



City of Phoenix

**Jefferson Street Parcels at 14th Street
Lease and Redevelopment
Request for Proposals (RFP)
RFP-CED21-JSP**

Schedule

ACTIVITY (All times are local Phoenix time)	DATE
Issue RFP	June 18, 2021
Pre-Proposal Meeting (10:00 a.m.)	June 30, 2021
Submittal of Written Questions Deadline (2:00 p.m.)	July 16, 2021
Responses to Written Questions	July 27, 2021
Proposal Deadline (2:00 p.m.)	August 17, 2021
Short Listing, if applicable	September 2021
Proposer Interviews, if applicable	September 2021
Negotiations with Recommended Proposer	Fall 2021
Award Recommendation to Phoenix City Council	April 2022

Submit proposals and requests for alternate formats to:

Gretchen Wolfe, Procurement Officer
City of Phoenix
Community and Economic Development Department
200 West Washington Street, 20th Floor
Phoenix, Arizona 85003-1611
Telephone: 602-495-0747 (7-1-1 Friendly)
procurement.request.ced@phoenix.gov

<https://solicitations.phoenix.gov/Solicitations/Details/993>

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), through its Community and Economic Development Department (CEDD), invites proposals for the lease and redevelopment of the City-owned parcels near 1414 E. Jefferson Street in Phoenix (**Site**). A Site map is included in this RFP as **Attachment F**.

B. Minimum Qualifications

The following minimum qualifications are non-negotiable.

1. A member of each proposing team must have experience successfully completing at least 1 vertical mixed-use development project of at least 3 stories in the last 5 years.
2. Each proposed development must include market, affordable, and workforce residential units, as defined in **Section II (D)**, with at least 50% of the proposed residential units designated as affordable or workforce housing, for the term of the lease.
3. Each proposal must offer to pay the City an annual lease rate of not less than \$36,350 for the first year of the proposed lease, with a minimum annual increase of 3% for the term of the proposed lease. (A current appraisals of the Site are posted on the [RFP Webpage](#).)

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 be disqualified.

C. Pre-Proposal Meeting

Proposers are strongly encouraged to attend the pre-proposal meeting at the date and time listed on page 1 via Webex and/or conference call. The purpose of this meeting is to review this RFP and respond to proposer questions. Please email procurement.request.ced@phoenix.gov to register for this meeting.

D. 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](#).

E. 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.

F. 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 City Council 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 an award of the contract resulting from this RFP.

The successful proposer's proposal guarantee becomes non-refundable upon Phoenix City Council 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.

II. BUSINESS OPPORTUNITY

A. Background

The City acquired the Site through the Voluntary Acquisition and Relocation Services (VARs) program which, between 2002 and 2016, acquired properties west of Phoenix Sky Harbor International Airport (the Airport) that were exposed to certain levels of aircraft noise. The [PHX Land Reuse Strategy \(LRS\)](#) was initiated to determine appropriate reuse of these properties through a multi-year stakeholder-collaboration process. In 2017, the LRS was adopted by the Phoenix City Council and, in 2019, it received a final letter of support from the U.S. Federal Aviation Administration (FAA).

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In 2020, the City issued the [LRS Implementation Strategy](#), which includes development guidelines and design standards, revitalization action plans and workbooks, as well as concepts and guidance for a shared-use cultural trail system. Proposers are encouraged to consider the community input reflected in the LRS Implementation Strategy when preparing responses to this RFP.

The Site is located in what the LRS documents sometimes refer to as Spark Area 1 and the North Area/Subarea.

As such, any agreement resulting from this RFP for the lease of the Site will include a waiver releasing the City of any liability for any future noise impact to the resulting project that may arise as a result of operations at the Airport and an acknowledgment that the City acquired the Site as property impacted by noise from nearby aviation uses. Proposers are also required to complete and submit the Commitment Form included as **Attachment C** to acknowledge this waiver and an aviation easement will be included in the resulting agreement.

B. Site Description

A key strength of the Site is its location, with both [Downtown Phoenix](#) and [the Airport](#), reachable within 2 light-rail stops and a 10-minute drive. Arizona State University's downtown Phoenix campus, the Phoenix Bioscience Campus, and the Warehouse and Roosevelt Row Art districts are all within 2 miles of the Site.

The Site is comprised of Assessor's Parcel Numbers (APNs) 116-48-016A, -017A, -018A, -019A, -020A, -021A -023A and totals approximately 1.11 acres. APN 116-48-023A, which is not immediately adjacent to the other parcels, is approximately .16 acres. The Site is available in "As-Is" condition.

1. Zoning

The Site is currently zoned [R-5](#) and is within the planning boundary for the Eastlake-Garfield Transit Oriented Development (TOD) District. The [Eastlake-Garfield TOD Policy Plan](#) requires the Site to be rezoned to [Walkable Urban Code](#) Transect District T5:5 due to its proximity to the 12th Street/Jefferson Street light rail station. T5:5 zoning calls for medium-high-intensity mixed-use development characterized by buildings that integrate retail, offices, live-work and residential units adjacent to the light rail corridor. The desired building height of T5:5 is a maximum of 56 feet. The successful proposer will be required to file the required zoning applications and diligently pursue to completion.

2. Access

The Site is bounded on the north by a public alley and on the south by Jefferson Street (arterial street), both of which connect to 14th Street to the west and 15th Street to the east. Vehicular access is available from the public alley or from Jefferson Street. Information about nearby bus service and light rail service is available at [Valley Metro](#).

3. Utilities

The City's existing water and wastewater infrastructure serving the 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](#). The Site is also served by Southwest Gas (natural gas) and Arizona Public Service (electric power).

- Water
 - 6-inch Cast Iron Pipe (CIP) water main in 14th Street
 - 12-inch Ductile Iron Pipe (DIP) water main in Jefferson, north of light rail tracks

- Sewer
 - 16-inch DIP sewer main in 14th Street
 - 8-inch Vitrified Clay Pipe (VCP) sewer main in 14th Street (south of the public alley)
 - 8-inch VCP sewer main in public alley

C. Surrounding Area

The Site is located within the vibrant Eastlake Park Neighborhood, which is home to a mix of single- and multi-family properties, historic properties, several churches, headquarters for two independent newspapers, jazz music event series and growing community of artists, and one of Phoenix's oldest city parks, Eastlake Park.

Existing uses in the immediate vicinity of the Site include:

- North – Vacant land, auto repair, metal fabricator (across alley)
- South – Church (across Jefferson Street and light rail)
- East – Single-family residence
- West – Vacant single-family residence eligible for historic designation

There is also a single-family residence on the parcel separating APN 116-48-023A from the rest of the parcels.

D. Classifications of Unit Types and Requirements

The transaction resulting from this RFP will include a leasing requirement to ensure the project for this Site includes market, affordable, and workforce housing units, and that at least 50% of those residential units will be offered as affordable and/or workforce housing, as defined below. Each proposer must identify the number of affordable and/or workforce housing units included in its proposed development in **Attachment D**.

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The following definitions apply to this RFP and proposals submitted to this RFP.

1. Affordable - Units classified as “affordable” will be made available to residents with income levels not exceeding 60 percent of the Area Median Income (AMI) annually published by the [U.S. Department of Housing and Urban Development \(HUD\) for the Phoenix-Mesa-Scottsdale, AZ Metropolitan Statistical Area \(MSA\)](#). The successful proposer will enter into a Housing Assistance Payments (HAP) contract with the City to receive Section 8 Tenant-Based Assistance on behalf of qualified renters.
2. Workforce: Units classified as “workforce” will be made available at rents equal to 30% of the tenant’s household income to residents with income levels between 80% and 120% of the AMI annually published by HUD for the MSA defined above. The resulting development lease agreement will contain restrictions for the workforce units and an annual reporting requirement to certify that units classified as Workforce are occupied by residents who are income qualified.
3. Market – Units classified as “market” have no rent restrictions and the successful proposer may set rents for these units at its discretion.

E. Transit-Oriented Development Design

The Site is located within the Eastlake-Garfield Transit Oriented Development (TOD) District. The [Eastlake-Garfield TOD District Policy Plan](#) seeks to promote potential TOD opportunities in Eastlake-Garfield. Generally, TOD ensures access to and from transit is walkable and accessible through a human-scaled environment. TOD provides a mix of compatible and complementary land uses that facilitate transit ridership and provide streets that have a high level of connectivity with small blocks and with buildings and uses that cater to pedestrians and cyclists.

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 an appropriately dense, infill, mixed-use, mixed-income residential development project that capitalizes on the Site’s prominent location and provide an innovative and high-quality design that creates functional and appropriate transitions to buildings adjacent to the Site.

The final, negotiated project must include:

- a. A mix of all required classifications (affordable, workforce and market-rate) of unit types in each proposed building.

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- b. A mix of product types, including studios, 1 bedrooms, 2 bedrooms and 3 bedrooms, across all required classifications of unit types.
- c. Residential units across all required classifications of unit types available for occupancy within 36 months of escrow closing.
- d. No demarcation between, or segregation of, unit type classifications.
- e. At least 75% of the non-parking square footage dedicated to residential use. Non-residential uses should incorporate amenities and uses that enhance the neighborhood and honor its history.

In addition, housing units classified as affordable must meet minimum size standards as established by the [Arizona Department of Housing Qualified Allocation Plan](#) in effect as of the proposal deadline.

2. Incorporate enhanced pedestrian-oriented amenities and ground floor activation, promoting walkability with pedestrian links and bicycle paths to connect to nearby bus and light rail transit stops. Leasing offices and exercise rooms are discouraged ground floor usage.
3. Be consistent with the PHX Land Reuse Strategy Implementation Spark Area 1 Development Standards and Design Guidelines posted on the [RFP Webpage](#), [Eastlake-Garfield TOD District Policy Plan](#), [Transit-Oriented Development Strategic Policy Framework](#), [Phoenix Zoning Ordinance](#), and all other applicable regulations, guidelines and adopted plans, including the [Housing Phoenix Plan](#), [Complete Streets Program](#), the [Bicycle Master Plan](#), the [Tree and Shade Master Plan](#) and the [Accessibility Requirements for Residential Occupancies Guideline](#).
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. Include windows and insulation necessary to mitigate any potential noise impacts from nearby PHX.
6. 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.
7. 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

In its proposal, each proposer must detail its return to the City in terms of financial

return (annual lease payments and term of proposed lease) and other tangible public benefits, which may include one or more of the following: new and/or retained jobs, business opportunities, civic space, community amenities, bicycle facilities, shared public parking, workforce and affordable housing, 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 the development resulting from this RFP.

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, and
- 1 proposal guarantee as specified in **Section I (F)**.

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.

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

- 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. Signed Commitment Form (**Attachment C**)

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

- d. Signed Federal Certifications (**Attachment E**)

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

- e. Executive Summary

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

- a. Completed Development Details Form (**Attachment D**)

- b. A narrative description of the proposed development that:

- 1) Documents how the proposed development addresses each element in **Section II (G)**, and
- 2) Details operation and management of the proposed project after completion of construction.

Any proposal that does not include market, affordable, and workforce housing units with at least 50% of the proposed residential units designated as affordable or workforce housing will be disqualified.

- c. Conceptual building elevations and a conceptual site plan, depicting any applicable phasing.
- d. 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.

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- e. Documentation of the proposed development's feasibility, including:
 - 1) Research/market demand data that supports the proposed development.
 - 2) Method of property control or acquisition for the Site plus adjacent site(s), should the proposed development include any.
 - 3) Letters of interest from potential tenants/buyers/operators for the proposed development.
- f. A project budget clearly detailing and defining the proposed development's costs, including construction costs, soft costs, contingencies, and assumptions.
- g. An operating pro forma for the proposed development, including all revenues, expenses, debt service, taxes, and other assessments for 10 years.
- h. 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.
- i. A construction mitigation plan that identifies potential impacts to neighbors, both commercial and residential, and outlines a viable mitigation strategy.

3. Tab 3 – Return to the City

- a. An annual cash lease payment schedule for the full term of the proposed lease

Any proposal offering less than required in **Section I (B) (3)** will be disqualified.
- b. A description of the economic, fiscal, employment and other tangible public benefits generated by the proposed development.
- c. A description of any requested City assistance, including specific details such as the type of assistance, length of contract term, commencement and completion dates, etc. 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.

A proposal that requests City assistance may receive fewer points from the evaluation panel.

4. Tab 4 – Proposer’s Qualifications and Experience

- a. Provide sufficient documentation to demonstrate the proposer meets the minimum qualifications listed in **Section I (B) (1)**.
- b. Clearly identified key individuals and companies comprising the proposed development team and each proposed development team member’s roles and responsibilities for the proposed development.
- c. Description of the proposed development team’s experience successfully financing, developing, completing, and managing other projects of similar scale and complexity, including the roles and responsibilities of each proposed development team member for those projects. Proposers should include contact information for at least 1 reference for each project listed.
- d. 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.
 - If tax credits are part of the proposed financing plan, evidence of proposer’s successful tax credit proposals.

IV. PROPOSAL EVALUATION

CEDD 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. CEDD 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 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

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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 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 (0-375 points)**
- 2. Return to the City (0-325 points)**
- 3. Proposer's Qualifications & Experience (0-300 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 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.

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 person at 200 West Washington, Phoenix, 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 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

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

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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 City Council 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. FAA concurrence and/or approval is required before the City can enter into any contract for this Site.

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.

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 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 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 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 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).
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.

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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 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

Jefferson Street Parcels at 14th Street RFP-CED21-JSP

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
COMMITMENT FORM

Each proposer must complete and submit this form with its proposal. By signing this form, the proposer, should it be selected as the recommended proposer:

1. Agrees to execute an avigation easement on the Site, and
2. Acknowledge that the City acquired the Site as property impacted by noise from nearby aviation uses and agrees any agreement resulting from this RFP will include a waiver releasing the City of any liability for any future noise impact to the resulting project that may arise as a result of operations at Phoenix Sky Harbor International Airport.

Proposer's Legal Name: _____

Printed Name of Authorized Representative*: _____

Title: _____

Signature: _____

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

Attachment D
DEVELOPMENT DETAILS

Name of proposer: _____

Each proposer must complete and submit this form with its proposal.

- Gross Square Footage (SF): _____
- Commercial SF: _____
- Office SF: _____
- 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: _____
 - Workforce: _____
 - Market Rate: _____

- Number of Hotel Rooms: _____

- Number of Parking Spaces: _____
 - Number of Parking Spaces for Public Use: _____

- Number of Buildings: _____
- Building Height(s) (feet and stories): _____

- Estimated Number of Construction Jobs: _____
- Estimated Number of Permanent Jobs: _____

- Estimated Value of Project: _____

Attachment E
FEDERAL CERTIFICATIONS

1. Debarment and Suspension Certification

Choose one alternative:

- The proposer certifies to the best of its knowledge and belief that it and its principals:
 1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
 2. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission or embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in Paragraph 2 of this certification; and
 4. Have not within a three-year period preceding this proposal had one or more public transactions (federal, state or local) terminated for cause or default.

OR

- The proposer is unable to certify to all of the statements in this certification and attaches its explanation to this certification. (In explanation, certify to those statements that can be certified to and explain those that cannot.)

The proposer certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of Title 31 USC § Sections 3801 are applicable thereto.

Executed in [insert city and state]:

Company Name:

Authorized signature and Title

Date

2. Lobbying Certification

The proposer certifies, to the best its knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of a federal department or agency, a member of the U.S. Congress, an officer or employee of the U.S. Congress, or an employee of a member of the U.S. Congress in connection with the awarding of any federal Contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification thereof.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal Contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instruction, as amended by "Government-wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96).
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, USC § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

THE PROPOSER, _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF EACH STATEMENT OF ITS CERTIFICATION AND DISCLOSURE, IF ANY. IN ADDITION, THE PROPOSER UNDERSTANDS AND AGREES THAT THE PROVISIONS OF 31 USC §§ 3801 ET SEQ. APPLY TO THIS CERTIFICATION AND DISCLOSURE, IF ANY.

Name of proposer's authorized official: _____

Title: _____

Authorized signature

Date

Per paragraph 2 above, complete and submit Standard Form–LLL, "Disclosure Form to Report Lobbying," if applicable.

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Attachment F
SITE MAP

