

# Request for Proposals Analysis and Evaluation of the Marinship Specific Plan

## **Contact Information**

City of Sausalito
Department of Administrative Services
ATTENTION: Lilly Schinsing, Administrative Analyst
420 Litho Street
Sausalito, CA 94965
Phone: (415) 289-4134

Email: LSchinsing@ci.sausalito.ca.us

August 9, 2013

To Prospective Proposers:

The City of Sausalito invites qualified urban economics and land use planning firms and consultants to submit a written proposal for conducting an assessment and evaluation of the City's Marinship Specific Plan (MSP).

Proposals are solicited for these services in accordance with the terms, conditions and instructions as set forth in the request for proposal. There is no expressed or implied obligation of the City of Sausalito to reimburse responding firms for any expenses incurred in preparing proposals in response to this request or for attending any meetings or conferences.

The final award will be based on a best value concept, meaning the City shall consider the entire proposal for, but not limited to proposal completeness, ability to meet requested service needs, experience in conducting economic land use planning, and cost to the City of Sausalito.

The City of Sausalito looks forward to reviewing your proposal and we thank you for participating in this proposal process.

Additional information or questions must be submitted in writing to:

Lilly Schinsing, Administrative Analyst MSP Analysis and Evaluation 420 Litho Street
Sausalito, CA 94965

e-mail address: LSchinsing@ci.sausalito.ca.us

No phone calls will be accepted.

# **Contents**

Introduction	7
Marinship Specific Plan Background	7
Project Description	8
Purpose of Project	8
Project Area	10
Marinship Specific Plan (MSP) Steering Committee	10
Schedule	11
Scope of Work	12
Tentative Scope of Work Schedule	15
Qualifications	18
Evaluation Criteria	18
Instructions for Submission	19
Competition Intended	19
Proposal Response/Submittal Requirements	19
Submittal of Documents	20
Special Terms and Conditions	21
Rights and Privileges	21
Lobbying Prohibited	21
Disclosure and Disclaimer	21
Proposal Validity	22
Submittal Deadline	22
Amendments	23
Confidential and Proprietary Data	23
Commitments, Warranty and Representations	23
Presentations	23
Additional information	23
Errors/Defects in Proposals	23
Award	24
Protest Procedures	24
Insurance	24

## Introduction

Sausalito is a beautiful bay front community of approximately 7,500 residents that is nestled at the foot of the Golden Gate National Recreation Area. Located in Marin County just a short trip over the Golden Gate Bridge from San Francisco, Sausalito offers all the small town attributes of a close-knit, community-oriented citizenry located in close proximity to a wide range of cultural opportunities. The blend of historic buildings, wooded hillsides, sweeping bay and San Francisco views combine to make Sausalito a community of unparalleled charm and natural beauty.

Sausalito is a general law city operating under a Council/Manager form of government. Incorporated in 1893, the City government provides a high level of municipal services, including police and fire services, library service 7 days a week, 17 municipal parks, a recreation program that generates more than half of its operating costs in program revenues, and proactive administration, public works and community development departments. The 70+ member workforce enjoys close working relationships across departmental lines.

The Marinship area encompasses the area from Bridgeway (Sausalito's main thoroughfare) to Richardson's Bay, bound between Napa Street to the south and the northern city limits to the north. The Marinship area was created in 1942 on bay fill during World War II by the US Maritime Commission as a 202 acre shipyard. Over the course of the war the Marinship produced 15 Liberty ships, 16 fleet oilers, and 62 tankers. In 1946, the shipyard was decommissioned and in 1948, most of the land was sold to private and public owners.

The Marinship Specific Plan (MSP) was adopted by City Council Resolution No. 3708 on April 5, 1988. The MSP applies to the Marinship area. The general intent of the MSP was to promote the waterfront area and promote diversified water-dependent uses and promote the development of other lands in the Marinship with industrial uses and uses compatible with an industrial area. To accomplish the general intent the MSP has 21 specific goals to be considered when evaluating proposed development in the Marinship. Some of the goals revolve around the preserving and enhancing the maritime and industrial history and character. Other goals include preserving the Marinship as an area primarily oriented to the use and service of Sausalito residents (not visitors), encouraging public access and use of the water, and maintaining an urban rather than suburban character in the Marinship. The MSP has not been amended since its adoption.

# **Marinship Specific Plan Background**

A primary focus of the Marinship Specific Plan was to encourage marine-related uses, industrial uses and waterfront uses in the Marinship area and discourage new development of commercial office. Existing offices were "grandfathered" as legal non-conforming uses and new offices were limited to ancillary office space necessary to administer the permitted uses in the Marinship. New restaurants were limited to a specified number of seats with a required determination that the restaurant serves the employees of the Marinship. New residential uses were prohibited with the exception of a specified percentage of liveaboard vessels at each marina.

The MSP does not contain a section on economic intent or development. However, in limiting uses in the Marinship area, the MSP recognized that some of the uses that were encouraged were not large revenue generators for the property owner. In promoting low market demand type uses, the MSP also allowed some limited inclusion of market demand uses so that the market demand uses would fuel the low market demand uses and encourage the other. For example, arts uses were principally allowed on most parcels in the Marinship. It was recognized at the time of the Marinship Specific Plan adoption that arts uses may not provide the revenue needed for the property owner to maintain the property. Therefore, "applied arts" uses were allowed with an "arts" use, as long as the total amount of applied arts was no more than 50% of the total arts uses on the parcel. The applied arts use would support the arts use and allow the arts use to remain.

With regard to infrastructure, the MSP states that the City had decided to take a passive role in the realization of various infrastructure and improvement projects in the Marinship area, preferring to have the private sector provide the identified projects whenever feasible. The MSP specifies that private projects may be funded by assessment districts, where a tax is levied on properties within the area to fund improvements. The MSP specifies that public projects (i.e., certain public roadway and infrastructure improvements) could be funded by redevelopment funds, loans/grants from other agencies, a general obligation bond, industrial development bonds, the general fund or private development requirements.

## **Project Description**

## **Purpose of Project**

It has been noted by the City that there are a number of issues that face the MSP area. With regard to land use, it has been noted that the Zoning Ordinance and MSP are inconsistent with each other in a number of instances. The MSP is also internally inconsistent due to parcels over time being merged or subdivided. These inconsistencies cause challenges for everyone: the public, property owners, staff and decision makers. Additionally, there are a number of economic issues in the Marinship, including the assessment that the nature of the marine fishing industry has changed since the adoption of the MSP and perception of economic stagnation in the area. Lastly, there are deteriorating storm drains, piers, buildings and sewers in the area. Subsidence is occurring at the rate of ½ to ¾ inches per year which is causing the pilings to rise through the ground surface which results in the road surface in the area to buckle. Sea level rise has also caused flooding which overloads the sewer systems.

Some of the following cumulative issues have also been noted:

- Economically, employees and business patrons in the area are impacted by environmental and infrastructure issues such as flooding and subsidence. This in turn impacts revenue to the business and the City.
- From a safety perspective, residents and business are impacted by the lack of continuous sidewalks, streetlights, uneven road surfaces, miscellaneous public safety infrastructure issues,

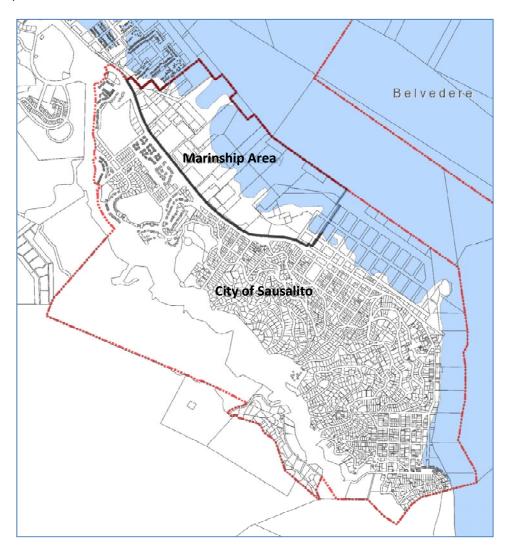
- and deteriorating storm drains, sewers and piers. These conditions put could the community at harm and could expose the City to the probability and/or impact of unfortunate event(s).
- In terms of resources, deteriorating buildings which are allowed to worsen in condition are a loss to the historic fabric of the community. Deteriorating buildings may prove to be an attractive nuisance— which may increase crime and cause an impact on City services and potential impacts to other neighborhoods in the City.
- Overall, buildings and properties which are uncared for and underdeveloped may lower neighboring property values and cause a negative impact on business which are thriving in the area.

On May 7, 2013 the Sausalito City Council formed a Marinship Specific Plan Steering Committee. The purpose of the Steering Committee is to work with staff and a consultant to accomplish the following goals:

- Evaluate the MSP using studies already completed on behalf of the City and any new studies as
  recommended by the Marinship Specific Plan Steering Committee to determine to what degree
  that the MSP is adding to the health of the City and to the degree that is necessary to avoid the
  negative consequences of doing nothing.
- Identify areas of the Marinship where improvements can be made to the MSP to add to the health of the City and to avoid the negative consequences of doing nothing.
- Develop a community engagement plan and a property owner outreach program.
- Recommend changes to the MSP as required.

## **Project Area**

The location of the Marinship area is shown on the map below. The area is composed of land and water parcels.



## Marinship Specific Plan (MSP) Steering Committee

The Marinship Specific Plan Steering Committee is to be composed of five members and two City Council liaisons. The composition of the five members is as follows:

- Two former Mayors/Councilmembers
- Two residents
- One Planning Commissioner

## **Schedule**

The following is an outline of the anticipated schedule for the proposal review, contract award and completion of work. Schedule is subject to change:

RFP Released	August 9, 2013
Mandatory Pre-Proposal Conference*	Week of September 3, 2013
RFP Closing Date	September 20, 2013
Proposals Reviewed By City Staff	October 2, 2013
Top 3 Firms Presented to MSP Steering Committee	Week of October 7, 2013
MSP Steering Committee Recommends Firm to City Council	Week of October 7, 2013
City Council Contract Award	October 23, 2013
Work Commences	November, 2013

<sup>\*</sup>Proposers are <u>required</u> to attend the Pre-Proposal Conference listed in the above Schedule. Please contact <u>LSchinsing@ci.sausalito.ca.us</u> for details on the Pre-Proposal conference.

# **Scope of Work**

The following is a description of how the assessment and evaluation of the Marinship Specific Plan should be conducted:

TASK	DESCRIPTION
Task 1	Following project award, Vendor will hold a kick-off meeting with the
Project Kick-Off	MSP Steering Committee and City Staff, the Vendor project team, and other stakeholders as appropriate. During this initial meeting, parties will develop a deeper understanding of project goals, and confirm project design and methodologies.
Task 2	Vendor will provide verbal status reports bi-weekly as well as submit
Project Management	written monthly progress reports to the City's designated point of contact. The routine status reports will address accomplishments since submission of the last report, current activities, the tasks planned for the next reporting period, and any other significant items or notes. In addition, Vendor will include a schedule of projected team activity by individual for the upcoming period. Vendor will also conduct informal project status briefings with appropriate stakeholders, as necessary. These status meetings will also be used as a forum to communicate the project's progress and planned activities. It is in this forum that City anticipates any changes in project strategy or evaluation approach will be jointly discussed and formally agreed upon.
Task 3  Document Review	The primary purpose of the document review is to ensure that Vendor has a basic understanding of the Marinship Specific Plans and all related studies including the WAM Report, and the Business Advisory Committee's Economic Development Studies.

TASK	DESCRIPTION
Task 4	Vendor will interview key personnel of the MSP
Focus Interviews	<ul> <li>The appointed members of the MSP Steering Committee</li> <li>Former City Council Members when current MSP was adopted</li> <li>Planning Commission</li> <li>MSP Property Owners</li> <li>WAM Committee Members</li> <li>The City Manager, Community Development Director, Director of Public Works and the Director of Administrative Services / Treasurer</li> <li>Other necessary stakeholders</li> <li>These interviews may be conducted in groups and/or one-on-one settings as appropriate.</li> </ul>
Task 5 MSP Site Visit	Conduct a physical site survey of the Marinship Specific Plan with the intent of developing a report outlining conditions accompanied by a reference map. Site survey will be conducted with members of the Marinship Steering Committee.
Task 6	City Council Progress Reports as required (to be billed on a Time and Materials basis)
Task 7  Community Forum #1:  Review and Refine MSP	Purpose: To Review and Refine MSP – Goals and Objectives
Task 8  Strategic Assessment Analysis Report Presentation to the MSP Steering Committee	Present draft Strengths, Weaknesses, Opportunities, and Threats (SWOT) Report analyzing findings regarding the current state of MSP and providing recommendations related to the MSP  Discuss draft report with MSP Steering Committee and revise as required
Task 9 Joint Meeting Progress Report	Progress Report to Joint Meeting of City Council and Planning Commission

TASK	DESCRIPTION
Task 10  Design Community  Engagement and Property  Owner Outreach Plans	Working through the MSP Steering Committee, develop community engagement plan and a property owner outreach program  Discuss draft community engagement plan and a property owner outreach programs with MSP Steering Committee and revise as required
Task 11  Revised Strategic Assessment Analysis Report—Presentation to the MSP Steering Committee	Present revised draft SWOT Report analyzing findings regarding the current state of MSP and providing revised recommendations related to the MSP  Revise through MSP Steering Committee as required
Task 12 Joint Meeting Progress Report	Progress Report to Joint Meeting of City Council and Planning Commission
Task 13  Community Forum #2:  Comments on Draft Report	Gather community input from re-revised draft SWOT Report analyzing findings regarding the current state of MSP and providing re-revised recommendations
Task 14  Draft Final Report—  Presentation to the MSP  Steering Committee	Vendor will prepare a draft final report with recommendations and present to MSP Steering Committee  Discuss draft final report with MSP Steering Committee and revise as required
Task 15  Final Report – City Council / Planning Commission Presentation	Vendor will prepare and present the final report with recommendations with the MSP Steering Committee to a joint meeting of the City Council and Planning Commission

# **Tentative Scope of Work Schedule**

The following is a tentative work schedule to accomplish the scope of work. The work schedule includes vendor participation in six meetings with the Steering Committee, two community forums and three joint City Council/Planning Commission meetings. Additional presentations to the City Council may be required as needed (such additional presentations to be billed on a time and materials basis).

							-	-	-	-		AUSA	LITC	AN.	ALYS	SIS A	ND E	VAL	UATI	ON	OFT	HE M	SP V	VOR	K PR	OGF	RAM	– UP	DAT	ED A	UGU	IST 2	013	-														
		Aug		_		Sep				201 Oc				No	w			De	_				Jan				Feb				Mar		_		014 Apr			Ma	w			Ju	<u> </u>			Jı	_	
		T		+		1			T	-	1					_	T			<del>-  </del>				Т	$\dashv$	Т	-		$\dashv$	Т			+		i i	ī			1	_	Т			$\dashv$				o
Week:	5-9 1	2 - 19 16 2	9 - 26 3 30	2-	9 - 6 13	16	23	30-	7-1	14 - 1 18	21- 25	28- 1	4-8	11- 15	18 - 22	25- 29	2-6	9 - 13	16 - 2 20	23-	30-	6 - 1 10	13 - 2	24 :	7- 31 3	-7	10 - 1 14 :	17- 2 21 2	4- 3	1- 4 7-	11 1	4- 2 18 2	1- 5 7-	14 - 11 18	21- 25	28- 2	5-9	12 - 16	19 - 2 23	26- 30	2-6	9 - 13	16 - 2 20 2	3- 3 27	4 7-	14 -11 18	- 21 3 2	1- 28- 5 1
Tasks:																																																
RFP released		T	T				T		T	Τ	Т									1						П			1	T	Т		T		T							П	T	T		Т	Т	$\top$
Mandatory Pre- Proposal Conference																																												Ì		Ī	Ī	
RFP Closing Date																																																
Proposals Reviewed by City Staff																																																
Top 3 Firms presented to MSP Steering Committee (MSPSC)																																																
MSPSC recommends firm to City Council (CC)																																																
CC Contract Award																																																
Task 1: Project Kick- off Meeting with Staff and MSPSC																																														Ι	I	
Task 2: Verbal status reports																																																
Task 2: Written progress reports																																																
Task 3: Document Review																																														$\perp$		
Task 4: Focus Interviews																																														$\perp$		
Task 5: Physical Site Survey of MSP area with MSPSC																																																
Task 7: Community Forum #1 re: Goals and Objectives																																																
Submit Adminstrative draft Strategic Assessment Analysis Report																																																
KEY:							S	taff-t	ask													Elect	ed/A	ppoi	nted	Bod	ly Ta	sk											\	/end	or-ta	sk						

											JSAI	ITO	ANA	ALY:	SIS	ANI	D EV	ALU	JAT	ION	OF	THE	MSI	P WC	RK	PR	OGF	RAM	– U	PDA	ΤED	JUN	IE 20															
		Aug		_	-	ер		1		2013 Oct				Nov	,	_		Dec		_			Jan		_		Feb				/lar		1		)14 pr			Ma	21/			Ju	n	_		Jı	ıl	
		Ť	Ī.,	$\vdash$	1	·	T.,		_	1	<u>. I</u>	+		_	-	_	Π.						- 1		+	_			.			Lac		_	i –				<u> </u>	_	Т			_	_	$\neg$	_	1- 2
Week:	5-9 16	23	30	2-6	9- 13	16- 20	23- 27	30- 4	7-11	14 - 18	21- 25	1 4	-8 1	1- 1: 15 2	8- 25 22 2	9 2	2-6	9- 1 13 2	20	23- 27	30- 3	10	13- 2 17 2	4 3	- I 3-	7 14	17	1 2	4- 31 8 4	7-1	1 18	21- 25	7-11	14- 1 18	21- 25	28-	5-9	12- 16	19- 23	26- 30 2	2-6	9- 13	16- 2 20 2	3- 3 !7	0- 4 7-	11 18	- 2 3 2	25
Task 8: Present Stategic Assessment Analysis Report to MSPSC																																																
Revise draft Strategic Assessment Analysis Report per MSPSC direction																																																
Task 9: Progress Report at Joint Meeting CC and Planning Commission (PC) Meeting																																																
Community Engagement and Property Owner Outreach Plans (meeting with																																																
Revise Community Engagement and Property Owner Outreach Plans per MSPSC direction																																																
Task 11: Present revised Strategic Assessment Analysis Report to MSPSC																																																
Revise draft Strategic Assessment Analysis Report per MSPSC direction																																																
Task 12: Progress Report to Joint Meeting of CC and PC																																																
KEY:							Sta	aff-ta	ısk												ı	Elect	ed/Ap	niogo	ted E	Body	/ Tas	sk.											,	Vend	or-ta	ısk						

													S	AUS	ALIT	ГО А	NAL	YSI	S AI	ND E	VAL	UA	TION	IOF	THE	MS	ΡW	ORK	PR	OGR	AM -	- UP	PDAT	ED.	JUNE	= 20°	13																	_
												013																											2014															
		Αι	ıg		-	:	Sep	_	4	_		Oct		_		N	ov	_	╄		Dec	:	_			Jan	1			_ F	eb	_	-		Mar	_	4	_	Apr	_	-	_	Ma	У	_		Jı	ın		-		Jul	_	_
Week:	5-9	12 - 16	19 - 23	26- 30	2-6	9 -	16 20	- 2: 0 2	3 - 3 !7	0 - 4 7	r- 11	14 - 18	21- 25	28- 1	4-8	11- 15	18 - 22	25- 29	2 -	9 6 13	- 10 3 2	6 - 2 2 0	23- 27	30- 3	6 - 10	13 - 17	20- 24	27- 31	3-7	10 - 14	17- 21	24 28	3 1- 3 4	- 7-1	14 11 18	- 2 3 2	1- 5 7-		4 - 2 8 2	1- 28 5 2	5-	-9	12 - 16	19 - 2 3	26- 30	2-6	9 - 13	16 - 20	23- 27	30- 4	7-11	14 - 18	21- 25	28- 1
Task 13: Community Forum #2 re: Revised SWOT																																																						
Revise re-revised draft Strategic Assessment Analysis Report per community input																																																						
Task 14: Present Draft Final Strategic Assessment Analysis Report to MSPSC																																																						
Revise Draft Final Strategic Assessment Analysis Report as required																																																						
Task 15: Present Final Strategic Assessment Analysis Report at Joint CC and PC Meeting																																																						
KEY:						-		:	Staf	f-tas	sk		•					•							Elec	ted/	App	ointe	d B	ody	Tasl	k												,	Vend	dor-1	ask							

## Qualifications

To be considered for a contract award, proposers must provide detailed information demonstrating the following minimum qualifications:

- Substantial, relevant experience in local government land use planning, infrastructure development, and land use economic analysis and fiscal impact modeling,
- Substantial, relevant professional experience with similar clients and similar projects i.e., analysis and evaluation of specific plans
- Substantial, relevant experience in professional facilitation services of coordinated public meetings, community workshops and focus groups; and developing public information outreach campaigns.

## **Evaluation Criteria**

The written proposals will be evaluated by staff based on the following criteria:

- 20% Responsiveness to the RFP
- **20%** Firm, Project Manager, and key team members' experience and qualifications with similar projects
- 20% Evidence of the Consultant's understanding of the Project, and ability to prepare a wellwritten document
- 10% Soundness of approach to meeting the Project needs
- 10% Understanding of schedule and staffing needs
- 10% Evidence of economic land use analysis and fiscal impact modeling
- 10% Total Cost and Effective Cost per Hour

The top two or three firms from the above evaluation will be presented to the MSP Specific Plan Steering Committee. The Steering Committee will interview the top two or three firms. At this point, it is anticipated that any of these finalist firms will be fully capable of providing the requested services to the City. The purpose of the interviews will be for the Committee to designate the firm that can best provide the services to the City. The evaluation criteria will be:

- 30% Strong oral communication skills
- **30%** Excellent skills in managing effective resolution of controversial elements of a land use plan
- **20%** Project Manager and key team members
- 20% Providing case study examples in real time of experience with similar projects and demonstrated successful outcomes

## **Instructions for Submission**

## **Competition Intended**

It is the City's intent that this Request for Proposals (RFP) permits competition. It shall be the Proposer's responsibility to advise the City in writing if any language, requirement, specification, etc., or any combination thereof, inadvertently restricts or limits the requirements stated in this RFP to a single source. Such notification must be received in the City Clerk's office not later than ten (10) days prior to the date set for acceptance of proposals.

## **Proposal Response/Submittal Requirements**

To be considered responsive, proposals should address all items identified in this RFP. Proposals should be prepared in such a way as to provide a straightforward and concise discussion of the Proposer's ability to provide the services that can best satisfy the requirements herein and the needs of the City. Elaborate or unnecessarily lengthy documents are discouraged.

Emphasis should be concentrated on conformance to the RFP instructions, responsiveness to the RFP requirements and on completeness and clarity of content.

In order to facilitate evaluation and comparison, proposals should be submitted in the format described in this section. Format instructions must be adhered to; all requirements and requests for information in the proposal must be responded to; all requested data must be supplied. Failure to comply with this requirement may be cause for rejection.

Answer on 8 1/2" X 11" sheets. Assemble your proposal in the following order. Present your proposal response in the order that the items are listed, identifying each response by the number. Submit 1 (one) original and 9 (nine) copies of your proposal. To conserve paper we ask that proposals be photocopied on both sides of the paper.

- Proposed Summary a synopsis, prepared for management review, covering the salient features of the proposal including overall costs, conclusions and general recommendations in a summary format.
- 2. **Scope of Work** a detailed breakdown and description of the specific steps, services and study products to be provided as a result of the Scope of Work listed in this RFP. Firms may elect to include in this section any innovative methods or concepts which might be beneficial to the City of Sausalito as long as the minimum requirements as set out in this RFP are still met.
- 3. **Consulting Firm Profile** a brief introduction, limited to no more than four (4) typewritten pages, describing the firm's organization and services. An organization list identifying key executives and/or staff who would be assigned to this project as well as their professional experiences, qualifications, responsibilities and functions should be included as well.
- 4. **Detailed Cost Proposal** Provide an itemized cost proposal, including all projected reimbursable cost for travel (telephone, reports, direct man hour rates), professional services, supplies and other related cost.

- 5. **Project Completion Schedule** the proposed implementation schedule, including specific milestones.
- 6. **Additional services (Optional)** any other related and recommended services not specified in this RFP which may be considered essential or beneficial by the firm. These services should be priced separately.
- 7. **Client References** a list of at least five (5) recent consulting clients, including the organization, contact person, address, telephone number, fax number and brief description of the services provided. California governmental agencies preferred.

#### **Submittal of Documents**

Proposer shall submit one (1) original and nine (9) copies of each proposal to the City Clerk's Office on September 20, 2013, at 5:00 p.m. The City reserves the right to waive any irregularities in the proposal. The City will not be responsible for the payment of any expenses incurred as a result of responding to the proposal.

The original must be signed in ink by an officer or employee having authority to bind the company.

**Time is of the essence** and any proposal received after 5:00 p.m. on September 20, 2013, whether by mail or otherwise, may be returned unopened. Proposals shall be placed in a sealed envelope, marked with the RFP title. The City shall in no way be responsible for delays caused by any other occurrence.

The City may issue written addenda to all recipients to clarify, comment, correct or as otherwise required to facilitate the selection process. Should any questions require revisions to the specifications as originally published, such revision will be by formal written addendum only.

For information concerning the RFP, please contact:

Lilly Schinsing, Administrative Analyst City of Sausalito, 420 Litho Street, Sausalito, CA 94965 (415) 289-4134 LSchinsing@ci.sausalito.ca.us

Please submit your questions <u>in writing</u> prior to the pre-proposal conference so that we can be prepared to address them at the pre-proposal conference. Please do not call with questions prior to the pre-proposal conference.

## **Special Terms and Conditions**

## **Rights and Privileges**

Rights and privileges granted by the City shall not be assigned or transferred in any manner whatsoever without written approval of the City Manager or authorized authority. At all times during the term of the contract the Contractor shall act as an independent contractor and at no time shall the Contractor be considered an agent or partner of the City. The Contractor shall obtain and pay for all permits, licenses, Federal, State and Local taxes chargeable to its operation.

#### **Lobbying Prohibited**

Proposers are not to contact or lobby any City personnel, agent or elected official related or involved with this Request for Proposals. All oral or written inquiries are to be directed to the Administrative Analyst as instructed herein. Any violation of this condition may result in rejection and/or disqualification of the Proposer.

#### **Disclosure and Disclaimer**

This Request for Proposals ("RFP") is being issued by the City of Sausalito (hereinafter known as "City"). Any action taken by the City in response to proposals made pursuant to this RFP or in making any award or failure or refusal to make any award pursuant to such proposals, or in any cancellation of award, or in any withdrawal or cancellation of this RFP, either before or after issuance of an award shall be without any liability or obligation on the part of the City or their advisors.

In its sole discretion, the City may withdraw this RFP either before or after receiving proposals, may accept or reject proposals, and may accept proposals which deviate from the RFP. In its sole discretion, the City may determine the qualifications and acceptability or any party or parties submitting proposals in response to this RFP (each such party being hereinafter a "Proposer").

Following submission of a proposal, the Proposer agrees to promptly deliver such further details, information and assurances, including, but not limited to, financial and disclosure data, relating to the proposal and/or the Proposer, including the Proposer's affiliates, officers, directors, shareholders, partners and employees, as requested by the City.

The information contained herein is provided solely for the convenience of Proposers. It is the responsibility of a Proposer to assure itself that information contained herein is accurate and complete. Neither the City, nor their advisors provide any assurances as to the accuracy of any information in this RFP. Any reliance on the contents of this RFP, or on any communications with City representatives or advisors, shall be at each Proposer's own risk. Proposers should rely exclusively on their own investigations, interpretations and analyses in connection with this matter. The RFP is being provided by the City without any warranty or representation, expressed or implied, as to its content; accuracy or completeness and no Proposer or other party shall have recourse to the City if any information herein contained shall be inaccurate or incomplete. No warranty or representation is made by the City that any proposal conforming to these requirements will be selected for consideration, negotiation or approval.

The City, and its representatives shall have no obligation or liability with respect to this RFP, or the selection and award process contemplated hereunder. Neither the City nor its representatives warrant or represent that any award or recommendation will be made as a result of the issuance of this RFP. All costs incurred by a Proposer in preparing the responding to this RFP are the sole responsibility of the Proposer. Any recipient of this RFP who responds hereto fully acknowledges all the provisions of this Disclosure and Disclaimer and agrees to be bound by the terms hereof. Any proposal submitted pursuant to this RFP is at the sole risk and responsibility of the party submitting such proposals.

This RFP is made subject to correction of errors, omissions, or withdrawal without notice. Information contained in the RFP is for guidance only and each recipient hereof is cautioned and advised to independently verify all of such information. In the event of any differences between this Disclosure and Disclaimer and the balance of the RFP, the provisions of this Disclosure and Disclaimer shall govern.

Formal presentation by the Proposer shall be made before the City which may include one or more Proposers. Contract negotiation will take place with the first choice of the City and if a suitable contractual arrangement cannot be made, negotiations will commence with the second choice or, the City may, at its sole option, withdraw this RFP.

The City reserves the right to select the proposal which in the opinion and sole discretion of the City will be in the best interest of and/or most advantageous to the City. The City reserves the right to waive any irregularities and technicalities and may at its discretion request re-submittal of proposals. All expenses in preparing the proposal and any re-submittals shall be borne by the Proposer.

The City and the Proposer will be bound only if and when a proposal, as it may be modified, is approved and accepted by the City, and the applicable agreements pertaining thereto, are approved, executed and delivered by the Proposer and the City, and then only pursuant to the terms of agreement executed by the Proposer and the City. All or any responses to this RFP, may be accepted or rejected by the City for any reason, or for no reason, without any resultant liability to the City.

All material submitted becomes the property of the City of Sausalito. The City has the right to use any or all ideas presented in any reply to this RFP. Selection or rejection of the Proposal does not affect this right.

## **Proposal Validity**

Proposals submitted hereunder shall be firm for 90 calendar days from the due date unless otherwise qualified.

## **Submittal Deadline**

Completed proposals should be sealed and clearly marked: Request for Proposal for Analysis and Evaluation of the Marinship Specific Plan, and must be delivered no later than 5:00 p.m. on September 20, 2013, to City of Sausalito City Clerk, Attn: Lilly Schinsing, Administrative Analyst, 420 Litho Street, Sausalito, California 94965.

Proposals cannot be changed or modified after the date and time designated for receipt.

#### **Amendments**

If it becomes evident that this RFP has to be amended, a formal amendment will be issued to all prospective Proposers. If necessary, a new proposal due date will be established.

Oral communication from the City concerning this RFP is not binding on the City and shall in no way excuse the successful Proposer of obligations set forth in this RFP.

## **Confidential and Proprietary Data**

All materials received relative to this RFP will be kept confidential, until such time an award is made or the RFP is canceled, at which time all materials received will be made available to the public. Proposals received will be subject to Government Code §6250, the Public Information Act. Proposers should mark information they consider proprietary or confidential in the event it is exempt from the requirements of the Act.

## **Commitments, Warranty and Representations**

The proposal submitted in response to this RFP will be included as part of the final contract. Proposers are cautioned that if a contract is awarded as a result of this procurement process, any written commitment by a Proposer within the scope of this procurement shall be binding upon the Proposer whether or not incorporated into a contract document. Failure of the Proposer/contractor to fulfill any such commitment shall render the Proposer liable for liquidated or other damages due the City under the terms of the Contract. For the purpose of this procurement, a commitment by a Proposer includes:

- Any modification of, or affirmation or representation as to the above, which is made by a Proposer in or during the course of negotiation.
- Any representation by an Proposer in a proposal, supporting document, or negotiations subsequent thereto as to services to be performed, regardless of the fact that the duration of such commitment may exceed the duration of the contract.

#### **Presentations**

Proposers may be invited to make oral presentations to City personnel.

#### **Additional information**

If during the evaluation process, the City is unable to determine a Proposer's ability to perform, the City has the option of requesting any additional information which the City deems necessary to determine the Proposer's ability. The Proposer will be notified and permitted five working days to comply with any such request.

#### **Errors/Defects in Proposals**

If discrepancies between sections or other errors are found in a proposal, the City may reject the proposal; however, the City may, at its sole option, correct any arithmetical errors in price. The City may waive any immaterial deviation or defect in a proposal. The City's waiver of an immaterial deviation or defect shall in no way modify the RFP documents or excuse the Proposer from full compliance with the RFP requirements, if awarded a contract.

#### **Award**

Proposals will be evaluated by a committee comprised of representatives of various City Officials and will be ranked according to the specification criteria. Award will be by means of a written agreement with the successful Proposer. Award will be made to the Proposer whose proposals is the most advantageous to the City from the stand point of quality, service, previous experience, cost, ability to deliver or for any other reason deemed by the City to be determined in the best interest of the City and as such will not be determined by price alone.

While the City intends to enter a contract for these services, it will not be bound to do so. The City reserves the right to reject any or all proposals.

The City shall be the sole judge of the successful offers hereunder. The City reserves the right to award a contract to other than the Proposer submitting the lowest total price and to negotiate with any or all Proposers. Proposers are advised that it is possible that an award may be made without discussion or any contact concerning the proposals received. Accordingly, proposals should contain the most favorable terms from a price and technical standpoint, which the vendor can submit to the City. **DO NOT ASSUME** that you will be contacted or afforded an opportunity to clarify, discuss, or revise your proposal.

#### **Protest Procedures**

To be considered, protests must be made in writing, signed by Proposer's authorized representative, and delivered to the City of Sausalito City Clerk, 420 Litho Street, Sausalito, CA 94565.

The following conditions apply to proposal protest:

- 1. <u>Before Proposal Submittal Deadline</u>. Protests of specifications, terms, conditions or any other aspects of the solicitation must be made before the Proposal Submittal Deadline.
- 2. After Proposal Submittal Deadline. Protest of award must be made no later than five (5) calendar days after the aggrieved party knows or should have known the facts giving rise to the protest. All protests must include the following information:
  - 1. The name, address, and telephone number of the protestor;
  - 2. The signature of the protestor, or protestor's authorized Representative;
  - 3. The solicitation or contract number;
  - 4. A detail statement of the legal and/or factual grounds for the protest; and
  - 5. The form of relief requested.

The City reserves the right to refuse to hear protestors who have not followed the above procedures.

#### **Insurance**

The City Sausalito requires \$1,000,000.00 comprehensive and automotive liability insurance and evidence of workers' compensation coverage. Proof of coverage with the City named, as additional insured is required for the Request For Proposal. Please include details/information on your Professional Liability Insurance.