



City of Phoenix

Request for Proposals (RFP) for the Purchase and Development of 1305 & 1410 W Polk Street NSD-RFP-FY25-01

SCHEDULE

ACTIVITY	DATE (All times are local Phoenix time)
Issue RFP	September 20, 2024
Pre-Proposal Meeting	October 8, 2024 @ 11 a.m.
Submittal of Written Questions Deadline	October 18, 2024 by 2:00 p.m.
Responses to Written Questions	October 25, 2024
Intent to Submit (Attachment E) Deadline	December 6, 2024 by 4:00 p.m.
Proposal Deadline	December 13, 2024 by 2:00 p.m.
Short Listing and Proposer Interviews, if applicable	January 2025
Award Recommendation to Phoenix City Council	February 2025

Requests for alternate formats to:
Chris W Christensen, Procurement Officer
City of Phoenix Neighborhood Services Department
Telephone: 602-534-4444 (7-1-1 Friendly)
chris.christensen@phoenix.gov
<https://solicitations.phoenix.gov/Solicitations/Details/>

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

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I. RFP PROCESS

A. Housing Phoenix Plan

The City is seeking to address a critical need for affordable housing in Phoenix. The [Housing Phoenix Plan \(HPP\)](#) was adopted by Mayor and City Council in June of 2020, and it identifies the housing gaps and needs in our community. The HPP set the goal of creating or preserving 50,000 homes by 2030 and recommended nine policy initiatives to explore. Initiative 3 focuses on the redevelopment of City-owned land with mixed-income housing, and accordingly, Mayor and City Council approved a list of City-owned parcels for future affordable housing, including these sites.

B. Invitation

The City of Phoenix (City), through its Neighborhood Services Department (NSD), invites electronic proposals for the purchase and development of two vacant parcels found in the Oakland Historic District located at 1305 W Polk Street and 1410 W Polk Street (**Lot(s)**). A Site Map is included in this RFP as **Attachment F**.

This RFP seeks market-viable development proposals that: 1) make the best use of the Lots; 2) are consistent with the Housing Phoenix Plan, General Plan, historic overlay, zoning codes and all other applicable codes, regulations, and guidelines; and 3) is compatible with the historic neighborhood in scale, design, materials, and appearance.

By inviting this disposition, the City seeks to continue the revitalization and strengthening of the community within the Downtown area and Central City Village by eliminating blight, developing vacant land, reactivating property, preservation of historic neighborhoods, creating quality affordable housing for low- and moderate-income households and sustainable homeownership opportunities. Residential development is being re-initiated through the RFP process to facilitate the sale and compatible infill development of land.

C. 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 chris.christensen@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 <https://solicitations.phoenix.gov/>.

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D. Proposal Requirements

Proposals that do not meet the following requirements will be deemed non-responsive and disqualified:

1. The proposer must be authorized to transact business in Arizona and be in good standing in the State of Arizona, with the Arizona Corporation Commission, at the time its proposal is submitted. The City will not enter into contracts with foreign corporations not granted authority to transact business, or not in good standing in the State of Arizona, with the Arizona Corporation Commission.
2. If required by law for the operation of the business or work related to this RFP, proposer must possess all valid certifications and/or licenses as required by federal, state or local laws at the time of submittal.
3. 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 this RFP, good standing refers to compliance with all contractual provisions, including payment of financial obligations.
4. Proposer may choose to propose on either Lot or may propose on both Lots, if desired. If proposer wishes to propose on both vacant Lots, the proposer is required to submit separate **Attachments C and D** for each Lot. The City may award and execute separate contracts for each Lot, if necessary.

E. Minimum Qualification

1. The minimum purchase price for **1305 W Polk Street** is \$120,000, the appraised value of the Lot as of May 29, 2024.
The minimum purchase price for **1410 W Polk Street** is \$150,000, the appraised value of the Lot as of May 29, 2024.
2. The appraisals are available at the City of Phoenix Solicitation page at <https://solicitations.phoenix.gov/>. Any proposal submitted with a proposed purchase price less than the minimum must clearly state what public benefit(s) will be generated to compensate for the less-than-appraised bid(s) and the estimated quantifiable value of those benefits as described in **Section II (D)**.
3. At minimum, 50% of the residential and/or multi-family units will be made available to households with income levels not to exceed 80% AMI, as defined annually by HUD. Visit the following link for more info: <https://www.huduser.gov/portal/datasets/il.html>. Affordability requirements will be enforced through a Declaration of Affirmative Land Use Restrictive Covenant for minimum 15 years, beginning upon occupancy. If the City offers and the proposer accepts federal financial assistance, 100% of the residential

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units created will be subject to affordability requirements.

Each proposer must demonstrate these minimum qualifications in its proposal as further described in **Section III (A)** or its proposal may be deemed non-responsive and may be disqualified.

F. Pre-Proposal Meeting

Proposers are strongly encouraged to attend the pre-proposal meeting at the date and time listed on page 1 via Webex or conference call. The purpose of this meeting is to review this RFP and respond to questions. Registration is required and can be completed at:

<https://phxyou.webex.com/weblink/register/r8a89dc7bc2e3e0f9466c0293e95c59c2>.

G. Changes to the RFP

Changes to this RFP will be in writing as an addendum and posted on the <https://solicitations.phoenix.gov/>. 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 <https://solicitations.phoenix.gov/>, proposers are responsible for obtaining and complying with any and all information posted on the website.

H. Intent to Submit

All Proposers are required to complete the 'Intent to Submit' form (**Attachment E**) of this document and email it to chris.christensen@phoenix.gov no later than the deadline listed on page 1. The Procurement Officer will then provide the Proposer with an upload link unique to their proposal.

Proposals must be in the possession of NSD on or prior to the date and time indicated in the Schedule of Events. Late proposals will not be considered. The prevailing clock will be the date and time stamp of the NSD file sharing site.

II. BUSINESS OPPORTUNITY

A. Description of Lots

The lots located at 1305 and 1410 W Polk Street provide an opportunity for proposers to design and construct an infill development in the downtown Historic Oakland Neighborhood. Downtown Phoenix and its surrounding neighborhoods have experienced a resurgence of urban living and the benefits of city life. Key

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strengths of the two Lots include their location, proximity to Grand Avenue, and opportunity to add new developments in an emerging urban residential market. The features of the Lots are as follows:

Address #	APN	Lot Size (Sq. Ft.)	Acreage	Zoning
1305	111-28-013	5,811	0.133	R-5 RI HP
1410	111-28-069	6,283	0.144	C-2 HP

1. Zoning

The **1305 W Polk Street** lot is zoned R-5 RI HP Multifamily Residence District (Chapter 6 Zoning Districts, Section 618, Section 630 and Chapter 8 Historic Preservation, Section 811 of the Phoenix Zoning Ordinance, posted at <https://phoenix.municipal.codes/ZO>). The purpose of the multifamily residence districts is to provide for alternate living styles including rental, condominiums and single ownership of land with multiple units thereon or single or attached townhomes.

The **1410 W Polk Street** lot is zoned C-2 HP Intermediate Commercial (Chapter 6 Zoning Districts, Section 623 and Chapter 8 Historic Preservation, Section 811 of the Phoenix Zoning Ordinance, posted at <https://phoenix.municipal.codes/ZO>). The C-2, Intermediate Commercial District, is a district of commercial uses of medium intensity designed to be compatible with each other and to provide for a wide range of types of commercial activity within the district.

Single-family residential use is allowed, but with requirements, including rezoning the property. The rezoning process for this Lot from the commercial district to a multifamily residence district will be the sole responsibility of the proposer awarded the contract.

2. Utilities

The Sites are served by City water and sewer, Southwest Gas (natural gas) and Arizona Public Service (electric power). Information regarding the Sites’ utility infrastructure for City services is provided below and development requirements can be found in **Section IV (B)** of the [City’s Design Standards Manual for Water and Wastewater Systems](#).

1305 W Polk Street

a. Water

- Existing infrastructure – Pressure Zone 1
 - 6-inch CIP water main within W Polk Street.
 - 14-inch CIP water main within W Polk Street.

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- City map shows (2) ¾-inch water taps to project site. Field verification will be necessary to determine if services are still active.
- Other Stipulations
 - When multiple distribution mains in the same pressure zone are adjacent to a development, all service connections shall be taken from the largest diameter main or as approved by the City's Water Services Department through the Technical Appeal process.
 - Per Phoenix City Code sections 37-48 and 28-29, water or sewer services may not cross property lines.
- b. Sewer
 - Existing infrastructure
 - 30-inch VCP sewer main within W Polk Street.
 - 8-inch VCP sewer main within W Polk Street.
 - City map shows no sewer taps to project site. Commercial projects require 6-inch sewer tap minimum.
 - Other Stipulations
 - Per Phoenix City Code sections 37-48 and 28-29, water or sewer services may not cross property lines

General Stipulations: Per Phoenix City Code section 37-33, all public streets bounding (along property frontage) and within a proposed development must have public water mains within them, if none exists, developer must install.

1410 W Polk Street

- a. Water
 - Existing infrastructure – Pressure Zone 1
 - 6-inch CIP water main within W Polk Street.
 - 14-inch CIP water main within W Polk Street.
 - City map shows ¾-inch water tap to project site. Field verification will be necessary to determine if services are still active.
 - Other Stipulations
 - When multiple distribution mains in the same pressure zone are adjacent to a development, all service connections shall be taken from the largest diameter main or as approved by City Water Services Department through the Technical Appeal process.
 - Per Phoenix City Code sections 37-48 and 28-29, water or sewer services may not cross property lines
- b. Sewer
 - Existing infrastructure
 - 24-inch VCP sewer main within alley to the north of project site.
 - 8-inch VCP sewer main within W Polk Street.
 - 30-inch VCP sewer main within W Polk Street.
 - City map shows 4-inch sewer tap to project site. Field verification will be necessary to determine if services are still active. Commercial projects require 6-inch sewer tap minimum.
 - Other Stipulations Per Phoenix City Code sections 37-48 and 28-29, water or sewer services may not cross property lines

General Stipulations: Per Phoenix City Code section 37-33, all public streets bounding (along property frontage) and within a proposed development must have public water mains within them, if none exists, developer must install.

B. Surrounding Area

The two subject Lots are in the Oakland Historic Neighborhood, which was established in 1910 when the area was subdivided. The general boundaries of the historic district are roughly bounded by Van Buren Street to the south, the alley north of Fillmore Street to the north, 19th Avenue to the west, and Grand Avenue to the east. Modestly scaled Bungalow and Spanish Colonial Revival houses typical of the prevailing architectural styles of the 1920s dominate the Oakland District. The Bungalows in Oakland are characterized by broad porches and gable roofs and are often of brick construction. Most of the Bungalows in Oakland were constructed from 1914 through 1925. After that time, the Spanish Colonial Revival Styles emerged as the prevalent style in the Oakland District. Spanish Colonial Revival houses are typically stucco construction with flat or low-pitched red tile roofs and arched door and window openings.

The Oakland Historic District is one of the few remaining historic neighborhoods in downtown Phoenix. Its architecture and development patterns are typical of working-class neighborhoods that flourished around central Phoenix after the turn of the century. Architecturally, the Oakland Historic District illustrates the major historic architectural styles that were once prevalent in Phoenix and the character of the historic neighborhoods in Phoenix from the early twentieth century.

C. Historic Preservation Context

Located in the Oakland Historic District, the Lots are subject to historic designation requirements. Proposers must follow all Historic Preservation Office (HPO) guidelines and requirements regarding the design review process. Proposers are encouraged to present proposals that are as compatible with District's character as closely as possible. Additional historic preservation information is available at <https://www.phoenix.gov/pdd/historic-preservation>.

Proposers are strongly encouraged to schedule an appointment and meet with the City of Phoenix Historic Preservation Office first to get a better understanding of the Historic Preservation provisions of this ordinance, how the provisions are applied to the proposed development project, and those provisions of the Zoning Ordinance which are applicable to property in the underlying classification.

D. Desired Project

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

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The Desired Project at each Lot should:

1. Create single-family and/or multifamily residential infill properties in the Oakland Historic District that capitalizes on its prominent urban downtown location while preserving the neighborhood's historic identity.
2. Create development that is compatible with the Oakland Historic District and surrounding area, considering factors such as scale (height and density), shape, materials used, functional and appropriate transitions to adjacent properties, and historic setbacks. The development must align with the goals of the Oakland Historic District and stakeholders. A list of active neighborhood and community groups is available at <https://nsdonline.phoenix.gov/>.
3. Be initiated and completed within a reasonable time acceptable to the City. It is the City's desire that the proposed developments be completed in the shortest timeframe possible.
4. Incorporate and implement elements of sustainability into the design, construction, and maintenance of the proposed project. A wide range of sustainability programs and concepts can be found at phoenix.gov/sustainability.
5. Be consistent with all applicable regulations, guidelines and adopted plans, including the [Housing Phoenix Plan](#), [Complete Streets Program](#), [Bicycle Master Plan](#), and [Tree and Shade Master Plan](#).
6. The City may provide up to \$150,000 in federal funding to assist with each Lot's development. In the event the City offers and the successful proposer accepts such funding, the proposer will be required to agree to additional terms and conditions associated with such assistance. Such terms and conditions will include a requirement that 100% of the residential and/or multi-family units will be made available to households with income levels not to exceed 80% AMI, as defined annually by HUD. If the City does not offer or the successful proposer does not accept federal funding assistance from the City, the affordability requirement stated in section I(E)(3) of this RFP will govern.
7. Require minimal additional City assistance and provide maximum return to the City. The City may, in its sole discretion, elect to provide additional funding or other assistance to projects that create a significant amount of public benefit, such as affordability, down payment/rental assistance or other accommodations above and beyond what would be minimally necessary for the proposed project.

Whether the requested assistance is financial, technical, or in any other form, the intended purpose and estimated cost to the City must be clearly

stated in the proposal.

8. Proposal for 1410 W Polk Street may include rezoning the lot to single-family/multifamily residential use, if applicable.
9. Support the neighborhood with future participation in the [City of Phoenix Gated Alley Program](#), if applicable.

E. Return to the City

The “Return to the City” evaluation criterion encompasses both the financial return (cash payment) and other tangible public benefits.

These other tangible public benefits may include one or more of the following: new jobs, small business opportunities, civic space, community amenities, bicycle facilities, outdoor green space, pet friendly spaces, and/or public art.

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.

III. PROPOSAL INSTRUCTIONS

All timely proposals will be reviewed to determine whether the minimum qualification requirements have been met. Proposals that do not meet all qualifications requirements may be considered non-responsive and may be rejected.

If only one proposal is received, the City may proceed without convening an Evaluation Committee.

A. Form of Proposals

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

Each proposal should include the following:

1. Tab 1 – General Information

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

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

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

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

c. Executive Summary (maximum 2 pages).

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

2. Tab 2 – Concept to Activate the Site

- a. Complete the Development Details Form (**Attachment C**) to provide the proposed number of units to be built, square footage of the units, building height, proposed type of residential units (rental or homeownership) and proposed market type of the units (affordable, mixed income, market).
- b. A narrative description of the proposed development that includes an explanation of how the proposed project is consistent with the Desired Project described in **Section II (D)** and details for the operation and management of the proposed project after completion of construction, where applicable. This description should include details on any sustainability strategies and features and indicate affordability components to be included.
- c. Documentation of the proposed development's feasibility, including:
 - 1) Research/market demand data that supports the proposed project.
 - 2) Method of property control or acquisition for the Site.
 - 3) A project budget that is accurate, realistic and, provides detailed project costs (including, but not limited to, permitting and construction costs, soft costs, and contingencies).
 - 4) An operating pro forma for the proposed project, including all revenues, expenses, debt service, taxes, and other assessments.
- d. Conceptual building elevations and a conceptual site plan, depicting any applicable phasing.
- e. A project timeline that includes major milestones and addresses all phases of the project including site acquisition, planning and design, zoning application process, if applicable, entitlements, plan review, permits, construction, sale, and occupancy of the proposed development.

Proposers should use reasonable assumptions to propose a realistic timeline.

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- f. A construction mitigation plan that identifies potential impacts to transit and commercial and residential neighbors and which outlines viable mitigation strategies for each impact.

3. Tab 3 – Return to the City

- a. Offered Purchase Price (**Attachment D**).
- b. A description of the economic, fiscal, employment and other tangible public benefits generated by the proposed development as it relates to neighborhood / community / City redevelopment goals, if applicable.
- c. Specify any additional requested City assistance, including details such as the type of assistance, length of agreement term, commencement, and completion dates, etc. Any requests for City assistance must:
 - Be limited to assistance the City can reasonably accommodate;
 - Be clearly and quantitatively demonstrated to be of lesser value than the public benefit generated by the proposed development; and
 - Fill a clearly described financial, technical, or other gap in proposer’s capacities.

Any proposal offering a cash payment less than the minimum purchase price listed in **Attachment D** must include the quantifiable value for each additional tangible public benefit to demonstrate the total proposed purchase price meets or exceeds the minimum purchase price.

4. Tab 4 – Qualifications and Experience of Proposer

All proposals are required to provide a detailed description of the proposed development team and documentation of successfully financing, developing, completing, and managing comparable projects, locally and/or nationally, including:

- List the key individuals, companies, and organizational structures of proposer.
- List roles and responsibilities of all proposed development team members.
- Detail proposer’s experience successfully developing other projects of similar scale and complexity, locally and nationally, including the roles and responsibilities of proposer’s team members, and provide contact information for references for these projects.

5. Tab 5 – Financial Capacity of Proposer

Provide documentation to demonstrate proposer’s financial capacity to execute and complete the proposed development successfully, which include but are not

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limited to the following:

- Detailed plan to fund all proposed development costs.
- Specify and clearly describe all sources, types, and amounts of equity, debt, grants, and other funding sources for the proposed development.
- Documentation of approval or pre-approval letters from potential lenders for the proposed development, if applicable.
- Detail other projects in which the proposer has worked with the proposed equity/debt/granting entities.
- Provide evidence of financing for prior developments.

B. Exceptions Not Allowed

Proposer must not take any exceptions to any terms, conditions, or material requirements of this solicitation. Proposals submitted with exceptions may be deemed non-responsive and disqualified from further consideration, in the City's sole discretion. Proposers must conform to all requirements specified in this RFP. The city encourages Proposers to send inquiries to the procurement officer rather than including exceptions in their Proposal. See Inquiries and Schedule of Events.

IV. PROPOSAL EVALUATION

First, NSD will perform an administrative review of proposals for responsiveness. This review will focus on accurate and complete submission of all required documents and required proposal guarantee amounts based on the RFP requirements. NSD reserves the sole right to determine the responsiveness of proposals.

A. Evaluation Panel

Following NSD administrative review, the NSD Director will appoint an evaluation panel to review the proposals and recommend a proposer to be awarded the contract resulting from this RFP. The NSD Director may accept this recommendation and forward it to the Phoenix City Council 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 list of proposers may then be scheduled for virtual 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.

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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 (A)**. All 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)**
- 2. Return to the City (0-150 points)**
- 3. Qualifications & Experience of Proposer (0-200 points)**
- 4. Financial Capacity of Proposer (0-250 points)**

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, 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 an open public meeting 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 this RFP or related matters are not discussed, proposers may continue to conduct existing business unrelated to this solicitation with the City.

A proposer may discuss its proposal or this RFP with the Mayor and/or one or more members of the Phoenix City Council, provided such meetings are: 1) scheduled through the Procurement Officer identified on page one; 2) conducted in Webex virtual meeting room; link to the meeting room will be provided by the Procurement Officer, 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.

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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 City Council 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: Public Record

All materials submitted by proposers become property of the City and a matter of public record available for review pursuant to Arizona law. If a proposer believes that a specific section of its proposal response is confidential, the Proposer will isolate the pages marked confidential in a specific and clearly labeled section of its proposal response. A proposer may request specific information contained within its proposal is treated by the Procurement Officer as confidential provided the proposer clearly labels the information “confidential.” To the extent necessary for the evaluation process, information marked as “confidential” will not be treated as confidential. Once the procurement file becomes available for public inspection, the Procurement Officer will not make any information identified by the proposers as “confidential” available to the public unless necessary to support the evaluation process or if specifically requested in accordance with applicable public records law. When a public records request for such information is received, the Procurement Officer will notify the proposer in writing of any request to view any portion of its proposal marked “confidential.” The proposer will have the time set forth in the notice to obtain a court order enjoining such disclosure. If the proposer does not provide the Procurement Officer with a court order enjoining release of the information during the designated time, the Procurement Officer will make the information requested available for inspection.

C. Award Recommendation

When the award recommendation is posted on the <https://solicitations.phoenix.gov/>, the procurement file for this RFP will be available for proposers and the public to review. The procurement file consists of all non-confidential proposal materials, this 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

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Solicitation Transparency Policy listed in **Section V (A)**.

The commencement of negotiations does not commit the City to accept all or any of 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 design and construction of the proposed development. Successful negotiations will result in an award recommendation to the City Council and a “Letter of Intent” stating the City’s intent to enter a contract with the recommended proposer on specified business terms. All terms will be subject to City Council approval. Following required approvals, City-drafted contracts addressing all terms and conditions will be entered 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 CITY COUNCIL.**

E. Community Involvement

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

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. Best and Final Offers (BAFO)

A BAFO is an option available for negotiations. Each Proposer in the competitive range, which is determined in the City’s sole discretion, may be afforded the opportunity to amend its Proposal and make one BAFO.

If a Proposer’s BAFO modifies its initial Proposal, the modifications must be identified in the BAFO. The City will evaluate BAFOs based on the same requirements and criteria applicable to initial Proposals. The City will adjust appropriately the initial scores for criteria that have been affected by Proposal

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modifications made by a BAFO. Based on the criteria defined in the solicitation as weighted, the City will then perform final scoring and prepare final rankings.

The Evaluation Panel will recommend the Proposal that is the best value and most advantageous to the City based on the evaluation criteria.

The City reserves the right to make an award to a Proposer whose Proposal is the highest rated, best value, and most advantageous to the City based on the evaluation criteria, without conducting written or oral discussions with any Proposer, without negotiations, and without soliciting BAFOs.

H. City's Right to Disqualify for Conflict of Interest or Not in Good Standing

The City reserves the right to disqualify any Proposer based on any real or apparent conflict of interest that is disclosed by the proposal submitted or any other data available to the City. This disqualification is at the sole discretion of the City. Any Proposer submitting a proposal herein waives any right to object now or at any future time, before anybody or agency, including but not limited to, the City Council of the City of Phoenix or any court.

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 this RFP, good standing refers to compliance with all contractual provisions, including payment of financial obligations.

I. 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.

J. 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.

K. 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 a natural person to

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complete the [Affidavit of Lawful Presence](#) prior to the award of any contract resulting from this process.

L. 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 right to annul any contract entered into with a proposer as result of this RFP without liability and take appropriate legal action.

M. 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 and appropriate legal action.

N. Protests

a. Proposer may protest the contents of the RFP no later than seven (7) days before the proposal submission deadline when the protest is based on an apparent alleged mistake, impropriety, or defect in the solicitation. Protests filed regarding the RFP may be addressed by an amendment to the RFP or denied by the City. If denied, the opening and award will proceed unless the City determines that it is in the City's best interests to set new deadlines, amend the RFP, cancel or re-bid.

b. Therefore, unless otherwise notified by a formal amendment, the Protester must adhere to all RFP dates and deadlines, including timely filing of an offer, regardless of filing a protest.

c. Proposer may protest an adverse determination issued by the City regarding responsibility and responsiveness within seven (7) days of the date the proposer was notified of the adverse determination.

d. Proposer may protest an award recommendation if the proposer can establish that it had a substantial chance of being awarded the contract and will be harmed by the recommended award. The City will post recommendations on the City's website to award the contract(s) to a proposer(s). Proposer must submit award protests within seven days after the posting of the award recommendation, with exceptions only for good cause shown, determined at the City's sole discretion.

e. All protests will be in writing, filed with the Procurement Officer identified in the RFP and include the following:

1. Identification of the RFP number;

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2. The name, address and telephone number of the protester;
 3. A detailed statement describing the legal and factual grounds for the protest, including copies of relevant documents;
 4. The form of relief requested; and
 5. The signature of the protester or its authorized representative.
- f. The Procurement Officer will render a written decision within a reasonable period after the protest is filed. The City will not request City Council authorization to award the contract until the protest process is complete. All protests and appeals must be submitted in accordance with the City’s Procurement Code, (Phoenix City Code, Ch. 43), and administrative regulations.

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 and will include, but are not limited to, the terms and conditions identified in this Section VI. 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 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

Proposer (“Indemnitor”) must defend, indemnify, and hold harmless the City of Phoenix and its officers, officials (elected or appointed), agents, and employees (“Indemnitee”) from and against any and all claims, actions, liabilities, damages, losses or expenses (including but not limited to court costs, attorney fees, expert fees, and costs of claim processing, investigation and litigation) of any nature or kind whatsoever (“Losses”) caused, or alleged to be caused, in whole or in part, by the wrongful, negligent or willful acts, or errors or omissions of Indemnitor or any of its owners, officers, directors, members, managers, agents, employees or subcontractors (“Indemnitor’s Agents”) arising out of or in connection with this Contract. This defense and indemnity obligation includes holding Indemnitee harmless for any Losses or other amount arising out of or recovered under any state’s Workers’ Compensation Law or arising out of the failure of Indemnitor or Indemnitor’s Agents to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. Indemnitor’s duty to defend Indemnitee accrues immediately at the time a claim is threatened or a claim is made against Indemnitee, whichever is first. Indemnitor’s duty to defend exists regardless of whether Indemnitor is ultimately found liable. Indemnitor must indemnify Indemnitee from and against any and all Losses, except where it is proven that those Losses are solely as a result of Indemnitee’s own negligent or willful acts or omissions. Indemnitor will be responsible for primary loss investigation, defense and judgment costs where this indemnification applies. In consideration of the award of this Contract, Indemnitor agrees to waive all rights of subrogation against Indemnitee

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for losses arising from or related to any work performed by Indemnitor or Indemnitor's Agents for the City of Phoenix. The obligations of Indemnitor under this provision survive the termination or expiration of this Contract.

B. Insurance Requirements

The successful proposer must procure and maintain until all 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. Specific 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).
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. 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.

E. Third Party Beneficiary Clause

The parties expressly agree that any contract entered into as the result of this RFP is not intended by any of its provisions to create any right of the public or any member thereof as a third party beneficiary nor to authorize anyone not a party as a result of this RFP to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of any contract entered into as the result of this RFP.

F. Governing Law; Forum; Venue

Any contract entered into as the result of this RFP and delivered in the State of Arizona, and the substantive laws of the State of Arizona (without reference to choice of law principles) will govern their interpretation and enforcement. Any action brought to interpret or enforce any provision of any contract entered into as the result of this RFP that cannot be administratively resolved, or otherwise related to or arising from any contract entered into as a result of this RFP, will be commenced and maintained in the state or federal courts of the State of Arizona, Maricopa County, and each of the parties, to the extent permitted by law, consents to jurisdiction and venue in such courts for such purposes.

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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 provided in response to 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 value 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, participation in the RFP process, or subsequent negotiations.
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 build and operate the project as (check one):

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

Identify all the members and managers, if an LLC, all the partners, if a partnership, or all the officers and board members, 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 all of the officers, board members, partners, members, and managers.

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, 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 including date filed, court, case name, case number, amount sought/recovered, and the status of each lawsuit. **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 of performance, 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, addresses, and telephone numbers of a minimum of three firms or government organizations for which the Proposer is currently furnishing or has completed service of a similar size and scope as described in this RFP.

The Proposer may not use the City of Phoenix as a reference.

Organization Name _____

Address _____

Address _____

Contact _____

Telephone and Fax Number _____

Email Address _____

Date of Contract Initiation _____

Type of Services Provided _____

Organization Name _____

Address _____

Address _____

Contact _____

Telephone and Fax Number _____

Email Address _____

Date of Contract Initiation _____

Type of Services Provided _____

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Organization Name _____

Address _____

Address _____

Contact _____

Telephone and Fax Number _____

Email Address _____

Date of Contract Initiation _____

Type of Services Provided _____

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: _____

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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: _____

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**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, members, owners, 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 owners' names, 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 not applicable, list “N/A.”

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. Please explain:

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 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 during performance of any 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 any 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)

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ATTACHMENT C
DEVELOPMENT DETAILS

Each proposer must complete and submit this form with its proposal for each Lot proposer wishes to bid on.

Name of proposer: _____

Development details for Lot located at _____ W Polk Street.

- Residential SF: _____
- Other SF (detail): _____
- Number of Residential Units: _____
- Number of Units by Residential Type:
 - Rental Units: _____
 - For Sale Units: _____
- Number of Units by Market Type:
 - Affordable/Income-Restricted: _____
 - Market Rate: _____
 - Mixed-Income: _____
- Number of Parking Spaces: _____
- Building Height (feet and stories): _____
- Estimated Number of Construction Jobs: _____
- Estimated Number of Permanent Jobs: _____
- Estimated Value of Project: \$ _____

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**ATTACHMENT D
OFFERED PURCHASE PRICE**

Each proposer must complete and submit this form with its proposal for each Lot proposer wishes to bid on.

Name of proposer: _____

Offered purchase price at Lot located at _____ W Polk Street.

The City will not be responsible for any proposer errors or omissions.

Offered Purchase Price \$ _____

*** - Any proposal offering a payment less than the minimum purchase price listed in Attachment D must include the quantifiable value for each additional tangible public benefit under Tab 3 – Return to the City, to demonstrate the total proposed purchase price meets or exceeds the minimum purchase price.**

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ATTACHMENT E
INTENT TO SUBMIT

Submittal of this form is notification to the City of Phoenix of your intention to submit a proposal for the Purchase and Development of 1305 and/or 1410 W Polk Street under Solicitation Number NSD-RFP-FY25-01. The Procurement Officer will create a unique upload link for your proposal which will be used for submission of all materials. You will receive notification by email once this upload link has been created.

To participate in this solicitation, you are required to complete and submit this form to chris.christensen@phoenix.gov by no later than **December 6, 2024, 4:00 p.m.** The upload link will remain active until **2:00 p.m.** Phoenix local time on **December 13, 2024.**

Project Name	
Proposer	
Email Addresses (you may provide access to multiple email addresses to upload documents)	
Email 1	
Email 2	
Email 3	
Email 4	
Email 5	
Email 6	

Printed Name and Title of Authorized Representative

Authorized Representative's Signature

Date

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

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ATTACHMENT F
SITE MAP

