

THE CITY OF SAN DIEGO

REQUEST FOR PROPOSALS



**TO LEASE THE
CITY-OWNED SITE LOCATED AT THE SOUTHWEST CORNER
OF NATIONAL AVENUE AND SAMPSON STREET, SAN DIEGO, CALIFORNIA 92113**

**PROPOSAL DEADLINE: February 26, 2015
4:00 p.m.**

**LOCATION: Real Estate Assets Department
17th Floor, Civic Center Plaza
1200 Third Avenue, Suite 1700
San Diego, CA 92101**

**CONTACT PERSON: Charmaine Gillis
TELEPHONE: (619) 236-6986**

The City of San Diego (City) invites proposals from qualified firms or individuals, thereafter referred as Proposers, to lease a City-owned site located at the southwest corner of National Avenue and Sampson Street in San Diego, California 92113 (Property); Assessor's Parcel Number 538-550-16. This Property is currently leased by the Barrio Station, a community youth center (Barrio Station Center). The City's goal is to provide the highest and best benefit to the community and the City from a contemplated lease of the Property. The City's Real Estate Assets Department (READ) is seeking proposals from qualified Proposers via this Request for Proposal (RFP) process. Proposals will be evaluated pursuant to the criteria stated herein and in accordance with City regulations and policies. The proposal determined to be recommended for award shall be entitled to negotiate a lease agreement with the City as described herein (Lease). Said Lease shall be conditional on, and subject to, separate approval by the City's City Council, in its sole discretion.

A. BACKGROUND

The Property area is 0.321 acres (approximately 14,000 sq. ft.) and adjacent to an alley, as depicted on Exhibit A attached hereto. The Property is presently zoned BLPD-SUBD-A/IL-3-1. The Barrio Station Center, has operated the Property as a 34-space, improved parking lot for their sole use since 1997.

B. TYPE OF PROPOSALS SOUGHT

READ is seeking proposals for a long-term lease of the Property.

Each proposal should reflect the City's goal to have a lessee who provides the greatest benefit consistent with the respective Community Plan for the Property (available at the website listed on Exhibit D of this RFP), while it leases, operates, manages and maintains the Property and related activities in a fiscally responsible manner that enhances the community and neighborhood. The Proposer may be an individual or business entity, such as a partnership, corporation or non-profit agency.

A term of up to twenty-five (25) years will be considered for the Lease.

All proposals must include thirty-four (34) regular vehicle parking spaces on the site every day after 6:00 p.m. for the sole use of the Barrio Station Center. This provision shall be incorporated in the Lease.

Each Proposer in preparing his/her proposal should consider all available industry guidelines as they apply to zoning/usage liability, public health standards, recreational operations, Americans with Disabilities Act (ADA) access, and the highest standards of maintenance of all facilities and equipment. It is the responsibility of the Proposer to verify with the City's Development Services Department the specific property use being proposed.

C. PROPOSAL CONTENT

General

All proposals should include, as a minimum, the information in Section “F” specified below. Failure to include this information will seriously detract from a proposal and may be cause for its rejection. The inclusion of any additional information which will assist in the evaluation is encouraged. The adequacy, depth, and clarity of the proposal will influence its evaluation. The proposal submitted must be complete enough for a selection to be made from the material contained in it alone. Proposers are urged to present their best offer in their proposals, as there will be no auction or competitive negotiation of this lease.

D. PROPOSAL ELEMENTS AND CITY PROVISIONS

Upon selection of a proposal determined to be sufficient for recommendation of award, the City anticipates entering into negotiations with the successful Proposer for a Lease with terms appropriate for the proposed use of the site. There will be a Lease Processing Fee. The following terms and conditions shall be incorporated into the Lease to be negotiated between the awarded Proposer and the City, subject to modification, deletion, and additional terms and conditions as determined by the City in City’s sole discretion:

1. Uses and Possible Development. The proposed primary use of the Property must be clearly specified. If proposing development or re-development of the site, the proposal must include a preliminary development plan which consists of a preliminary plot plan, proposed schedule of the development and amount of proposed investment. A business plan and pro forma must be included. Each proposal shall clearly set forth the hours of operation for each day, including any holidays or any other closed days. Each proposal shall also include a detailed description of the various types of programs if applicable that will be offered at this site. The description should include how the organization will operate, the community need that is being met, and the anticipated number of clients that will be served.
2. Term. The proposed term must be justified by the Proposer on the basis of capital investment in improvements, equipment, facilities and in promoting the Property and services thereon to the general public. The length of the term will be appropriate for the amount of investment made on the Property.
3. Rent. Proposer shall propose a rental amount to be paid to City, appropriate to the proposed use of the Property. Non-profits should the value of the public benefit to the community and the City in a brief narration description.

4. Records. Lessee shall keep complete and accurate accounting records, which shall be subject to City review at reasonable times to determine the nature and amounts of income from the operation of the Property. The records may be periodically audited by the City.
5. Right to Assign and Sublet. Lessee may not assign the Lease or any interest therein and may not sublet any portion thereof without prior written approval from the City. The approval, however, may be conditioned upon the proposed assignee agreeing to revisions to the agreement to reflect market conditions or City requirements that are then in effect. Also, no assignee will be approved who is not at least comparable to the original selected operator in financial and professional capabilities to operate Property, as determined by City.
6. Compliance with Laws. Lessee shall be in full compliance with all applicable municipal, county, state, and federal laws and regulations, at its own cost, regarding all aspects of the Lease and activities at the Property.
7. Utilities. Lessee shall install, order, obtain and pay for all utilities and service and installation charges in connection with the Property.
8. Nondiscrimination. Lessee shall not discriminate in any manner against any person by reason of race, color, religion, gender, sexual orientation, medical status, national origin, age, marital status, or disability in the use of the Property. Lessee shall comply with the City's programs for equal employment opportunities. This program includes requiring Lessee to submit a Workforce Report (see attached Exhibit "B"), and in some cases an Equal Opportunity Plan. Lessee shall comply with San Diego Municipal Code sections 22.4301-22.4308, which requires lessees of City-owned property to offer the same employment benefits to employees with spouses and employees with domestic partners. Lessee shall certify that it will maintain such equal benefits throughout the term of the Lease.
9. Insurance. Lessee shall be required to carry public liability and property damage insurance, naming the City as an additional insured, in the amount of not less than Two Million Dollars (\$2,000,000) combined single limit liability. Lessee shall also release, indemnify, defend, and hold the City harmless from liability in connection with any and all operations and activities on the Property. Lessee is required to carry Worker's Compensation insurance and policy, a policy of fire, extended and special form insurance with replacement cost coverage on all permanent property of an insurable nature located upon the Property in an amount equal to the full replacement of all improvements. Liability limits are to be per site and not a cumulative limit.

10. Equal Benefits. LESSEE shall comply with San Diego Municipal Code sections 22.4301-22.4308, which require lessees of City-owned property to offer the same employment benefits to employees with spouses and employees with domestic partners. LESSEE shall certify that it will maintain such equal benefits throughout the term of this Lease. LESSEE's failure to maintain equal benefits shall be a default of this Lease.
11. Taxes. Lessee must pay any and all taxes and assessments, including possessory interest taxes levied by reason of its possession, development, or use of the Property.
12. Default. The City will reserve the right to terminate the Lease in the event of Lessee's failure to pay any Rent within five (5) days of legal notice thereof, or to cure any curable default or breach within thirty (30) days of legal notice thereof.
13. Permits and Licenses. Lessee will be required to obtain any and all necessary approvals, permits and licenses for the development and/or operation of the Property at his/her sole cost and expense.
14. Improvements and Alterations. All improvements, demolition, or alterations to the Property shall be in accordance with plans and specifications approved in writing by READ.
15. Prevailing Wage. Depending on details of the Lease and legal requirements, Lessee may be required to pay prevailing wage for construction and/or maintenance services. If prevailing wage requirements apply, the Lease shall contain a provision setting forth the following, among other things:

In accordance with California Labor Code (Labor Code) sections 1770, et seq., as amended, the Director of the Department of Industrial Relations (DIR) has determined the general prevailing rate of per diem wages (Prevailing Wage Rate) in accordance with the standards set forth in Sections for the locality in which the work is to be performed. Lessee may review the Prevailing Wage Rate at the City's Purchasing and Contracting Department or Equal Opportunity Contracting (EOC) Office or on-line at http://www.dir.ca.gov/dlsr/statistics_research.html. Lessee shall post a copy of the Prevailing Wage Rate at each job site and make copies available to any interested party on request.

Pursuant to Labor Code sections 1720 et seq., and 1770 et seq., Lessee and all subcontractors shall pay not less than the Prevailing Wage Rate to all persons employed by them in the execution of the work. Lessee and any subcontractor shall comply with Section 1775 (Penalties for Violations) in the event workmen are paid less than said specified rates.

The wage rates determined by the DIR and published in the Department of Transportation publication entitled "General Prevailing Wage Rates" refer to expiration dates. If the published wage rate does not refer to a predetermined wage rate to be paid after the expiration date, said published wage rate shall be in effect for the life of this Permit. If the published wage rate refers to a predetermined wage rate to become effective upon expiration of the published wage rate and the predetermined wage rate is on file with the DIR, such predetermined wage rate shall become effective on the date following the expiration date and shall apply to this Permit in the same manner as if it had been published in said publication. If the predetermined wage rate refers to one or more additional expiration dates with additional predetermined wage rates, which expiration dates occur during the life of this Permit, each successive predetermined wage rate shall apply to this Permit on the date following the expiration date of the previous wage rate. If the last of such predetermined wage rates expires during the life of this Permit, such wage rate shall apply to the balance of the Permit.

If Lessee intends to use a craft or classification not shown on the prevailing rate determinations, Lessee may be required to pay the rate of the craft or classification most closely related to it.

Lessee and subcontractors must comply with Labor Code section 1776 by keeping accurate payroll records that show the name, address, social security number, work classification, straight time, and overtime hours worked each day and week by each worker, and the actual per diem wages paid to each worker employed by Lessee or subcontractor in connection with the public works project. Each payroll record shall contain or be verified by a written declaration signed by Lessee or subcontractor under penalty of perjury that states that: 1) the information contained in the payroll record is true and correct; and 2) Lessee or subcontractor has complied with the requirements of Labor Code Sections 1771, 1811, and 1815 for any work performed by his or her employees on the public works project. The payroll records must be certified. Lessee and subcontractor(s) shall submit weekly certified payrolls online via the City's web-based labor compliance program. Lessee shall be responsible for the compliance with these provisions by its subcontractors.

Lessee must abide by the requirements of Labor Code Sections 1777.5, 1777.6, and 1777.7 concerning the employment of apprentices by contractors and subcontractors performing public works contracts.

16. Maintenance. The Property is to be leased "as is" and all maintenance and repairs shall be the responsibility of Lessee throughout the entire term of the Lease without expense to the City. Lessee shall maintain the Property and all improvements thereon in a clean, safe and well-maintained condition throughout

the term of the lease agreement, to the satisfaction of the City and in compliance with all applicable laws.

17. Ownership of Improvements. All improvements except trade fixtures installed on the Property shall become the property of the City, at the City's option, upon termination or expiration of the Lease. If the City elects, all improvements shall be removed from the Property at the termination or expiration of the Lease, at Lessee's sole cost and expense. Lessee shall remove all trade fixtures and personal property from the Property upon termination or expiration without cost to the City or damage to the Property.
18. Hours of Operation. A regular schedule of days and hours of operation shall be established by Lessee to best serve the public. The schedule shall be subject to approval by the City.

E. RESPONSIBILITY OF PROPOSERS

1. Each Proposer is responsible for making all investigations and examinations necessary for developing and operating the Property. Failure to do so will not waive any condition of this RFP or of the Lease. Submission of a proposal will be considered evidence that the Proposer has made such investigations and examinations, and that the Proposer has familiarized themselves with the nature and extent of the requirements of this RFP.
2. Proposers may withdraw their proposals at any time prior to the submission deadline upon written notice to READ.

F. PROPOSER IDENTIFICATION AND INFORMATION

In addition to all other required proposal elements, each proposal **MUST** include the following items:

1. Identification. The complete identity, including social security number, address, daytime phone number, and employment of the Proposer; or the name of the organization, the organization's Federal Tax ID number and the names and addresses of the principals who will be responsible for the operation of the business and their position in the firm. If the business is a privately held corporation, a listing of all stockholders, their interest in the company as related to percentage of ownership, and their interest, if any, in the operations of the entity must be included.
2. Experience. A summary of the Proposer's experience and qualifications for the proposed type of enterprise. If the Proposer is not going to be involved in the day-

to-day operation of the site, then the Proposer must include verification that the persons employed as managers are well qualified.

3. Financial Statements. Current financial statements, audited or CPA prepared, or tax returns for the preceding three years is required. Each Proposer shall submit a full and detailed statement of their true financial condition as of July 1, 2014, or as recent as possible if that date is not available. The statement shall include the Proposer's assets, liabilities and net worth, including the availability of and operation capital and its source. If the Proposer plans to use borrowed capital, then the amount of borrowed capital proposed for the improvements and operations at the Property, and its source and terms of repayment, must be included in the financial statement.

All Proposers who claim tax exempt/non-profit status shall also submit the following, if the Proposer's proposal involves reduced (non market rate) rent or other subsidy from the City:

1. Tax Exempt Status A certification of "good standing" letter from the Secretary of State regarding the 501c (3) status must be submitted to Real Estate Assets.
2. Financial Statements Submittal of an income and expense budget for the past 12 months with sufficient detail to indicate how figures were derived and current financial statements listing all assets and liabilities. Provide a detailed estimate of operating expenses for the first three (3) years of full operation under the proposal.
3. Evidence of Organization Structure.
 - a. Submittal must include copies of the recorded Articles of Incorporation or partnership agreements.
 - b. Copy of Bylaws.
 - c. Copies of local, state, federal or any other accepted accreditation board or licenses/certificates evidencing organization recognition and /or the right to do business in this locality.
 - d. A list of current board Members.
 - e. Certification that the organization requires a minimum of four (4) directors to establish a quorum to conduct business.
 - f. Certification that regular board meetings are held at least once a quarter, evidenced by properly recorded, approved and executed minutes.

- g. Certification that the Executive Director or any other paid staff does not also serve as a voting Board Member.
 - h. Current list of staff, paid or non-paid.
4. Organization Background.
- a. Provide organization's purpose, goals and priorities and how the organization benefits the community and City.
 - b. Number of employees in the workforce and number of clients served.
 - c. Detailed summary of services, days and hours your organization will be operate. Please be advised this will be a contractual agreement, with annual recertification, that includes inspections and audits to insure the services are rendered.

G. NONCONFORMING PROPOSALS

The City anticipates leasing the Property under the terms and conditions outlined in this RFP. Proposers are encouraged to offer terms more favorable to the City than those specified herein. Proposers should bear in mind the competitive nature of the proposal process and the fact that the City will be looking for the proposal which offers the best benefit to the community and to the City. However, the City may also consider proposals offering alternate terms. Proposers requiring reduced rent during construction, rent credits, or other deviations from the provisions of this RFP should specifically address the required changes in their proposals. The City is not obligated to accept any proposal, whether conforming or nonconforming.

H. PRE-PROPOSAL INSPECTION

It would be to each Proposer's advantage to inspect the Property. To give Proposers an opportunity to view the site and ask questions about the Lease, proposal submittal, and related matters, a pre-proposal inspection of the site will be scheduled. It is strongly suggested that all Proposers attend the pre-proposal inspection. While attendance is not mandatory, it is the sole responsibility of the Proposer to become familiar with the City's requirements prior to submitting a proposal.

Date of Pre-Proposal Inspection:

Wednesday, January 28, 2015

Time: 10:30 a.m. – 11:30 a.m.

Place: National Avenue and Sampson Street

Contact: Please contact proposal coordinator, Charmaine Gillis by January 27, 2015, at cgillis@sandiego.gov, phone (619) 236-6986, if you are planning to attend.

I. PROPOSAL SUBMISSION

1. Due Date

Proposals must be received at the address listed below no later than 4:00 p.m. on Thursday, February 26, 2015.
Proposals received after that time will not be considered.

2. Place of Delivery

All proposals should be delivered to:

City of San Diego
Real Estate Assets Department
1200 Third Avenue, Suite 1700
San Diego, CA 92101
Attn: Charmaine Gillis

3. Faithful Performance Deposits

All proposals **MUST** include a cashier's check or certified check in the amount of Five Thousand Dollars (\$5,000) payable to City Treasurer as a faithful performance deposit to assure that, if the proposal is selected by the City, that the Proposer will negotiate in good faith a Lease containing substantially the same terms and conditions as set out in this RFP and in the selected proposal. No personal checks will be accepted and no interest will be paid on deposits. All unsuccessful Proposers' deposits will be refunded within thirty (30) days after the acceptance by the City of the successful proposer's proposal.

4. Number of Copies

Proposers are requested to submit five complete copies of their proposals. All materials submitted by Proposers become the property of the City of San Diego and may not be returned, with the exception that financial information in proposals, upon written request indicated at the time of proposal submission, will be removed from each proposal and returned to the Proposer upon completion of City's review. Notwithstanding the foregoing, all proposals (and the contents thereof) shall be subject to applicable public records laws, as stated, allowed, and

required by the provisions stated in Exhibit C of this RFP. All Proposers must sign and submit Exhibit C of this RFP with their proposal.

5. Contact Person

The proposal coordinator is Charmaine Gillis, Property Agent, City of San Diego. She can be reached at cgillis@sandiego.gov, phone (619) 236-6986, between 8:00 a.m. and 5:00 p.m., Monday through Thursday.

J. PROPOSAL EVALUATION AND SELECTION

The City reserves the right to award the Lease to the Proposer whose proposal will provide the best value to the City given the requirements of this RFP. The City reserves the right, based upon its deliberations and in its opinion, to accept or reject any or all proposals. The City also reserves the right to waive minor irregularities or variations to the specifications and in the bidding process.

Proposals shall be evaluated in a two-step process by an evaluation committee of qualified City staff and if necessary other persons selected by the City.

In Step One, the committee will evaluate all responsive proposals based upon the information and materials contained in the proposals as submitted. The committee will then evaluate and score all responsive proposals, based on the evaluation criteria indicated below. The three (3) highest-scored proposals shall then be deemed finalists; if necessary, the City reserves the right to expand the number of finalists in the event of ties. If less than three (3) responsive proposals are received, the committee will deem all responsive proposals finalists, for further consideration.

In Step Two, finalists will be required to provide an oral presentation by appearing before the evaluation committee or by conference telephone call. The committee may inspect finalists' facilities and perform other due diligence as it may determine. The committees will then re-score the finalists' proposals. If the committee is satisfied that the proposal is sufficient for recommendation, the first ranked Proposer resulting from this process will be recommended to the City Council for award. The recommended Proposer may then be required to appear before the City Council for Lease award. Selection of the proposal to be recommended to the City Council for award of the Lease will be based on the evaluation criteria listed below:

1. **Operational Proposal (Maximum 25 points):** The quality, attractiveness of the proposal. Understanding the needs, goals and objectives of the City and this RFP. Responsiveness to requirements described in RFP, conformance with City objectives, and degree to which the City will obtain best value from the Lease while providing highest and best use of the Property. The extent to which a proposal clearly addresses

the elements of this RFP is a key factor in selection. A thorough, well-written proposal is essential.

2. **Professional experience (Maximum 25 points):** A summary of the proposer's experience and qualifications for this type of enterprise. The proposer should include verification that he/his employees are well qualified to conduct the business. Review past experience of the proposer in successfully managing an operation of this type of business. The proposer should have at a minimum 3-years experience in the past 5 years operating similar operations.

3. **Financial Capability (Maximum 25 points).** The extent to which a Proposer demonstrates, among other things, the necessary financial responsibility and strength to successfully develop and operate the leasehold in accordance with the proposal for the term of the Lease.

4. **Community/Public Service (Maximum 25 points).** The proposer's ability to contribute to and benefit the community and City by use of the site.

5. **Oral Presentation and other Due Diligence (Maximum 10 points).**

This section may be optional, as determined by the City.

Total Points: 110

K. **ADDITIONAL INFORMATION FROM PROPOSERS**

The City reserves the right to request information from proposers beyond that specified in this RFP. Proposers may be requested to appear before an evaluation committee, but not obligated to do so. However, the City may make a selection based on the information contained in the proposals only. Therefore, Proposers are advised to submit thorough, complete proposals.

L. **INCURRED COSTS**

The City will not be responsible for any costs incurred by Proposers in the preparation, submission, evaluation, and vetting of proposals.

M. **REVIEW OF PROPOSALS BY THE GENERAL PUBLIC**

All proposals (and all content thereof) received shall be considered confidential until the City makes a recommendation to the City Council, at which time the proposals and all content thereof shall become public information and available to the public for review, unless otherwise as stated, allowed, and required by the provisions of Exhibit C attached to this RFP.

N. CITY RIGHT TO REJECT ALL PROPOSALS

Notwithstanding any other provision of this RFP, the City reserves the right to reject any and all offers and proposals submitted in response to this RFP, including those submitted by Proposers who have any outstanding debt with the City that has not been resolved. The City reserves the right to determine the proposal it deems in the best interest of the City to accept. The City also reserves the right to waive any technical errors or discrepancies not material to cost or performance in any proposal, provided that any such waiver is deemed to be inconsequential and does not provide an unfair competitive advantage to any Proposer.

O. QUALIFICATION OF PROPOSAL

THIS IS NOT A BID SOLICITATION AND THE CITY IS NOT OBLIGATED TO ACCEPT ANY PROPOSAL OR TO NEGOTIATE WITH ANY PROPOSER. THE CITY COUNCIL RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS WITHOUT CAUSE OR LIABILITY. ALL TRANSACTIONS DISCUSSED, REFERENCED, OR IMPLIED HEREIN ARE SUBJECT TO FINAL APPROVAL BY THE CITY COUNCIL.

P. PERMITS AND LICENSES

The selected Proposer will be required to obtain any and all necessary permits and licenses for the development and/or operation of the Property at his/her sole cost and expense. By selecting a proposal or executing the Lease, neither City nor City's City Council is obligating itself to a Proposer or to any governmental agent, board, commission or agency with regard to any other discretionary action relating to any occupancy, use, development, maintenance or restoration of the Property. "Discretionary action" includes without limitation re-zonings, variances, environmental clearances and all other required governmental approvals.

The City hereby disclaims any responsibility, liability, or obligation to issue any permits or licenses, or to waive any other legal requirement(s), by reason of selecting a Proposer or executing a Lease with the selected Proposer.

Q. NON-DISCRIMINATION NOTICE

It is the policy of the City not to discriminate against the disabled in employment or provision of services. The information contained in this RFP will be made available in alternative formats to disabled persons upon request. It is the policy of the City of San Diego to encourage equal opportunity in its contracts and leases. The City endeavors to do business with firms sharing the City's commitment to equal opportunity and will not

do business with any firm that discriminates on the basis of race, religion, color, ancestry, age, gender, sexual orientation, disability, medical condition, or place of birth.

R. RETURN OF FAITHFUL PERFORMANCE DEPOSIT

All good faith deposits will be returned to unsuccessful Proposers within thirty days of final City approval of the selected Proposer. For the selected Proposer, the deposit may be applied to the Lease deposit upon completion of Lease negotiations and execution of the Lease by the Proposer. Should the selected Proposer withdraw from Lease negotiations, the deposit will be forfeited to the City.

S. REAL ESTATE BROKER'S COMMISSION

The City will not pay a brokerage commission related to this RFP.

T. SCHEDULE OF EXHIBITS

1. Exhibit "A" – Aerial View of the Property
2. Exhibit "B" – Work Force Report
3. Exhibit "C" – Declaration Regarding Information Requested Under the California Public Records Act
4. Exhibit "D" – Barrio Logan Community Plan Link
5. Exhibit "E" – Lessee's Questionnaire

01-06-2015

CRG/cb

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EXHIBIT "A" Aerial View of the Property



NATIONAL AV

SAMPSON ST

ALLEY

S593PM001

T528PM001

T528PM002

EXHIBIT "B" – Work Force Report



CITY OF SAN DIEGO WORK FORCE REPORT

HISTORY

The Work Force Report (WFR) is the document that allows the City of San Diego to analyze the work forces of all firms wishing to do business with the City. We are able to compare the firm's work force data to County Labor Force Availability (CLFA) data derived from the United States Census. CLFA data is a compilation of lists of occupations and includes the percentage of each ethnicity we track (Black, Hispanic, Asian, American Indian, Filipino) for each occupation. Currently, our CLFA data is taken from the 2000 Census. In order to compare one firm to another, it is important that the data we receive from the consultant firm is accurate and organized in the manner that allows for this fair comparison.

WORK FORCE & BRANCH WORK FORCE REPORTS

When submitting a WFR, especially if the WFR is for a specific project or activity, we would like to have information about the firm's work force that is actually participating in the project or activity. That is, if the project is in San Diego and the work force is from San Diego, we want a San Diego County Work Force Report.¹ By the same token, if the project is in San Diego, but the work force is from another county, such as Orange or Riverside County, we want a Work Force Report from that county.² If participation in a San Diego project is by work forces from San Diego County and, for example, from Los Angeles County and from

Sacramento County, we ask for separate Work Force Reports representing your firm from each of the three counties.

MANAGING OFFICE WORK FORCE

Equal Opportunity Contracting may occasionally ask for a Managing Office Work Force (MOWF) Report. This may occur in an instance where the firm involved is a large national or international firm but the San Diego or other local work force is very small. In this case, we may ask for both a local and a MOWF Report.^{1,3} In another case, when work is done only by the Managing Office, only the MOWF Report may be necessary.³

TYPES OF WORK FORCE REPORTS:

Please note, throughout the preceding text of this page, the superscript numbers one ¹, two ² & three ³. These numbers coincide with the types of work force report required in the example. See below:

- ¹ One San Diego County (or Most Local County) Work Force – Mandatory in most cases
- ² Branch Work Force *
- ³ Managing Office Work Force

**Submit a separate Work Force Report for all participating branches. Combine WFRs if more than one branch per county.*

Exhibit A: Work Force Report Job categories-Administration

Refer to this table when completing your firm's Work Force Report form(s).

Management & Financial

| |
|--|
| Advertising, Marketing, Promotions, Public Relations, and Sales Managers |
| Business Operations Specialists |
| Financial Specialists |
| Operations Specialties Managers |
| Other Management Occupations |
| Top Executives |

Professional

| |
|---|
| Art and Design Workers |
| Counselors, Social Workers, and Other Community and |

| |
|---|
| Social Service Specialists |
| Entertainers and Performers, Sports and Related Workers |
| Health Diagnosing and Treating Practitioners |
| Lawyers, Judges, and Related Workers |
| Librarians, Curators, and Archivists |
| Life Scientists |
| Media and Communication Workers |
| Other Teachers and Instructors |
| Postsecondary Teachers |
| Primary, Secondary, and Special Education School Teachers |
| Religious Workers |
| Social Scientists and Related Workers |

Architecture & Engineering, Science, Computer

| |
|--|
| Architects, Surveyors, and Cartographers |
| Computer Specialists |
| Engineers |
| Mathematical Science Occupations |
| Physical Scientists |

Technical

| |
|--|
| Drafters, Engineering, and Mapping Technicians |
| Health Technologists and Technicians |
| Life, Physical, and Social Science Technicians |
| Media and Communication Equipment Workers |

Sales

| |
|--|
| Other Sales and Related Workers |
| Retail Sales Workers |
| Sales Representatives, Services |
| Sales Representatives, Wholesale and Manufacturing |
| Supervisors, Sales Workers |

Administrative Support

| |
|---|
| Financial Clerks |
| Information and Record Clerks |
| Legal Support Workers |
| Material Recording, Scheduling, Dispatching, and Distributing Workers |
| Other Education, Training, and Library Occupations |
| Other Office and Administrative Support Workers |
| Secretaries and Administrative Assistants |
| Supervisors, Office and Administrative Support Workers |

Services

| |
|---|
| Building Cleaning and Pest Control Workers |
| Cooks and Food Preparation Workers |
| Entertainment Attendants and Related Workers |
| Fire Fighting and Prevention Workers |
| First-Line Supervisors/Managers, Protective Service Workers |
| Food and Beverage Serving Workers |
| Funeral Service Workers |
| Law Enforcement Workers |
| Nursing, Psychiatric, and Home Health Aides |
| Occupational and Physical Therapist Assistants and Aides |
| Other Food Preparation and Serving Related Workers |
| Other Healthcare Support Occupations |
| Other Personal Care and Service Workers |
| Other Protective Service Workers |
| Personal Appearance Workers |
| Supervisors, Food Preparation and Serving Workers |
| Supervisors, Personal Care and Service Workers |
| Transportation, Tourism, and Lodging Attendants |

Crafts

| |
|--|
| Construction Trades Workers |
| Electrical and Electronic Equipment Mechanics, Installers, and Repairers |
| Extraction Workers |
| Material Moving Workers |
| Other Construction and Related Workers |
| Other Installation, Maintenance, and Repair Occupations |
| Plant and System Operators |
| Supervisors of Installation, Maintenance, and Repair Workers |
| Supervisors, Construction and Extraction Workers |
| Vehicle and Mobile Equipment Mechanics, Installers, and Repairers |
| Woodworkers |

Operative Workers

| |
|---|
| Assemblers and Fabricators |
| Communications Equipment Operators |
| Food Processing Workers |
| Metal Workers and Plastic Workers |
| Motor Vehicle Operators |
| Other Production Occupations |
| Printing Workers |
| Supervisors, Production Workers |
| Textile, Apparel, and Furnishings Workers |

Transportation

| |
|---|
| Air Transportation Workers |
| Other Transportation Workers |
| Rail Transportation Workers |
| Supervisors, Transportation and Material Moving Workers |
| Water Transportation Workers |

Laborers

| |
|--|
| Agricultural Workers |
| Animal Care and Service Workers |
| Fishing and Hunting Workers |
| Forest, Conservation, and Logging Workers |
| Grounds Maintenance Workers |
| Helpers, Construction Trades |
| Supervisors, Building and Grounds Cleaning and Maintenance Workers |
| Supervisors, Farming, Fishing, and Forestry Workers |

Exhibit B: Work Force Report Job categories-Trade

Brick, Block or Stone Masons

| |
|-----------------------------|
| Brickmasons and Blockmasons |
| Stonemasons |

Carpenters

Carpet, floor and Tile Installers and Finishers

| |
|--|
| Carpet Installers |
| Floor Layers, except Carpet, Wood and Hard Tiles |
| Floor Sanders and Finishers |
| Tile and Marble Setters |

Cement Masons, Concrete Finishers

| |
|--------------------------------------|
| Cement Masons and Concrete Finishers |
| Terrazzo Workers and Finishers |

Construction Laborers

Drywall Installers, Ceiling Tile Inst

| |
|-------------------------------------|
| Drywall and Ceiling Tile Installers |
| Tapers |

Electricians

Elevator Installers and Repairers

First-Line Supervisors/Managers

| |
|---|
| First-line Supervisors/Managers of Construction Trades and Extraction Workers |
|---|

Glaziers

Helpers, Construction Trade

| |
|---|
| Brickmasons, Blockmasons, and Tile and Marble Setters |
| Carpenters |
| Electricians |
| Painters, Paperhangers, Plasterers and Stucco |
| Pipelayers, Plumbers, Pipefitters and Steamfitters |
| Roofers |
| All other Construction Trades |

Millwrights

| |
|--|
| Heating, Air Conditioning and Refrigeration Mechanics and Installers |
| Mechanical Door Repairers |
| Control and Valve Installers and Repairers |
| Other Installation, Maintenance and Repair Occupations |

Misc. Const. Equipment Operators

| |
|--|
| Paving, Surfacing and Tamping Equipment Operators |
| Pile-Driver Operators |
| Operating Engineers and Other Construction Equipment Operators |

Painters, Const. Maintenance

| |
|--|
| Painters, Construction and Maintenance |
| Paperhangers |

Pipelayers and Plumbers

| |
|--|
| Pipelayers |
| Plumbers, Pipefitters and Steamfitters |

Plasterers and Stucco Masons

Roofers

Security Guards & Surveillance Officers

Sheet Metal Workers

Structural Iron and Steel Workers

Welding, Soldering and Brazing Workers

| |
|--|
| Welders, Cutter, Solderers and Brazers |
| Welding, Soldering and Brazing Machine Setter, Operators and Tenders |

Workers, Extractive Crafts, Miners



City of San Diego

EQUAL OPPORTUNITY CONTRACTING (EOC)

1200 Third Avenue • Suite 200 • San Diego, CA 92101

Phone: (619) 236-6000 • Fax: (619) 235-5209

WORK FORCE REPORT

The objective of the *Equal Employment Opportunity Outreach Program*, San Diego Municipal Code Sections 22.3501 through 22.3517, is to ensure that contractors doing business with the City, or receiving funds from the City, do not engage in unlawful discriminatory employment practices prohibited by State and Federal law. Such employment practices include, but are not limited to unlawful discrimination in the following: employment, promotion or upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rate of pay or other forms of compensation, and selection for training, including apprenticeship. Contractors are required to provide a completed *Work Force Report (WFR)*.

**NO OTHER FORMS WILL BE ACCEPTED
CONTRACTOR IDENTIFICATION**

Type of Contractor: Construction Vendor/Supplier Financial Institution Lessee/Lessor
 Consultant Grant Recipient Insurance Company Other

Name of Company: _____

ADA/DBA: _____

Address (Corporate Headquarters, where applicable): _____

City: _____ County: _____ State: _____ Zip: _____

Telephone Number: () _____ Fax Number: () _____

Name of Company CEO: _____

Address(es), phone and fax number(s) of company facilities located in San Diego County (if different from above):

Address: _____

City: _____ County: _____ State: _____ Zip: _____

Telephone Number: () _____ Fax Number: () _____

Type of Business: _____ Type of License: _____

The Company has appointed: _____

As its Equal Employment Opportunity Officer (EEOO). The EEOO has been given authority to establish, disseminate and enforce equal employment and affirmative action policies of this company. The EEOO may be contacted at:

Address: _____

Telephone Number: () _____ Fax Number: () _____

- One San Diego County (or Most Local County) Work Force - Mandatory
- Branch Work Force *
- Managing Office Work Force

Check the box above that applies to this WFR.

**Submit a separate Work Force Report for all participating branches. Combine WFRs if more than one branch per county.*

I, the undersigned representative of _____
(Firm Name)

_____, _____ hereby certify that information provided
(County) (State)

herein is true and correct. This document was executed on this _____ day of _____, 20____

(Authorized Signature)

(Print Authorized Signature Name)

WORK FORCE REPORT – Page 2

NAME OF FIRM: _____ DATE: _____

OFFICE(S) or BRANCH(ES): _____ COUNTY: _____

INSTRUCTIONS: For each occupational category, indicate number of males and females in every ethnic group. Total columns in row provided. Sum of all totals should be equal to your total work force. Include all those employed by your company on either a full or part-time basis. The following groups are to be included in ethnic categories listed in columns below:

- (1) Black, African-American
- (2) Hispanic, Latino, Mexican-American, Puerto Rican
- (3) Asian, Pacific Islander
- (4) American Indian, Eskimo
- (5) Filipino
- (6) White, Caucasian
- (7) Other ethnicity; not falling into other groups

| ADMINISTRATION OCCUPATIONAL CATEGORY | (1) Black | | (2) Hispanic | | (3) Asian | | (4) American Indian | | (5) Filipino | | (6) White | | (7) Other Ethnicity | |
|---|--------------|-----|-----------------|-----|--------------|-----|---------------------------|-----|-----------------|-----|--------------|-----|---------------------------|-----|
| | (M) | (F) | (M) | (F) | (M) | (F) | (M) | (F) | (M) | (F) | (M) | (F) | (M) | (F) |
| Management & Financial | | | | | | | | | | | | | | |
| Professional | | | | | | | | | | | | | | |
| A&E, Science, Computer | | | | | | | | | | | | | | |
| Technical | | | | | | | | | | | | | | |
| Sales | | | | | | | | | | | | | | |
| Administrative Support | | | | | | | | | | | | | | |
| Services | | | | | | | | | | | | | | |
| Crafts | | | | | | | | | | | | | | |
| Operative Workers | | | | | | | | | | | | | | |
| Transportation | | | | | | | | | | | | | | |
| Laborers* | | | | | | | | | | | | | | |

*Construction laborers and other field employees are not to be included on this page

| | | | | | | | | | | | | | | |
|--------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Totals Each Column | | | | | | | | | | | | | | |
|--------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Grand Total All Employees

Indicate by Gender and Ethnicity the Number of Above Employees Who Are Disabled:

| | | | | | | | | | | | | | | |
|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Disabled | | | | | | | | | | | | | | |
|----------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Non-Profit Organizations Only:

| | | | | | | | | | | | | | | |
|--------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| Board of Directors | | | | | | | | | | | | | | |
| Volunteers | | | | | | | | | | | | | | |
| Artists | | | | | | | | | | | | | | |

WORK FORCE REPORT – Page 3

NAME OF FIRM: _____ DATE: _____

OFFICE(S) or BRANCH(ES): _____ COUNTY: _____

INSTRUCTIONS: For each occupational category, indicate number of males and females in every ethnic group. Total columns in row provided. Sum of all totals should be equal to your total work force. Include all those employed by your company on either a full or part-time basis. The following groups are to be included in ethnic categories listed in columns below:

- (1) Black, African-American
- (2) Hispanic, Latino, Mexican-American, Puerto Rican
- (3) Asian, Pacific Islander
- (4) American Indian, Eskimo
- (5) Filipino
- (6) White, Caucasian
- (7) Other ethnicity; not falling into other groups

| TRADE OCCUPATIONAL CATEGORY | (1) Black | | (2) Hispanic | | (3) Asian | | (4) American Indian | | (5) Filipino | | (6) White | | (7) Other Ethnicity | |
|--|---|-----|-----------------|-----|--------------|-----|---------------------------|-----|-----------------|-----|--------------|-----|---------------------------|-----|
| | (M) | (F) | (M) | (F) | (M) | (F) | (M) | (F) | (M) | (F) | (M) | (F) | (M) | (F) |
| | Brick, Block or Stone Masons | | | | | | | | | | | | | |
| Carpenters | | | | | | | | | | | | | | |
| Carpet, Floor & Tile Installers Finishers | | | | | | | | | | | | | | |
| Cement Masons, Concrete Finishers | | | | | | | | | | | | | | |
| Construction Laborers | | | | | | | | | | | | | | |
| Drywall Installers, Ceiling Tile Inst | | | | | | | | | | | | | | |
| Electricians | | | | | | | | | | | | | | |
| Elevator Installers | | | | | | | | | | | | | | |
| First-Line Supervisors/Managers | | | | | | | | | | | | | | |
| Glaziers | | | | | | | | | | | | | | |
| Helpers; Construction Trade | | | | | | | | | | | | | | |
| Millwrights | | | | | | | | | | | | | | |
| Misc. Const. Equipment Operators | | | | | | | | | | | | | | |
| Painters, Const. & Maintenance | | | | | | | | | | | | | | |
| Pipelayers, Plumbers, Pipe & Steam Fitters | | | | | | | | | | | | | | |
| Plasterers & Stucco Masons | | | | | | | | | | | | | | |
| Roofers | | | | | | | | | | | | | | |
| Security Guards & Surveillance Officers | | | | | | | | | | | | | | |
| Sheet Metal Workers | | | | | | | | | | | | | | |
| Structural Metal Fabricators & Fitters | | | | | | | | | | | | | | |
| Welding, Soldering & Brazing Workers | | | | | | | | | | | | | | |
| Workers, Extractive Crafts, Miners | | | | | | | | | | | | | | |
| Totals Each Column | | | | | | | | | | | | | | |
| Grand Total All Employees | <div style="border: 1px solid black; width: 100px; height: 20px; display: inline-block;"></div> | | | | | | | | | | | | | |
| Indicate By Gender and Ethnicity the Number of Above Employees Who Are Disabled: | | | | | | | | | | | | | | |
| Disabled | | | | | | | | | | | | | | |

EXHIBIT "C" – Declaration Regarding Information Requested Under the California Public
Records Act

EXHIBIT "C" – Declaration Regarding Information Requested Under the California Public
Records Act

EXHIBIT DECLARATION REGARDING INFORMATION REQUESTED UNDER
THE CALIFORNIA PUBLIC RECORDS ACT

The undersigned duly authorized representative, on behalf of the named Proposer declares and acknowledges the following:

Any information submitted in response this Request for Proposal is a public record subject to disclosure unless a specific exemption in the California Public Records Act applies.

If a Proposer submits information **clearly marked** confidential or proprietary, the City of San Diego (City) may protect such information and treat it with confidentiality only to the extent permitted by law. However, it will be the **responsibility of the Proposer** to provide to the City the specific legal grounds on which the City can rely in withholding information requested under the California Public Records Act, should the City choose to withhold such information.

General references to sections of the California Public Records Act will not suffice. Rather, the Proposer must provide a **specific and detailed legal basis, including applicable case law that clearly establishes** the requested information is exempt from the disclosure requirements of the California Public Records Act.

If the Proposer does not provide a specific and detailed legal basis for withholding the requested information within a time specified by the City, the City will release the information as required by the California Public Records Act and the **Proposer will hold the City harmless** for release of this information.

It will be the **Proposer's obligation to defend**, at Proposer's expense, any legal actions or challenges seeking to obtain from the City any information requested under the California Public Records Act withheld by the City at the Proposer's request. Furthermore, the Proposer shall indemnify the City and **hold it harmless** for any claim or liability, and defend any action brought against the City, resulting from the City's refusal to release information requested under the Public Records Act withheld at Proposer's request.

Nothing in this Agreement creates any obligation for the City to notify the Proposer or obtain the Proposer's approval or consent before releasing information subject to disclosure under the California Public Records Act.

Name of Non-Profit Organization

Signature of Authorized Representative

Printed/Typed Name

Date

EXHIBIT “D” – Barrio Logan Community Plan Link
<http://www.sandiego.gov/planning/community/profiles/barriologan/index.shtml.pdf>

EXHIBIT "E" – Lessee's Questionnaire

CITY OF SAN DIEGO

**LESSEE'S AND SUBLESSEE'S QUESTIONNAIRE
FOR ALL LEASES, ASSIGNMENTS AND SUBLEASES**

Pursuant to the City of San Diego City Charter Section 225: "Mandatory Disclosure of Business Interests," before the City will process requests to (Sub)Lease, all information requested in this Questionnaire must be completed by the proposed (Sub)Lessee. Even though a proposed Sublessee may complete the Questionnaire, the Questionnaire must be delivered or mailed to the City with a cover letter signed by the City Lessee or proposed Lessee. **THE CITY WILL NOT ACCEPT THE QUESTIONNAIRE, DOCUMENTS, OR OTHER INFORMATION DIRECTLY FROM A SUBLESSEE.**

All information furnished in this Questionnaire must be complete and accurate. Omissions, inaccuracies, or misstatements may cause the rejection and/or subsequent revocation of the City's Lease, consent to Sublease, or consent to Assignment of (Sub)Lease.

In submitting this Questionnaire, the proposed (Sub)Lessee completing the Questionnaire authorizes the City to make any inquiry or investigation it believes necessary to substantiate or supplement the information furnished in the Questionnaire, and authorizes others to release such information to the City.

Exact name of existing Lessee (always complete):

Exact name of proposed Lessee (complete only if applicable):

Exact name of existing Sublessee (complete only if applicable):

Exact name of proposed Sublessee (complete only if applicable):

Date this Questionnaire completed: _____, _____.

The information furnished in and with this Questionnaire is true, complete, and correct to the best of my knowledge.

Signature: _____

Title: _____

Thank you for taking the time to complete the Questionnaire. Lessees may contact Real Estate Assets if they have any questions. Please return the completed Questionnaire, with any additional information or documents to:

REAL ESTATE ASSETS DEPARTMENT
1200 THIRD AVENUE STE. 1700
SAN DIEGO, CA 92101
TEL.: (619) 236-6020 FAX: (619) 236-6706

This Questionnaire contains 15 pages.

PROPOSED (SUB)LESSEE

1. Name of proposed (Sub) Lessee exactly as it will appear on the actual tenancy document:

2. Mailing Address of proposed (Sub)Lessee for purposes of notice or other communication relating to the proposed tenancy:

Telephone No.: _____ Fax. No.: _____
E-mail Address: _____

3. Billing Address (*only if different from Mailing Address*);

Telephone No.: _____ Fax. No.: _____

4. Proposed (Sub)Lessee intends to operate as a:

Sole Proprietorship (); Partnership (); Corporation ();
Limited Liability Company (); Other _____

Explain if necessary:

5. Effective date of assignment (complete only if applicable): _____

PARTNERSHIP STATEMENT

If proposed (Sub)Lessee is a partnership, please answer the following:

1. Date of Organization: _____

2. General Partnership ()
 Limited Partnership ()
 Other () Explain _____

3. Statement of Partnership recorded: Yes () No ()

| | | | |
|------|------|------|--------|
| Date | Book | Page | County |
|------|------|------|--------|

4. Has the partnership conducted business in San Diego County?
 Yes () No () If so, when? _____
 If so, where? _____

5. Name, address, and partnership share of each general and limited partner. If a general partner is another partnership, a corporation, or a limited liability company (LLC), please complete separate pages 3; or 4 and 5; or 6, as appropriate for such entity (type proposed [Sub]Lessee name [from page 2] on the top of each page for identification purposes). If a limited partner holding a 10% or greater interest is another partnership, a corporation, or an LLC, pages 3; or 4 and 5; or 6 must also be completed for such entity (type proposed [Sub]Lessee name [from page 2] on the top of each page).

| General/Limited | Name | Address | Share % |
|-----------------|------|---------|---------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

6. Attach a complete copy of the Partnership Agreement. If a Partnership Agreement has been previously submitted, a new Partnership Agreement need be submitted only if the Partnership Agreement on file with the City is no longer current.

CORPORATION STATEMENT

If proposed (Sub)Lessee is a corporation, please answer the following:

1. Type of corporation: C () Subchapter S ()
2. When incorporated? _____
3. Where incorporated? _____
4. Is the corporation authorized to do business in California? Yes () No ()
If so, as of what date? _____
5. The corporation is held:
 - a. Publicly () Privately ()
 - b. If publicly held, how and where is the stock traded?

| | | | |
|-------------------------------------|-------------------|---------------|--------------------|
| 6. Please list the following: | <u>Authorized</u> | <u>Issued</u> | <u>Outstanding</u> |
| a. Number of voting shares: | _____ | _____ | _____ |
| b. Number of nonvoting shares: | _____ | _____ | _____ |
| c. Number of shareholders: | | | _____ |
| d. Value per share of Common Stock: | | Par | \$ _____ |
| | | Book | \$ _____ |
| | | Market | \$ _____ |

7. Please furnish the name, title, address, and the number of voting and nonvoting shares of stock owned by each officer and, in addition, the same information for each stockholder owning more than 10% of any class of stock.

Name: _____

Title: _____

Address: _____

No. of Shares: _____

Name: _____

Title: _____

Address: _____

No. of Shares: _____

Name: _____

Title: _____

Address: _____

No. of Shares: _____

Name: _____

Title: _____

Address: _____

No. of Shares: _____

Name: _____

Title: _____

Address: _____

No. of Shares: _____

(Additional page(s) may be added if needed to complete list of stockholders [type proposed (Sub)Lessee name (from page 2) on the top of each page].)

8. Attach complete copies of the Articles of Incorporation (and any Certificate(s) of Amendment thereto, as the case may be) of the Corporation, and the Bylaws of the Corporation (and any Amended and Restated Bylaws, as the case may be), and any other applicable Corporate documents.

Any partnership, corporation, or LLC owning more than a 10% ownership interest must also complete separate pages 3; or 4 and 5; or 6, as appropriate for each entity (type proposed [Sub]Lessee name [from page 2] on the top of each page for identification purposes). Also, furnish the financial data for such partnership, corporation, or LLC, as required on page 7. If there is an ownership chain of additional partnerships, corporations, or LLCs, the above requirements extend to each such entity having either: (1) a 10% or greater direct, indirect, beneficial ownership, or membership interest in

the proposed (Sub)Lessee; or (2) effective control of the proposed (Sub)Lessee, regardless of the percentage of ownership or membership interest.

LIMITED LIABILITY COMPANY STATEMENT

If the proposed (Sub)Lessee is an LLC, please answer the following:

1. Date of Organization: _____
2. Where Organized: _____
3. Is the Company authorized to do business in California?
 - a. Yes () No ()
 - b. If so, as of what date? _____
4. Has the Company conducted business in San Diego County?
 - a. Yes () No ()
 - b. If so, when? _____
 - c. If so, where? _____
5. Please furnish the name, address, and membership share held by each manager and officer, and each member owning more than a 10% membership interest. If a member is a partnership, corporation, or another LLC, please complete separate pages 3; or 4 and 5; or 6, as appropriate for such entity (type proposed [Sub]Lessee name [from page 2] on the top of each page).

| Manager/Officer/ Member | Name | Address | Share % |
|----------------------------|------|---------|------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

6. Attach a complete copy of the Operating Agreement. If an Operating Agreement has been previously submitted, a new Operating Agreement need be submitted only if the Operating Agreement on file with the City is no longer current.

FINANCIAL AND OTHER BACKGROUND INFORMATION

FINANCIAL STATEMENT

(Sub)Lessee, general partners of (Sub)Lessee, owner-corporations of (Sub)Lessee, members of (Sub)Lessee owning more than a 10% membership interest, and any person or business entity guaranteeing the performance of (Sub)Lessee **must attach a complete report, prepared in accordance with good accounting practice, reflecting current financial condition.** The report **must** include a balance sheet **and** annual income statement. The person or entity covered by the report must be prepared to substantiate all information provided.

OTHER INFORMATION

Each (Sub)Lessee, each general partner of (Sub)Lessee, each owner-corporation of (Sub)Lessee, each member of (Sub)Lessee owning more than a 10% membership interest, any person or business entity guaranteeing the performance of (Sub)Lessee, any person or entity owning more than a 10% interest of (Sub)Lessee, and any guarantor of (Sub)Lessee must answer the following questions:

1. **Surety Information** - Has a surety or bonding company ever been required to perform on the default of any of the individuals or entities?
 - a. Yes () No ()
 - b. If yes, please attach a statement naming the surety or bonding company, date, amount of bond, and the circumstances surrounding said default and performance.

2. **Bankruptcy Information** - Have any of the individuals or entities ever been adjudicated bankrupt or are any presently a debtor in a pending bankruptcy action?
 - a. Yes () No ()
 - b. If yes, please give dates, court jurisdiction, and amount of liabilities and assets.

3. **Pending Litigation** - Are any of the individuals or entities presently a party to ANY pending litigation?
 - a. Yes () No ()
 - b. If yes, please provide detailed information for each action.

4. **Claims, Liens, or Judgments** - Are any of the individuals or entities now subject to any outstanding claims, liens, or judgments?
 - a. Yes () No ()
 - b. If yes, please provide detailed information for each claim, lien, or judgment.

REFERENCES FOR PROPOSED (SUB)LESSEE

Please list four persons or firms with whom you have conducted business transactions during the past three years. Two of the references must have knowledge of your debt payment history, with at least one being a financial institution. Two of the references must have knowledge of your business experience.

REFERENCE NO. 1

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Nature and magnitude of purchase, sale, loan, business, association, etc.:

REFERENCE NO. 2

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Nature and magnitude of purchase, sale, loan, business, association, etc.:

REFERENCE NO. 3

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Nature and magnitude of purchase, sale, loan, business, association, etc.:

REFERENCE NO. 4

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Nature and magnitude of purchase, sale, loan, business, association, etc.:

CITY OF SAN DIEGO PERSONAL DESCRIPTION AND RELEASE

PLEASE NOTE: All partners, both general and limited; all stockholders owning more than 10% of any class of stock of corporations; all members of a limited liability company; and sole proprietors requesting to (sub)lease, must each complete this page before the tenancy request can be processed. (You may reproduce and use copies of this page, if necessary.)

The following personal information is required to initiate a credit investigation. The business and personal reputation of principals, partners, and members will be considered in qualifying Lessees or in consenting to Sublessees.

First, Middle, & Last Name _____
Date of Birth _____
Place of Birth _____
Social Security Number _____
Driver's License Number/State _____
Home Address _____

Previous Address _____

Home Telephone No. _____
Employer _____
Occupation _____
Business Address _____
Business Telephone No. _____
Business Fax No. _____

The City is hereby authorized to request a credit report and other information covering my financial and business history.

Date _____ Signed _____

Print or type exact name of proposed (Sub)Lessee from page 2 of Questionnaire:

METHOD OF OPERATION

Please describe your proposed business operation on the property to be (Sub)Leased. Discuss any optional services and uses which you propose to provide.

**PROPOSED METHOD OF FINANCING
DEVELOPMENT OR LEASEHOLD PURCHASE**

Describe the method of financing for the Leasehold purchase or any new or additional development on the Leasehold. Include a schedule of approximate dates when construction of each significant improvement is expected to be commenced and completed.

ESTIMATE OF GROSS RECEIPTS

If this Questionnaire is being completed by a prospective Lessee, please show the best estimate of the average annual gross sales for each significant use or service, and for each significant optional use or service which the Lessee and its Sublessees (if any) plan to conduct on or from the property. (If the Questionnaire is being completed by a Sublessee, only the estimate of the Sublessee's gross sales is required.) This data will be used by the City to analyze the proposed Lease or Sublease Consent application. The time periods shown should not be assumed to necessarily represent the term of a (Sub)Lease that may be granted or consented to by the City.

Average annual gross sales for each proposed significant use during each of the first five operating years:

| Year of Operation | Uses (Identify Each Use) | | | | |
|-------------------|--------------------------|----|----|----|----|
| | | | | | |
| 1 | \$ | \$ | \$ | \$ | \$ |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |

EXPERIENCE STATEMENT

Please describe in detail the duration and extent of your business experience, with special emphasis upon experience with the type of business which you propose to conduct on City property. Also state in detail the pertinent experience of the persons who will be directly involved in development and management of the business.

**TERMS AND CONDITIONS OF PURCHASE, SALE,
OR TRANSFER OF (SUB)LEASEHOLD INTEREST**

(NOTE: Complete this page only if the transaction involves a Lease assignment.)

Please summarize the terms and conditions of the purchase, sale, or transfer of Leasehold interest(s) which requires City consent, as specified in the Assignment-Sublease provisions of the City Lease. Please attach copies of the applicable sales agreement(s), escrow instructions, assignment agreement(s), or other documents in conjunction with the sale, purchase, or transfer of the (Sub)Leasehold interest(s).