



City of Phoenix

**Firehouse at Hance Park
Lease and Redevelopment for Restaurant Concept
Request for Proposals (RFP)
RFP-CED22-FHP**

Schedule

ACTIVITY (All times are local Phoenix time)	DATE
Issue RFP	July 19, 2022
1 st Site Tour (8:00 a.m.) Pre-Proposal Meeting (3:00 p.m.)	August 9, 2022
2 nd Site Tour (8:00 a.m.)	August 23, 2022
Submittal of Written Questions Deadline (2:00 p.m.)	August 30, 2022
Responses to Written Questions	September 6, 2022
Proposal Deadline (2:00 p.m.)	September 20, 2022
Short Listing, if applicable	October 2022
Proposer Interviews, if applicable	November 2022
Negotiations with Recommended Proposer	December 2022
Award Recommendation to Phoenix Parks and Recreation Board	January 2023

Submit proposals and requests for alternate formats to:

Tamara John, Procurement Officer
City of Phoenix
Community and Economic Development Department
200 West Washington Street, 20th Floor
Phoenix, Arizona 85003-1611
Telephone: 602-495-0374 (7-1-1 Friendly)
procurement.request.ced@phoenix.gov

<https://solicitations.phoenix.gov/Solicitations/Details/1276> (RFP Webpage)

This RFP does not commit the City to award any contract. All dates subject to change.

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I. RFP PROCESS

A. Introduction

The City of Phoenix (**City**) invites proposals for the lease, redevelopment, and operation of the City-owned firehouse (**Firehouse**) located at 1130 N. 1st Street (**Site**) in downtown Phoenix for a restaurant concept. A Site map is included in this RFP as **Attachment D**. The Community and Economic Development Department (CEDD) is conducting this RFP on behalf of the Parks and Recreation Department and the Phoenix Parks and Recreation Board.

Downtown Phoenix is the financial, government and legal center of Arizona and home to the 3 largest banks in the state, as well as the Arizona State University (ASU) Downtown Phoenix campus. The Downtown Core has more than 8 million square feet (SF) of private office space, most of which is located a few short blocks from Valley Metro Light Rail stations. Currently, approximately 61,500 employees work in more than 4,000 businesses in the Downtown Phoenix area. The Downtown Core has experienced significant renewal over the last decade, including a multifamily market that has expanded significantly as people seek to live in urban environments. A broader description of Phoenix and Downtown Phoenix, including major employment, government, biomedical research, retail, entertainment, hospitality and residential uses, as well as recent development activity is posted on the [City's website](#).

B. Minimum Qualifications

The following minimum qualifications are non-negotiable.

1. Each proposing team must have experience with at least 1 adaptive reuse development in the last 5 years and 5 years' experience operating a restaurant. Operating experience is defined as the identified owner, manager, or executive officer of a restaurant.
2. The proposed development must include the preservation, rehabilitation, and adaptive reuse of the Firehouse as a restaurant in its current location.
3. Each proposal must offer to pay the City an annual lease payment of not less than **\$128,580** for the first year of the proposed lease, with a minimum annual increase of 3% for the term of the proposed lease. The lease rate may be a combination of cash and rent credits as described in **Section II (G)**. (A current appraisal of the Site is posted on the [RFP Webpage](#).)
4. Each proposal must offer a lease term not shorter than 5 years and not longer than 20 years in length. The proposed lease term may be a combination of an initial term and one or more extension options.

Each proposer must demonstrate these minimum qualifications in its proposal as

further described in **Section III (B)** or its proposal will be deemed non-responsive and will be disqualified.

C. Small Business Outreach Requirements

To be considered for this business opportunity, each proposer must conduct and document outreach efforts in compliance with the Small Business Outreach Requirements included as **Attachment C**. Although there is no small business participation goal for this lease, the City strongly encourages each proposer to voluntarily utilize small businesses in its proposal. Proposals received from proposers that do not meet the Outreach Requirements established in **Attachment C** will be deemed non-responsive and disqualified.

The successful proposer will be held to the small business participation percentages proposed in **Attachment C-B**.

In preparation for this business opportunity, the City hosted the Firehouse FASTPitch event in 2021 to identify potential small business participants. More information about that event and the small business owners who participated is available at <https://www.phoenix.gov/econdev/firehouse-fastpitch>.

D. Pre-Proposal Meeting and Site Tours

Proposers are strongly encouraged to attend the pre-proposal meeting at the date and time listed on page 1. The purpose of this meeting is to review this RFP and respond to proposer questions. Proposers may attend the pre-proposal meeting via WebEx. The pre-proposal meeting will be preceded earlier in the day by an initial tour of the Site at 1130 N. 1st Street in downtown Phoenix. Please email procurement.request.ced@phoenix.gov to register for this site tour, meeting and/or receive the WebEx/conference call access information.

Registration is not required for the second tour listed on page 1. **No questions will be answered on the site tours.**

E. Proposer Questions and Notification

Proposers are advised to read this RFP in its entirety. Failure to read and/or understand any portion of this RFP will not be cause for waiver of any portion of the RFP or subsequent contract.

All questions about this RFP must be submitted in writing no later than the deadline listed on page 1 to procurement.request.ced@phoenix.gov. Please list the name of this RFP in the subject line when submitting questions. All written questions received by the deadline will be responded to in a written addendum and posted on the [RFP Webpage](#).

F. Changes to the RFP

Changes to this RFP will be in writing as an addendum and posted on the [RFP Webpage](#). The City is not responsible for any oral instructions given by any City employee, consultant, or official regarding RFP instruction, specifications, or documents.

Although registered pre-proposal meeting attendees, and potential proposers who request such notification in writing, will be notified by email when documents related to this RFP are available on the [RFP Webpage](#), proposers are responsible for obtaining any and all information posted on the website.

G. Guarantee Instruments

1. Proposal Guarantee: Each proposal must be accompanied by a \$10,000 proposal guarantee in the form of a cashier's check, payable without condition or restrictive endorsement, to the City of Phoenix. Each proposer's proposal guarantee must be submitted in a separate sealed envelope with the proposal. Proposal guarantees of unsuccessful proposers will be refunded, without interest, immediately after the business opportunity has been formally awarded by the Phoenix Parks and Recreation Board or after all proposals are rejected. An unsuccessful proposer may request the refund of its proposal guarantee after the award recommendation has been posted; however, any unsuccessful proposer making such a request will be removed from further consideration for award of the contract resulting from this RFP.

The successful proposer's proposal guarantee becomes non-refundable upon Phoenix Parks and Recreation Board approval of the business terms of its proposal. The successful proposer's proposal guarantee will be credited to the resulting transaction, or if the successful proposer fails to execute the contract in a timely manner, the proposal guarantee will be forfeited to the City as liquidated damages.

2. Performance Guarantee: Upon execution of the lease, the successful proposer will be required to post and maintain with the City a performance guarantee in the amount of 3 months' proposed rent.

II. BUSINESS OPPORTUNITY

The successful proposer will rehabilitate the former Firehouse and operate a restaurant offering a high-quality dining experience with affordable options to serve park users, event attendees, and the general public (patrons). The successful proposer will be responsible for the design, renovation, maintenance and operation of the Site. This RFP is for a non-exclusive lease with the City. The City will not enter an exclusive lease with any successful proposer. At any time, the City has the right to award other food and/or beverage leases at any City park or building.

A. Site Description

The Site provides an opportunity to adaptively reuse and rehabilitate the former Firehouse into a restaurant immediately adjacent to the Margaret T. Hance Park (**Hance Park**). The Site is comprised of Assessor's Parcel Number (APN) 111-36-086 and a portion of APN 11-36-83A and totals approximately 24,291 SF or .558 net acres, which includes a 20' x 100' alley that may need to be abandoned by the City. The Site is available in "As-Is" condition with the exception of abatement listed in **Section II (A) (1)** below.

1. Building

The existing building on the Site is about 4,700 SF and was designed by Edward Varney & Associates Architects. It opened in 1951 as Phoenix Fire Station No. 4 and is eligible for historic designation. As noted in the Environmental Site Assessments posted on the [RFP Webpage](#), asbestos and lead paint have been identified on the Site. The City will abate both the asbestos and lead paint prior to leasing the Site to the successful proposer.

2. Zoning

The western portion of the Site is zoned [Downtown Gateway](#) and the eastern portion of the Site is zoned [West Evans Churchill](#) within the Downtown Code.

3. Access

The Site is bound on the west by Central Avenue, on the north by Hance Park, on the east by 1st Street, and on the south by a City-owned building and parking lot that are leased to another tenant. There is no option for vehicle access from Central Avenue as that area will be redeveloped into a new pedestrian entrance to Hance Park.

Primary access to the parking lot on the west side of the Site is from 1st Street. Currently, this access is through the adjoining parking lot to the south; however, no legal right to that access currently exists for the successful proposer to this RFP. The successful proposer's site layout may include new access to the Site's existing parking lot from 1st Street or there is a possibility of a cross access easement with the adjacent tenant. If there is interest from the successful proposer for a cross access easement, the proposer may negotiate with the adjacent tenant. The City may help facilitate negotiations.

The Site is between two light rail stops (Central and Roosevelt/Portland and Central and McDowell/Willetta), near several daily bus routes, and adjacent to Interstate 10 (I-10 freeway). Information about nearby bus service and light rail service is available at [Valley Metro](#).

4. Utilities

The City's existing water and wastewater infrastructure available for this Site is listed below and development requirements can be found in Section IV (B) of the City's [Design Standards Manual for Water and Wastewater Systems](#).

- There is a 12-inch water main in 1st Street and an 8-inch water main in the alley within the Site.
- There is an 8-inch sewer main in the alley within the Site. This main may require relocation or the dedication of a public utility easement or something similar. The successful proposer will need to participate in the City planning process to make final determination.

The Site is within the Southwest Gas (natural gas) and Arizona Public Service (electric power) service areas.

B. Surrounding Area

The Site borders Hance Park, a 32.5-acre public space built on a series of 19 bridges covering the I-10 tunnel from 3rd Avenue to 3rd Street. Cultural institutions located within or directly adjacent to Hance Park include the Japanese Friendship Garden, Burton Barr Central Library, Phoenix Center for the Arts, the Irish Cultural Center and McClelland Library, and the Cutler-Plotkin Jewish Heritage Center. Hance Park also offers recreational facilities and programming for neighbors and visitors.

The Site is near the ASU Downtown Phoenix campus and the Roosevelt Row Arts District. In addition to being home to several professional sports teams (Arizona Diamondbacks, Phoenix Suns, Phoenix Mercury, and Arizona Rattlers), Downtown Phoenix's nearby entertainment destinations include the Orpheum Theater, Comerica Theater, Herberger Theater, Symphony Hall, Heard Museum, Phoenix Art Museum, Children's Museum of Phoenix, the Great Arizona Puppet Theater, and the Arizona Science Center.

Numerous redevelopment projects are underway within a 5-minute walking radius of the Site. These projects include office space, retail/commercial spaces, rental and ownership housing, and hotels.

Existing uses in the immediate vicinity of the Site include:

- North – Hance Park/Burton Barr Central Library
- East – Vacant commercial buildings/lots
- South – Medical facilities/offices
- West – Hance Park/Irish Cultural Center and mixed-use residential developments (across Central Avenue)

C. Lease Term

Each proposer must specify its proposed lease term in its proposal in compliance with **Sections I (B) and III (B)**. The City will negotiate with the successful proposer to establish: 1) the “Effective Date” of the lease, which will allow the successful proposer access to the Site; and 2) the date full rent will commence after rent credits are exhausted and cash lease rate begins.

D. Mega Events

Hance Park is home to numerous festivals, concerts, and cultural and food events throughout the year and is one of the premiere event venues and destinations in Downtown Phoenix. Approximately 33 substantial reoccurring annual events occur at Hance Park, attracting tens of thousands of participants. Additionally, the City periodically bids to bring major national and international events (Mega Events), such as the Super Bowl or NCAA Final Four, to Phoenix or the surrounding region.

In 2015, the city of Glendale, Arizona hosted the Super Bowl and Downtown Phoenix served as Super Bowl Central, the center of Super Bowl fan events that included free family-friendly concerts and football-themed activities, such as the Super Bowl fan experience and Super Bowl Media Center, as well as the NFL Honors Award show and NBC’s The Tonight Show. Super Bowl Central consisted of a 12-block outdoor campus that encompassed Block 23, Cityscape and blocks surrounding the Phoenix Convention Center, and attracted more than 1 million visitors throughout the 5-day Super Bowl week.

In 2017, Phoenix hosted the NCAA Men’s Final Four and more than 400,000 people attended official fan events and other activities, including the National Association of Basketball Coaches (NABC) annual convention, the Final Four Salute Presentation and the NABC Guardians of the Game Awards Show in Downtown Phoenix throughout the 4-day series. More than 50,000 people participated in FanFest activities at the Phoenix Convention Center and the March Madness Music Festival at Hance Park drew 135,000 visitors over the 3-day festival.

Successful bids to host these Mega Events may require the City to include Hance Park as a venue to host an official ancillary specialty event for the Mega Event and Hance Park has been included in the bidding process for the following Mega Events the City has been selected to host.

- 2023 NFL Super Bowl LVII
- 2024 NCAA Men’s Final Four
- 2026 NCAA Women’s Final Four

As a result, the successful proposer may have the opportunity to host official ancillary event activities of the Mega Event and will:

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- Provide official associated third parties of the Mega Event (e.g. local host/organizing committee, official affiliate or official corporate sponsor) first right to reserve and/or lease the Site during the time period surrounding the Mega Event
- Negotiate in good faith to determine commercially reasonable business terms with the third party regarding compensation for use of the Site
- Accommodate any requirements for the use of exclusive beverage brands during the Mega Event.

Typically, the City will notify the successful proposer at least 3 years in advance of a Mega Event to hold the applicable dates; however, that time frame may be shorter depending on the event. As needed, the City and the successful proposer will negotiate amendments to the resulting lease as necessary to address these Mega Events.

E. Hance Park Revitalization Project and Impacts to Site

Hance Park is an important open-space resource for the Downtown Phoenix community and is in the midst of a multi-year, approximately \$100 million redevelopment, known as the Hance Park Revitalization Project (Revitalization Project). The City has dedicated \$15 million of voter-approved Phoenix Parks and Preserve Initiative funds toward the Revitalization Project. The project is a public-private partnership working to expand the offerings of the iconic park, named for the City's first female mayor, Margaret T. Hance. Visit the [Revitalization Project website](#) for details on the proposed redevelopment of the park and project updates, which include the ribbon-cutting for the Fiesta Bowl PLAY area.

Initial Revitalization Project planning includes Conceptual Designs for the Firehouse, which are posted on the [RFP Webpage](#). Proposers should maintain the basic design and aesthetic character in the Conceptual Designs to ensure compatibility with Hance Park's overall design. The Conceptual Designs have been reviewed by the City's Historic Preservation Office (HPO). These Conceptual Designs will assist the successful proposer in the rehabilitation design process of the Firehouse. The Firehouse interior design should maintain the building's basic integrity and showcase the design character of the existing structure.

Fundraising efforts to raise the needed private sector funds to realize the vision of the Revitalization Project, including the approximately \$45 million needed for Phase 1 improvements, are ongoing. Due to the nature of fundraising efforts, construction schedules for the park improvements directly adjacent to the Site are undetermined and will require coordination between the City and the successful proposer. Currently, the Revitalization Project is in Garden Phase 1B, which is expected to be completed prior to the 2023 Super Bowl. The City intends to continue fundraising to complete future project phases.

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The City endeavors to make Hance Park a net-zero energy facility, which may include solar panel installation by the City on the Firehouse. Any impacts will be discussed and coordinated with the successful proposer.

F. Desired Project

This Section details the “Desired Project” that will result from the successful proposal and lists specific considerations that should be addressed in proposals. Proposers should review all referenced materials.

The Desired Project should:

1. Create a restaurant featuring a unique concept with local ties that will activate the Site and provide service to the neighborhood and the revitalized Hance Park by:
 - a. Offering a high-quality dining experience with affordable options to serve patrons.
 - b. Leveraging the Site’s proximity to Hance Park with its many community amenities and public events to further demonstrate potential Hance Park activation opportunities.
 - c. Opening 7 days a week with at least some overlap with the Park’s operating hours (currently 6:00 a.m. – 10:30 p.m.)
 - d. Obtaining and maintaining applicable liquor licenses required by Arizona Department of Liquor Licenses and Control.
 - e. Providing all marketing, advertising, and signage to market the restaurant.
 - f. Providing a pleasing and comfortable ambience suitable for an indoor/outdoor restaurant situated on a 32-acre iconic downtown park.
 - g. Capitalizing on the urban, walkable environment of the neighborhood.
 - h. Recruiting, training, supervising, and deploying the optimum number of employees to ensure staffing levels are adequate to provide high-quality customer service.
 - i. Employing an experienced on-site operating manager to represent the restaurant in all interactions with the City.
 - j. Coordinating and communicating operations with City staff to ensure understanding of Hance Park programming and all City rules and regulations.
 - k. Using the Site only for activity described in this RFP; no other activity will be allowed.
 - l. Maintaining the Firehouse in “opening day” condition throughout the term and any renewal(s) or extension(s) of the lease.

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- m. Contracting to host official ancillary Mega Event activities.
- n. Offering menu items at prices comparable with similar restaurant concepts in the area.
2. Follow all [HPO](#) guidelines and requirements regarding the design review process for preserving and adaptively reusing the building.
3. Be consistent with the Conceptual Designs for the Firehouse ([RFP Webpage](#)), the Downtown Phoenix: A Strategic Vision and Blue Print for the Future ([Downtown Strategic Plan](#)) and [Progress Update](#); [Transit-Oriented Development Strategic Policy Framework](#); [Phoenix Zoning Ordinance](#); and all other applicable regulations, guidelines and adopted plans, including the [Complete Streets Program](#), the [Bicycle Master Plan](#), and the [Tree and Shade Master Plan](#).
4. Incorporate and implement elements of sustainability into the design, construction, operation, and maintenance of the proposed development. A wide range of sustainability programs and concepts can be found at phoenix.gov/sustainability and new development sustainability-related design elements are outlined in the Downtown Code, Sections 1223-1224.
5. Align with the goals of the community and adjacent neighborhoods. There are several neighborhood and community organizations in the area. A list of active neighborhood and community groups is available online at phoenix.gov/nsd/programs/neighborhood-coordination.
6. Be initiated and completed within a reasonable time period acceptable to the City. It is the City's desire that the proposed development be completed in the shortest timeframe possible.

G. Return to the City

The "Return to the City" evaluation criterion encompasses both the financial return and the other tangible public benefits.

1. Financial Return

In its proposal, each proposer must detail its financial return to the City (annual lease payments and the term of the proposed lease). Given the condition of the building and the impact some Revitalization Project elements may have on restaurant operations, a proposer may request rent credits to offset certain improvements such as the sewer main relocation, new water line, ingress/egress to the parking lot on the west side of the Site, or park improvements critical to restaurant operations. A proposer may propose Hance Park improvements to the area immediately adjacent to the Site, but these are not required and are subject to acceptance and final approval by the City. In addition, the Site is not eligible for Government Property Lease Excise Tax (GPLET). The City encourages any proposer intending to request a rent

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credit for an expenditure not listed in this paragraph to submit the request as a question through the process described in **Section I (E)**.

To meet the Minimum Qualification listed in **Section I (B) (3)**, the combination of a proposer's lease payment and requested rent credits for the first year of the proposed lease must be at least **\$128,580** and the combination of the proposed lease payment and requested rent credit(s) for each subsequent year must meet or exceed the first year's proposed lease payment with the required annual increase.

2. Other Tangible Public Benefits

Each proposer must also include in its proposal a description of any other tangible public benefits resulting from its proposed redevelopment of the Site. These other tangible public benefits may include one or more of the following: new and/or retained jobs, business opportunities, civic space, community amenities, bicycle facilities, shared public parking, pet friendly spaces, and/or public art.

Although the City reserves the right to participate in projects that create significant public benefit, such as public infrastructure beyond what would be necessary for the proposed development, there is currently no identified City funding for redevelopment of the Site.

III. PROPOSAL INSTRUCTIONS

A. Delivery of Proposals

Each proposer must submit the following in a **sealed package** marked with the proposer's name and the name of this RFP:

- 1 original proposal,
- 8 color copies of the proposal
- 1 e-copy of the proposal on a flash drive or CD,
- 1 proposal guarantee as specified in **Section I (G)**, and
- Small Business Outreach Documentation as specified in **Section III C** below.

Proposals must be submitted by the deadline to the address listed on page 1. **Proposals received after the deadline will be disqualified as non-responsive.**

B. Form of Proposals

Proposals must conform to the following format. Proposals that are incomplete; conditional; obscure; or that contain additions not requested, changes or exceptions to material provisions or requirements of this RFP; or irregularities of any kind, are subject to disqualification.

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Each proposal should be compiled and tabbed as described below in a loose-leaf three-ring binder and each page of the proposal should be numbered. Proposers are encouraged to limit their proposals to no more than 25 double-sided letter-size pages, excluding the items listed for Tab 1, using 12-point Arial font.

Each proposal should include the following:

1. Tab 1 – General Information

In this section, each proposer should provide the following information.

a. Executed Affidavit (**Attachment A**)

Any proposal received without a completed, signed, and notarized **Attachment A** will be disqualified.

b. Signed Conflict of Interest and Solicitation Transparency Disclosure Form (**Attachment B**)

Any proposal received without a completed and signed **Attachment B** will be disqualified.

c. Executive Summary (Limit: 1 page)

Provide a concise summary of the overall proposal. If the proposer is a joint venture, the Executive Summary should identify the lead developer. If someone other than the person listed on **Attachment A** will serve as the proposer's contact person for the proposal, the Executive Summary should identify that person's name, telephone number, and email address.

2. Tab 2 – Concept to Activate the Site

In this section, each proposer should provide the following information.

a. Design Elements

1) Development Details including:

- a) Estimated number of construction jobs
- b) Estimated number of permanent jobs
- c) Estimated value of project

2) A narrative description of the proposed development that documents how the proposed development design addresses each element in **Section II (F)**, including a description of how the proposed development further activates Hance Park. Any deviation from the Firehouse Conceptual Designs posted on the [RFP Webpage](#) should be explained.

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- 3) Conceptual building elevations and a conceptual site plan, depicting any applicable phasing.
- 4) Circulation plan(s) showing transit, vehicular, bicycle, and pedestrian access and circulation within and around the Site, including adjacent streets. The plan(s) should show loading/unloading locations, including locations for driverless vehicles and ride share services, if included in the proposed development.
- 5) A project budget clearly detailing and defining the proposed development's costs, including construction costs, soft costs, contingencies, and assumptions.
- 6) An operating pro forma for the proposed development, including all revenues, expenses, debt service, taxes, and other assessments for the term of the proposed lease.
- 7) A comprehensive timeline with major milestones and stages of the proposed development including site control, planning and design, entitlements, plan review, permits, construction, and occupancy and/or lease-up. This timeline should detail any phasing for the proposed development and reasonable assumptions.
- 8) A construction mitigation plan that identifies potential impacts to neighbors, both commercial and residential, and outlines a viable mitigation strategy.

b. Restaurant Elements

1) Management Plan

- a) Organizational chart for management of the Site
- b) Resumé of the proposed on-site operating manager, or if not known, minimum qualifications for the on-site operating manager

2) Marketing Plan

- a) Types of promotions such as coupons and frequent buyer programs (include sample materials)
- b) Use of social media to generate sales

3) Restaurant Concept and Menu

Narrative description of the restaurant concept and menu items with clear delineation of which food and beverage items will be offered for dine-in and which will be offered to go. The proposed menu should include prices. This description should include details on the concept's theme, uniqueness and, if applicable, ties to the local community.

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- 4) Visual Quality of Proposing Team's Existing or Previous Restaurant(s) (photos)

3. Tab 3 – Return to the City

In this section, each proposer should provide the following information.

- a. An annual lease payment schedule for the full term of the proposed lease, including all requested rent credits, that meets the minimum qualifications listed in **Section I (B) (3) and (4)**.
- b. A description of the other tangible public benefits generated by the proposed development.
- c. A description of any other requested City assistance, including specific details such as the type of assistance. Any requests for City assistance must:
 - 1) Be limited to assistance the City can reasonably accommodate,
 - 2) Be clearly and quantitatively demonstrated to be less than the public benefit generated by the proposed development, and
 - 3) Fill a clearly described financial gap.

4. Tab 4 – Proposer's Qualifications, Experience and Financial Capacity

In this section, each proposer should provide the following information.

- a. Identify key individuals and companies comprising the proposing team and define their roles and responsibilities for the proposed project.
- b. Describe each team member's relevant adaptive reuse or restaurant operations experience and provide sufficient documentation to demonstrate the proposer meets the minimum qualification listed in **Section I (B) (1)**. Proposers should include contact information for at least 1 reference for each project listed as documentation of this minimum qualification.
- c. Clear and compelling information to demonstrate proposer's financial capacity to successfully manage and complete the proposed development, including:
 - A clear strategy to fund all proposed development costs, including specific details on all sources, as well as the types and amounts, of equity, financing, grants and other funding sources for the proposed development.
 - Documentation from potential lenders of interest.
 - Documentation of financing obtained for prior development projects.

C. Small Business Outreach Documentation

In a separate sealed envelope marked “Small Business Outreach Requirements” within the sealed package containing the items listed above, each proposer must submit:

1. Negotiations with Small Businesses (**Attachment C-A**)
2. Small Business Utilization Commitment (**Attachment C-B**)
3. All required documentation in the form (electronic or hard copy) required in **Attachment C**.

Proposers must submit the required electronic documentation on a separate flash drive or CD and 1 copy of any documentation required in hard copy. Proposals received from proposers that do not meet the Outreach Requirements established in **Attachment C** will be deemed non-responsive and disqualified.

IV. PROPOSAL EVALUATION

The City will perform an administrative review of proposals for responsiveness. This review will focus on accurate and complete submission of proposals based on the RFP requirements. The City reserves the sole right to determine the responsiveness of proposals.

A. Evaluation Panel

If applicable, the CEDD Director will appoint an evaluation panel to review the proposals and recommend a proposer to be awarded the contract resulting from this RFP. The CEDD Director may accept this recommendation and forward it to the Phoenix Parks and Recreation Board or reject it.

The evaluation panel may interview all the proposers or a short list of proposers, or the evaluation panel may evaluate the proposals solely on the materials submitted by the proposal deadline. If a short list process is used, the evaluation panel will use the evaluation criteria established in this RFP to identify the proposers most likely to be successful in the evaluation process. The short-listed proposers may then be scheduled for interviews with the evaluation panel. If interviews are conducted, the evaluation panel may consider information from the interviews that clarifies the materials submitted.

The evaluation panel will determine a consensus score for each evaluation criterion, which will then be added together to determine a total consensus score for each proposal.

B. Evaluation Criteria

The evaluation panel will review the information submitted in the proposals to address the requirements listed in the corresponding tabs of **Section III (B)**. All

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responsive and responsible proposals will be evaluated based on the following criteria. This is a best-value-to-the-City procurement, which means the evaluation panel will look at all factors, not just financial return to the City, in selecting the recommended proposer.

1. Concept to Activate the Site (0-400 points)

- Adaptive Reuse Design Elements, including compatibility of proposed redevelopment with **Section II (F)**
- Restaurant Elements, including Management Plan, Marketing Plan, Restaurant concept and menu, and ties to the local community
- Visual quality of proposing team's existing restaurants

2. Return to the City (0-350 points)

- Proposed lease rate and term
- Other tangible benefits
- Any requested City assistance

3. Proposing Team's Qualifications, Experience, and Financial Capacity (0-250 points)

- Experience operating a restaurant
- Experience with adaptive reuse development
- Financial capacity to fund renovations and startup costs

V. GENERAL TERMS AND CONDITIONS OF PROPOSAL

A. Solicitation Transparency Policy

Commencing on the date and time this RFP is published, potential or actual proposers, including their representatives, employees, agents, proposed partners, subcontractors, joint venturers, members, or any of their lobbyists and attorneys (collectively for this **Section V (A)** only, the proposer), may only discuss matters associated with this solicitation with the Mayor, any members of City Council or the Phoenix Parks and Recreation Board, the City Manager, any Deputy City Manager, or any department director directly associated with the solicitation (including in each case their assigned staff, except for the designated Procurement Officer) at a public meeting, posted under Arizona Statutes, until the resulting contract is awarded or all proposals are rejected and the solicitation is cancelled without any announcement by the Procurement Officer of the City's intent to reissue the same or similar solicitation. As long as the solicitation is not discussed, proposers may continue to conduct business unrelated to this solicitation with the City. Proposers are also prohibited from contacting any evaluation panel members about this RFP while this Policy is in effect.

A proposer may discuss its proposal or this RFP with the Mayor and/or one or more members of the Phoenix City Council or Phoenix Parks and Recreation Board, provided such meetings are: 1) scheduled through the Procurement Officer identified on page one; 2) conducted in person at 200 West Washington, Phoenix,

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Arizona, 85003; and 3) posted as open meetings with the City Clerk at least 24 hours prior to the scheduled meetings. The City Clerk will be responsible for posting the meetings. The posted notice will identify the participants and the subject matter, as well as invite the public to participate.

With respect to the selection of the successful proposer, the City Manager and/or City Manager's Office will continue the past practice of exerting no undue influence on the process. In all solicitations of bids and proposals, any direction on the selection from the City Manager and/or City Manager's Office and Department Head (or representative) to the evaluation panel or selecting authority must be provided in writing to all prospective proposers.

This policy is intended to create a level playing field for all proposers, assure contracts are awarded in public, and protect the integrity of the selection process.

“To discuss” means any contact by a proposer, regardless of whether the City responds to the contact. The City interprets the policy as continuing through a cancellation of a solicitation until Phoenix Parks and Recreation Board award of the contract, as long as the City cancels with a statement that the City will reissue the solicitation. **Proposers that violate this policy will be disqualified.**

B. Materials Submitted

All materials submitted by proposers become property of the City and a matter of public record available for review pursuant to Arizona law. Each proposer must mark any information submitted as part of its proposal that the proposer deems confidential or proprietary (collectively Confidential Information). If the City receives a request to review or disclose such Confidential Information, the City will provide the proposer written notice of the request to allow the proposer the opportunity to obtain a court order to prevent the disclosure or review of such Confidential Information. The proposer must obtain and deliver to the Procurement Officer a court order within seven calendar days of the date of the City's written notice. If no court order is issued and received by the Procurement Officer within the seven-day period, the City may disclose or allow the review of such Confidential Information. If a proposer intends to seek a Court Order to shield its Confidential Information, the protest period will be extended the same number of calendar days to allow for this process.

C. Award Recommendation

When the award recommendation is posted on the [RFP Webpage](#), the procurement file for this RFP will be available for proposers and the public to review. The procurement file consists of all proposals, the RFP and all addenda, advertising documents, agendas, meeting minutes, presentations (if any), signed conflict of interest statements by evaluation panel members, and evaluation panel consensus scoring.

D. Negotiations

Once the award recommendation has been posted, the City may negotiate business terms with a proposer. The Procurement Officer will provide the recommended proposer with written authorization to negotiate with specific City staff. Communication between the recommended proposer and any City staff or City officials not authorized by the Procurement Officer will still be subject to the Solicitation Transparency Policy listed in **Section V (A)**.

The commencement of negotiations does not commit the City to accept all the terms of the proposal and negotiations may be terminated by the City at any time. These negotiations may result in minor or material changes to the proposal, including both the business terms and the proposed development. Successful negotiations will result in an award recommendation to the Phoenix Parks and Recreation Board and a "Letter of Intent" stating the City's intent to enter a contract with the recommended proposer on specified business terms. Following required approvals, City-drafted contracts addressing business terms and performance benchmarks will be executed between the parties.

City staff alone are responsible for negotiating business terms with recommended proposers. **The terms and conditions of any contract resulting from this RFP process are subject to approval by the Phoenix Parks and Recreation Board.**

E. Community Involvement

The recommended proposer must seek community input as needed and make reasonable efforts to address, incorporate or respond to community input.

F. City's Reservation of Rights

The City reserves the right to take any course of action the City deems appropriate at the City's sole and absolute discretion, which may include:

1. Waiving any defects or informalities in any proposal or proposing procedure;
2. Accepting or rejecting any or all proposals or any part of any or all proposals;
3. Canceling the RFP in part or in its entirety;
4. Reissuing the RFP with or without modification;
5. Negotiating with any qualified proposer;
6. Extending the deadline for proposals; and/or
7. Requesting additional information from any or all proposers.

G. City's Right to Disqualify for Conflict of Interest

The City reserves the right to disqualify any proposer that fails to provide information or data requested herein or that provides materially inaccurate or misleading information or data. The City reserves the right to disqualify any proposer on the basis of any real or apparent conflict of interest that is disclosed by the proposals submitted or any other data available to the City. This

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disqualification is at the sole discretion of the City. By submission of a proposal hereunder, the proposer waives any right to object now or at any future time, before any body or agency, including but not limited to, the Phoenix Parks and Recreation Board, City Council, or any court, as to the exercise by the City of such right to disqualify or as to any disqualification by reason of real or apparent conflict of interest determined by the City.

Additionally, any proposer or any member or affiliate of a proposing team that currently contracts with the City must be in good standing for its proposal to be considered responsive. For the purpose of this RFP, good standing refers to compliance with all contractual provisions, including payment of financial obligations.

H. Preparation Costs

Under no circumstance will the City be responsible for any costs incurred by anyone in: 1) responding to this RFP; 2) in any subsequent follow up to the proposal; or 3) in any subsequent negotiations of a contract.

I. Additional Investigations

The City reserves the right to make such additional investigations as it deems necessary to establish the competence and financial stability of any proposer submitting a proposal, including, without limitation, information provided by former employees and/or creditors.

J. Proposer Certification and Affidavit

By submitting a proposal, each proposer certifies it has not paid or agreed to pay any fee or commission, or any other item of value contingent on the award of a contract to any employee, official or current contracting consultant of the City. Any proposer unable to comply with any required certifications may be disqualified.

In compliance with A.R.S. §§ 1-501 and -502, the City will require any successful proposer that submits its proposal as a sole proprietorship or as an individual to complete the [Affidavit of Lawful Presence](#) prior to the award of any contract resulting from this process.

K. Covenant Against Contingent Fees Paid by Proposer

By submitting a proposal, the proposer certifies it has not employed or retained any person or company, other than a member of its proposed team or a bona fide employee working solely for the proposer, to solicit or secure the contract described in this RFP, and that no contract has been made to pay the proposer or any member of its team any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon or resulting from the award or execution of such contract. For breach or violation of this certification, the City will have the

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right to annul any contract entered into with a proposer as result of this RFP without liability, or in its discretion to deduct the contract price or consideration, or otherwise, recover the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

L. No Gratuities

Proposers may not offer any gratuities, favors, or anything of monetary value to any official or employee of the City nor its advisors for the purposes of influencing this selection. Any attempt to influence the selection process by any means, other than disclosure of qualifications and credentials through the proper channels, is grounds for disqualification.

M. Protests

A proposer that submits a proposal that is disqualified may challenge the disqualification by filing a protest within 7 calendar days of the date of the City's notice of disqualification.

An unsuccessful proposer may challenge an award recommendation by filing a protest within 14 calendar days after the award recommendation has been posted on the [RFP Webpage](#). Proposers that have had their proposals disqualified may not protest an award recommendation.

All protests must be in writing, filed with the Procurement Officer listed on page 1, and include all of the following:

1. Name of the RFP challenged;
2. Name, address and telephone number of the protester;
3. Detailed statement of the legal and factual grounds of the protest including copies of relevant documents;
4. Form of relief requested; and
5. The signature of the protester or its legal representative.

The CEDD Director, or the Director's designee, will not review any supplements or amendments to a proposer's original protest or any additional protests submitted by the same proposer. The CEDD Director, or the Director's designee, will issue a written decision within a reasonable period of the protest filing. The Procurement Officer may provide copies of the protest and the written decision to the proposer recommended for contract award.

VI. STANDARD CONTRACT PROVISIONS

The submission of a proposal in response to this RFP constitutes the proposer's agreement that any contract resulting from this RFP will be prepared by the City. The submission of a proposal further constitutes the proposer's agreement that it will not insist on the use of standard contracts, documents, or forms, and that it waives any demand for the use of its standard contracts. Pursuant to the City Charter, the

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language of the contract to be executed will be drafted under the supervision of the City Attorney and will be the controlling document.

A. Indemnification

Proposers must indemnify, defend, save and hold harmless the City and its officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of proposer or any of its owners, officers, directors, agents, employees or subcontractors. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee will, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by proposers from and against any and all claims. It is agreed that the proposer will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. Incorporated into any contract that is entered into with the City will be the requirement that the proposer, at its sole cost and expense, will and does hereby indemnify, defend and hold the City harmless from and against any challenge, whether administrative, judicial or otherwise, by any person or entity, to the City's execution or performance under said contract, which indemnification will survive the expiration or earlier termination of said contract.

B. Insurance Requirements

The successful proposer must procure and maintain until all of its obligations have been discharged, including any warranty periods under the future contracts are satisfied, insurance against claims for injury to persons or damage to property that may arise from or in connection with the performance of the work hereunder by the proposer, its agents, representatives, employees or subcontractors. Insurance requirements will be outlined within the contract that results from the selection of a successful proposal.

C. Legal Worker Requirements

The City is prohibited by A.R.S. § 41-4401 from awarding a contract to any contractor that fails, or whose subcontractors fail, to comply with A.R.S. § 23-214(A). Therefore, each proposer agrees by submitting a proposal that:

1. The proposer and each subcontractor it uses warrants their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with § 23-214 (A).

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2. A breach of a warranty under paragraph 1 will be deemed a material breach of the contract and is subject to penalties up to and including termination of the contract.
3. The City retains the legal right to inspect the papers of the proposer or subcontractor employee(s) that work(s) on this contract to ensure that contractor or subcontractor is complying with the warranty under paragraph 1.

D. Applicable Law

Any and all disputes arising under any contract to be negotiated hereunder or out of the proposals herein called for will be governed according to the laws of the State of Arizona, and the proposer agrees that the venue for any such action brought to enforce provisions of the contract will be in the State of Arizona.

E. Organization Employment Disclaimer

Any contract entered into as the result of this RFP will not constitute, create, give rise to or otherwise recognize an agreement or relationship, partnership or formal business organization of any kind between the City and the proposer as contractor, and the rights and obligations of the parties will only be those expressly set forth therein. The recommended proposer will be required to agree as part of any contract entered into as the result hereof, that no person supplied by it in the performance of the contract is an employee of the City, and further agree that no rights of the City's Civil Service, Retirement or Personnel Rules accrue to any such persons. Any contracting party will have the total responsibility for all salaries, wages, bonuses, retirement, withholdings, workmen's compensation and occupational disease compensation insurance unemployment compensation, other benefits and taxes and premiums appurtenant thereto concerning such persons provided by such party in the performance of the contract, and will save and hold the City harmless with respect thereto.

Attachment A
AFFIDAVIT

Assurances

The undersigned proposer hereby submits to the City of Phoenix (City) the enclosed proposal based upon all terms and conditions set forth in the City's Request for Proposals (RFP) and referenced materials. Proposer further specifically agrees hereby to provide services in the manner set forth in the proposal submitted by the proposer.

The undersigned proposer acknowledges and states, under penalty of perjury, as follows:

1. The City is relying on proposer's submitted information and the representation that proposer has the capability to successfully undertake and complete the responsibilities and obligations submitted in its proposal and in the resulting agreement.
2. The City has the right to make any further inquiry it deems appropriate to substantiate or supplement information supplied by proposer.
3. Proposer has read and fully understands all the provisions and conditions set forth in the RFP documents, upon which its proposal is based.
4. The forms and information requested in the RFP are complete and made part of the proposal. The City is not responsible for any proposer errors or omissions.
5. This proposal may be withdrawn by requesting such withdrawal in writing at any time prior to the proposal deadline but may not be withdrawn after such date and time.
6. The City reserves the right to reject any and all proposals and to accept the proposal that, in its judgment, will provide the best quality development to the City.
7. This proposal is valid for a minimum of 120 days after the RFP proposal deadline.
8. All costs incurred by proposer in connection with this proposal shall be borne solely by proposer. Under no circumstances shall the City be responsible for any costs associated with proposer's proposal or the RFP process.
9. Proposer has not in any manner, directly or indirectly, conspired with any person or party to unfairly compete or compromise the competitive nature of the RFP process.
10. The contents of this proposal have not been communicated by the undersigned nor by any employee or agent to any other person engaged in this type of business prior to the official opening of this proposal.
11. To the best of the proposer's knowledge, the information provided in its proposal is true and correct and neither the undersigned proposer nor any partner, corporate officer or managing employee have ever been convicted of a felony or a crime involving moral turpitude.

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Legal Status

1. Proposer intends to operate the business as (check one):

- | | | | |
|--------------------------------|-----|----------------------|-----|
| Corporation* | () | Non-Profit 501(c)(3) | () |
| Government Entity | () | Partnership* | () |
| Limited Liability Corporation* | () | Sole Proprietorship | () |
| Other (Please describe: _____) | | | () |

Identify the members, if LLC, partners, if a partnership, or officers, if a corporation, of the proposer (add lines as needed).

For the purpose of this RFP, addenda and exhibits, any questions regarding the principals are referring to the officers, partners and members as disclosed.

2. In the past 10 years, have you personally, or any business with which you have been involved, been declared bankrupt, filed a petition in any bankruptcy court, filed for protection from creditors in bankruptcy court, or had involuntary proceedings filed in bankruptcy court? If "Yes," provide date, court jurisdiction, case name, case number, amount of liabilities, amount of assets and the status of each occurrence. **Yes () No ()**
3. Has the proposer or any of its principals or its principal's affiliates been declared to be in default under any obligation to or contract with the City? If "Yes," please provide details concerning the nature of the default, including the City contract number. **Yes () No ()**
4. Are there any pending liens, claims or litigation in excess of \$500,000 involving proposer, or any corporation or other entity that has, directly or indirectly, a controlling interest in the proposer, or any subsidiary of the proposer or other entity in which the proposer has a controlling interest or any of the proposer's principals, officers, or directors? If "Yes," provide detailed information regarding complaints. **Yes () No ()**
5. Has the proposer, or any corporation or other entity that has, directly or indirectly, a controlling interest in the proposer, or any subsidiary of the proposer or other entity in which the proposer has a controlling interest or any of the proposer's principals, officers, or directors, been involved in any lawsuits in the past 10 years? If "Yes," provide list. **Yes () No ()**
6. Has the proposer's or any of its principals or its principals' affiliate's contracts been terminated prior to their expiration terms, voluntarily or involuntarily, within the last 10 years? If "Yes," provide name, location, and date of the contract(s). **Yes () No ()**
7. Has the proposer, or any corporation or other entity that has, directly or indirectly, a controlling interest in the proposer, or any subsidiary of the proposer or other entity in which the proposer has a controlling interest or any of the proposer's principals, officers, or directors ever been barred from bidding on federal, state, or local government contracts? If "Yes," provide the current status of such suspension or debarment proceedings. **Yes () No ()**

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References

Proposer shall furnish the names and contact information for 3 clients for whom the proposer is furnishing or has furnished services similar to those described in this RFP. Do not list City of Phoenix employees or officials as references.

1. Company and Reference Name: _____
Telephone and E-Mail: _____
2. Company and Reference Name: _____
Telephone and E-Mail: _____
3. Company and Reference Name: _____
Telephone and E-Mail: _____

Signature(s)

Proposer's Legal Name: _____

Printed Name of Authorized Representative*: _____

Title: _____

Business Mailing Address: _____

Telephone and Email Address: _____

Signature: _____

**Proposal must be signed by an individual authorized to contractually bind the proposer.*

Name of Joint Venture Partner (if applicable): _____

Printed Name of Authorized Representative*: _____

Title: _____

Business Mailing Address: _____

Telephone and Email Address: _____

Signature: _____

**Proposal must be signed by an individual authorized to contractually bind the joint venture partner.*

NOTARIZED

Signed and sworn before me this _____, day of _____, _____

Notary Signature: _____ Affix Seal:

My Commission Expires: _____

Attachment B
**CONFLICT OF INTEREST AND SOLICITATION TRANSPARENCY DISCLOSURE
FORM**

Each proposer shall complete, sign, and submit this form with its proposal. Any proposal received without this completed and signed form will be disqualified as non-responsive.

1. First Name, Middle Initial, Last Name, Suffix of Proposer’s Authorized Representative (person submitting this disclosure form and submitting the proposal)

2. Contract Information

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3. Name of individual(s) or entity(ies) seeking a contract with the City (i.e. parties to the Contract)

4. List all individuals(s) or entity(ies) that are partners, parent companies, joint venturers, or subsidiaries of the individual or entity listed in Question 3. Please include all board members, executive committee members, and officers for each entry. If not applicable, list “N/A.”

5. List all individuals or entities that will be subcontractors on this Contract, including each business name and the owner’s name, or list “N/A” if no subcontractors will be used on this Contract or “TBD” if subcontractors have not yet been identified.

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6. List all attorneys, lobbyists, or consultants retained by any individuals listed in the answers to Questions 3, 4, or 5, assisting with this proposal and/or with securing the contract resulting from this solicitation. If none, list “none.”

7. Disclosure of Conflict of Interest:

Is the proposer or the proposer’s authorized representative aware of any fact(s) with regard to this solicitation or the resulting contract that would raise a “conflict of interest” issue under City Code Section 43-34? City Code Section 43-34 reads:

“An elected City official or a City employee shall not represent any person or business for compensation before the City regarding any part of a procurement, including any resulting contract, if during the time the elected official is or was in office or the employee is or was employed by the City such elected official or employee played a material or significant role in the development of the solicitation, any other part of the procurement, or the contract award.”

- The proposer and the proposer’s authorized representative are not aware of any conflict(s) of interest under City Code Section 43-34.
- The proposer or the proposer’s authorized representative is aware of the following potential or actual conflict(s) of interest:

8. Notice Regarding Prohibited Interest in Contracts:

[Arizona Revised Statutes \(A.R.S\)](#) Sections 38-501 through 38-511 and the Phoenix City Charter and Code prohibit public officers or employees, their close relatives, and any businesses they, or their relatives, own from: (1) representing before the City any person or business for compensation; (2) doing business with the City by any means other than through a formal procurement; and (3) doing business with the City without disclosing that the person has an interest in the contract. This prohibition extends to subcontracts on City contracts and also applies to parent, subsidiary, or partner businesses owned by a public officer or employee.

Although any contract in place at the time a person becomes a public officer or employee may remain in effect, the contract may not be amended, extended,

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modified, or changed in any manner during the officer’s or employee’s city service without following city administrative regulations.

Is the proposer or the proposer’s authorized representative aware of any fact(s) with regard to this solicitation or the resulting contract that would raise a “conflict of interest” issue under A.R.S. Sections 38-501 through 38-511?

- The proposer and the proposer’s authorized representative are not aware of any conflict(s) of interest under A.R.S. Sections 38-501 through 38-511.
- The proposer or the proposer’s authorized representative are aware of the following conflict(s) of interest:

9. Solicitation Transparency Policy (No Contact with City Officials or Staff During RFP Process) Acknowledgements:

- The proposer and the proposer’s authorized representative understand that a person or entity seeking or applying for a city contract, or any other person acting on behalf of that person or entity, is prohibited from contacting City officials and employees, other than the listed Procurement Officer, regarding a business opportunity after a solicitation has been posted.
- This “no-contact” provision only concludes when the contract resulting from this solicitation is awarded at a City Council meeting. If contact is required with City official or employees, the contact will take place in accordance with procedures established by the City. Violation of this prohibited contacts provision, set out in City Code Sections 2-190.4 and 43-36, as well as in Section V of this solicitation, by a proposer, or its agents, will lead to **disqualification**.

10. Fraud Prevention and Reporting Policy Acknowledgement:

- The proposer and the proposer’s authorized representative acknowledge that the City has a Fraud Prevention and Reporting Policy and takes fraud seriously. The proposer or the proposer’s authorized representative shall report fraud, suspicion of fraud, or any other inappropriate action to the Phoenix Integrity Line at 602-261-8999 or 602-534-5500 (TDD); or via email to aud.integrity.line@phoenix.gov.

The purpose of the fraud policy is to maintain the City's high ethical standards. The policy includes a way for business partners to report wrongdoing or bad behavior.

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Suspected fraud should be reported immediately to the Phoenix Integrity Line. The City has adopted a zero-tolerance policy regarding fraud.

OATH

The proposer's authorized representative affirms the statements contained in this form, including any attachments, to the best of my knowledge and belief are true, correct, and complete. Should any of the answers to the above questions change during the solicitation process or the resulting contract, particularly as it relates to any changes in ownership, the proposer agrees to update this form with the new information within 30 days of such changes. Failure to do so may result in the disqualification of a proposal or be deemed a breach of contract resulting from this solicitation.

Printed Name and Title of Authorized Representative

Authorized Representative's Signature

Date

Proposer's Legal Name (and DBA, if applicable)

ATTACHMENT C
Small Business Outreach Requirements

The City of Phoenix (City) Community and Economic Development Department (CEDD) extends to each proposer an equal economic opportunity to compete for this business opportunity and strongly encourages voluntary utilization of small businesses whenever practical. For the purpose of this RFP, a small business is defined as a business with fewer than 100 employees and gross receipts, averaged over the business' previous 3 fiscal years, less than \$30 million. A small business may participate in this RFP as a proposer, a member of a proposing team, or as a supplier of goods or services.

Proposer Responsibilities

Each proposer should strive to achieve in its proposal a level of small business participation comparable to the availability of small businesses to participate in this development opportunity. By the submittal of its proposal, each proposer agrees to not discriminate against any small business because of the owner's gender, race, color, or national origin in connection with the award or performance of the contract to be awarded through this RFP.

As part of its proposal for this RFP, each proposer must demonstrate its compliance with the Outreach Requirements described in this **Attachment C**. A proposer's efforts to achieve the Outreach Requirements will be reviewed on a met/not met basis and failure to achieve all 4 Outreach Requirements will result the proposer's proposal being rejected.

Each proposer is responsible for submitting all documentation including **Attachment C-A** and **Attachment C-B**.

A summary of the Outreach Requirements is listed below.

Outreach Requirements	
1.	Identify business opportunities small businesses can perform as partners or as suppliers of goods or services.
2.	Broadly solicit proposals from small businesses for identified business opportunities
3.	Negotiate in good faith with small businesses
4.	Communicate outcomes in writing with all small businesses interested in the business opportunities

Should the City request clarification of submitted materials from a proposer, the proposer must provide clarification to the City within 3 business days or its proposal will be rejected. The City will not allow a proposer to add new documents or supplement its proposal after the proposal deadline.

Outreach Requirements

A proposer's efforts to achieve the Outreach Requirements will be reviewed on a met/not met basis and failure to achieve all 4 Outreach Requirements will result in the proposer's proposal being rejected.

1. **Outreach Requirement #1 – Identify Business Opportunities for Small Business Participation as Partners or Suppliers of Goods or Services**

a. RFP Pre-Proposal Meeting Attendance

Each proposer is encouraged to attend the RFP pre-proposal meeting.

b. Business Opportunities Identification

Each proposer must identify all business opportunities for small business participation in the core business of this redevelopment opportunity. Proposers should approach this with the goal of maximizing active participation from small businesses.

Documentation: Each proposer must provide a summary detailing all opportunities for small business participation and its methodology for identifying these opportunities. This documentation must be provided in hard copy and electronic format.

c. Business Participation Requirements

Each proposer must identify any business participation requirements that may limit or exclude participation of a small business in this redevelopment opportunity. Proposers should approach this with the goal of minimizing barriers to participation while maintaining the industry standards for this redevelopment opportunity.

Documentation: Each proposer must provide a summary of the business participation requirements and its methodology for identifying these requirements. If no business participation requirements are identified, the proposer must provide a detailed explanation of what factors it considered in selecting small businesses to participate in its proposal. This documentation must be provided in hard copy and electronic format.

d. Business Participation Assistance

Each proposer must identify the assistance it will provide to small businesses interested in participating in this redevelopment opportunity. Business participation assistance should include actions the proposer will take to assist small businesses with issues such as obtaining performance guarantees, lines of credit, and

insurance. Proposers should approach this with the goal of lowering or eliminating barriers to small business participation in this redevelopment opportunity.

Documentation: Each proposer must provide a summary detailing the business participation assistance it will provide to small businesses interested in participating in this redevelopment opportunity. This documentation must be provided in hard copy and electronic format.

2. Outreach Requirement #2 – Broadly Solicit Proposals from Small Businesses

a. Advertising

Prior to the proposal deadline, each proposer must advertise for small business participation in this redevelopment opportunity in daily or weekly newspapers, industry publications, or small business-oriented publications. Online publications are acceptable. The ad must include:

- the name of this redevelopment opportunity
- the name of the proposer and its contact name and telephone number; and
- all redevelopment elements identified in Outreach Requirement #1.

Documentation: Each proposer must provide a copy of each ad and a proof of publication statement, or other verification, confirming the date the ad was published. This documentation must be provided in hard copy and electronic format.

b. Participation Solicitation

Prior to the proposal submittal deadline, each proposer must solicit the participation of small businesses on the FastPITCH Pitcher Contact List at <https://www.phoenix.gov/econdev/firehouse-fastpitch> (Firehouse FastPITCH Webpage). The solicitation must identify this redevelopment opportunity and include the name of the proposer and a contact name and telephone number, and all redevelopment elements identified in Outreach Requirement #1.

Documentation: Each proposer must provide a copy of the participation solicitation sent to small businesses on the FastPITCH Pitcher Contact List. If a blast email is used, the documentation provided must reflect a listing of all email addresses to which the solicitation was sent and the date and time of the transmission. This documentation must be provided in electronic format.

c. Small Business Advocacy Groups

Prior to the proposal deadline, each proposer must request assistance from small business advocacy groups in recruiting small businesses for participation in this

redevelopment opportunity. While proposers may use any such group, a partial list is available on the [RFP Webpage](#). The request must identify this redevelopment opportunity and include the name of the proposer and a contact name and telephone number, and all development elements identified in Outreach Requirement #1.

Documentation: Each proposer must provide a copy of the assistance request sent to small business advocacy groups. If a blast email format is used, the documentation provided must reflect a listing of all email addresses to which the request was sent and the date and time of the transmission. This documentation must be provided in electronic format.

3. Outreach Requirement #3 – Negotiate with Small Businesses

Each proposer must negotiate with interested and qualified small businesses. Proposers may not unjustifiably reject proposals prepared by small businesses and must document justification for any rejections.

Documentation: Each proposer must complete and submit **Attachment C-A** (Negotiations with Small Businesses) and a summary of the proposed small business participation. If a proposer elects not to use any small business for a redevelopment element advertised in Outreach Requirement #2, the proposer must provide justification for eliminating the opportunity for small business participation. This documentation must be provided in hard copy and electronic format.

Each proposer must provide an electronic copy of all proposals received from small businesses.

4. Outreach Requirement #4 – Communicate Outcomes with Interested Small Businesses

Prior to the proposal deadline, each proposer must follow up with small businesses that have expressed interest in participating in the advertised redevelopment elements to communicate the outcomes of the proposer's selection process.

Documentation: Each proposer must provide a copy of e-mail messages or other written correspondence sent to interested small businesses with which it has not yet entered into an agreement for participation. If a blast email is used, the documentation provided must reflect a listing of all email to which the communication was sent and the date and time of the transmission. This documentation must be provided in electronic format.

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Attachment C-A

Negotiations with Small Businesses

Proposer Name _____	Local Contact _____
	Email _____
	Phone No _____

Listing of small businesses considered for this contract:

Firm	Type of Agreement	Contract or Agreement Amount	*Provide explanation if firm not selected.
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	

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Firm	Type of Agreement	Contract or Agreement Amount	*Provide explanation if firm not selected.
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	
Name _____ Address _____ City/State/Zip _____ Email _____ Phone No _____	<input type="checkbox"/> Sublessee <input type="checkbox"/> Joint Venture <input type="checkbox"/> Goods or Services <input type="checkbox"/> Firm was not selected*	\$ _____ _____ N/A	

(Print additional copies of this page as needed.)

ATTACHMENT C-B
Small Business Utilization Commitment

On behalf of the proposer, I certify under the penalty of perjury that the information submitted herein is true and correct:

- 1) if proposer is awarded, the firms indicated as selected in **Attachment C-A** will participate in the award of the contract resulting from this RFP;
- 2) if proposer is awarded, proposer will be contractually obligated to maintain the proposed participation levels listed below;
- 3) the proposer will comply with the Outreach Requirements described in **Attachment C**;
- 4) I understand and agree that any and all changes or substitutions must be authorized by the City prior to implementation; and
- 5) the following breakdown of participation by certified or self-identified small businesses is true and correct:

Proposed participation as sublessee or joint venture partner as a percentage of this contract's value:

Small Business _____ %

Proposed participation as suppliers of goods or services as a percentage of the operating expenses associated with this contract:

Small Business _____ % during redevelopment

Small Business _____ % during on-going restaurant operations

Name of Proposer: _____

Printed Name Authorized Person: _____

Signature of Authorized Person: _____

Attachment D
SITE MAP

