute prohibits the sale of public property.

Question 36

The answer to question 15 clarifies that lost parking must be provided to the public. How many spaces are there now? **(Submitted: Sep 11, 2019 5:07:20 PM EDT)**

Answer to be added

Question 37

Section 255.065 Florida Statutes defines "proposal" under the P3 statute. If the "proposal" that initiated this P3 procurement is changed, under the statutory definition it would be a new "proposal". The proposer clearly knows this fact, by virtue of the fact that it

offers a new "proposal" fee in Question 32 of this RFP. Given that the proposer seek to submit a new "proposal" with a new fee, shouldn't the instant procurement be cancelled since the "proposal" that triggered the instant procurement is now being replaced with a new "proposal"? To allow a new "proposal" would invalidate the basis of the issuance of a procurement under the P3 statute. **(Submitted: Sep 11, 2019 5:13:26 PM EDT)**

The City does not agree that the instant procurement should be cancelled.

Question 38

Please confirm that pursuant to FS 255.065(3)5 that the City of Hollywood published notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for 2 weeks stating that the responsible public entity has received a proposal and will accept other proposals for the same project. Please also post proof of same. **(Submitted: Sep 11, 2019 5:16:57 PM EDT)**

This will confirm that pursuant to FS 255.065(3)(b), the City published notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for 2 weeks stating that the responsible public entity has received a proposal and will accept other proposals for the same project. A copy of the notice is available on the City's website and can be requested through the Office of the City Clerk.

Question 39

Please advise the initial date of publication, as defined by FS 255.065, of this procurement. **(Submitted: Sep 11, 2019 5:18:13 PM EDT)**

August 26, 2019