

**CITY OF SAN DIEGO
DEPARTMENT OF REAL ESTATE AND AIRPORT MANAGEMENT
1200 Third Avenue, Suite 1700
San Diego, CA 92101-4195**

**REQUEST FOR PROPOSALS (RFP)
COVER SHEET**

Solicitation Type: Purchase and Redevelopment of City-Owned Real Property as 100% Affordable Multi-Family Rental Housing

Solicitation Number: RFP No. 20240202-A

Solicitation Issue Date: February 2, 2024

Property Inspection Date: March 1, 2024 (RSVP by February 26)

Questions and Comments Due: March 15, 2024

City Contact: Marc Frederick, Program Manager
1200 3rd Ave, 17th Floor
San Diego, CA 92101
619-236-6733
Email: 1401ImperialAveRFP@sandiego.gov

Proposal Due Date and Time (“Closing Date”): May 1, 2024

Submissions: Proposer is required to deliver to the City Contact four (4) originals and one (1) electronic copy (e.g. thumb drive) of their response as described herein. Original (hard) copies shall be on 8½ x 11 page format using 11-12 font size.

Completed and signed RFP signature page is required, with most recent addendum listed as acknowledgement of all addenda issued.

Note: Emailed submissions will not be accepted.

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REQUEST FOR PROPOSALS (RFP) SIGNATURE PAGE

Duration of Offer: By submitting a proposal, the proposer guarantees that the offer is firm for ninety (90) calendar days commencing on the day following the Closing Date. Proposer agrees to accept the resulting contract on the terms and conditions stated in this RFP and the proposer's submitted proposal. If a proposal selection is not made during the ninety (90) calendar days following the Closing Date, the proposer agrees that the offer shall automatically continue for another ninety (90) calendar days unless the proposer states otherwise to the City Contact in writing within sixty (60) calendar days following the Closing Date.

Proposer: _____
Street Address: _____
City: _____
Telephone No.: _____
E-Mail: _____

PROPOSER'S AUTHORIZED REPRESENTATIVE. Proposer is required to sign this document and deliver four (4) originals and one (1) electronic copy (e.g. thumb drive) of its proposal in sealed envelopes or cartons to the City Contact. Proposer agrees to furnish and deliver all goods and/or provide all services set forth in its submitted proposal on the terms and conditions specified in this RFP. An original signature below is required. If a proposal is being submitted by more than one entity/individual, each entity/individual must sign and submit this page separately along with the proposal. By signing below, the signer declares under penalty of perjury that she/he is authorized to submit and sign this proposal.

Signature of Proposer's Authorized Representative

Print Name

Title

Signature

Date

A. OBJECTIVE

The City of San Diego (“City”) requests proposals from well qualified organizations or individuals (each, a “Proposer” and, collectively “Proposers”) for the purchase, redevelopment, and operation of that certain City-owned real property, commonly known as the Homelessness Response Center, located at 1401 Imperial Avenue, San Diego, CA 92101 (“Property”), as Affordable Housing (defined in Section B). The City desires that the purchase and sale of the Property will close escrow on or before January 15, 2026.

B. DEFINITIONS

In addition to words, terms, or phrases defined elsewhere in this RFP, the following words, terms, or phrases are defined for use in this RFP:

“**Affordable Housing**” means a multi-family rental housing development, which may have ancillary commercial ground floor uses, that restricts 100 percent of the residential units to persons and families of low or moderate income, as defined in California Health and Safety Code section 50093, with at least 75 percent of the residential units restricted to lower income households, as defined in California Health and Safety Code section 50079.5, with an affordable rent, as defined in California Health and Safety Code section 50053, for a minimum of 55 years, and in no event shall the maximum affordable rent level be higher than 20 percent below the median market rents for the neighborhood in which the Property is located.

“**Project**” means the development of new improvements or rehabilitation of existing improvements on the Property and the subsequent operation of such completed improvements as Affordable Housing.

C. PROPERTY BACKGROUND AND DESCRIPTION

The Property address is 1401 Imperial Avenue, San Diego, CA 92101 and includes two Assessor Parcel Numbers: 535-614-01 and 535-614-02. The Site Code is S453HM. The Property is approximately 26,508 square feet in area and is improved with a 3-story building on approximately .23 acres of land as depicted in Exhibits A-1 and A-2 to this RFP. The Property is located in Downtown San Diego approximately three blocks from Petco Park, across the street from Tailgate Park, one block away from Father Joe’s Village, and next door to St. Teresa of Calcutta Villa.

The present zoning for the Property is Centre City Planned District-Mixed Commercial (CCPD-MC) and designed to implement the Downtown Community Plan. Exhibit G to this RFP provides links to other resources with more information about certain City zoning and land use designations applicable to the Property.

The Property was improved with an indoor skydiving facility in 2017 by its previous owner before the City purchased the Property. In 2018, the City purchased the Property and re-purposed the building (with the skydiving structures remaining in place) into the City’s

“Housing Navigation Center” to help persons experiencing homelessness access services and housing.

The existing 3-story building on the Property is approximately eight years old. The structure is not historic due to its age. The major building systems (mechanical, electrical, plumbing, roof) are also approximately eight years old. The Property will be sold in its “AS IS / WHERE IS” condition.

The Housing Navigation Center became the City’s “Homelessness Response Center” in 2020 under the administration of the San Diego Housing Commission. The San Diego Housing Commission is currently using the Property for operation of the Homelessness Response Center. The City anticipates the Homelessness Response Center continuing to operate on the Property, at least, until the City sells the Property.

D. DISPOSITION AND DEVELOPMENT AGREEMENT

The City anticipates entering into a disposition and development agreement in substantially the form of Exhibit B to this RFP (“DDA”) with the Proposer whose proposal is selected (“Selected Proposer”) by the evaluation committee for potential recommendation to the San Diego City Council (“City Council”) under this RFP. The City, though, is under no obligation to select any proposal for potential recommendation to the City Council. Also, the terms and conditions of the DDA may be modified as determined by the City in its sole and absolute discretion. Due to the potential significant variations in proposals that may be received in response to this RFP, the City reserves the right, in the City’s sole and absolute discretion, to negotiate the terms of a DDA with the Selected Proposer or enter into a DDA with the Selected Proposer without any negotiation. Further, any DDA is subject to approval by the City Council, in its sole and absolute discretion, City Council declaration, in its sole and absolute discretion, that the Property is exempt surplus land under California Government Code section 54221(f)(1)(F)(i), HCD approval of the City Council’s exempt surplus land declaration, and other applicable legal requirements, including City’s compliance with the California Environmental Quality Act for the above-described City Council actions. The City will issue the DDA as an addendum to this RFP per Paragraph P.

E. PROPOSAL CONTENTS

All proposals must contain, at a minimum, all the information described in this Section E. Failure to include all required information in a proposal is cause for the City to determine that the proposal is non-responsive and reject the proposal. The inclusion of additional information in a proposal that will assist the City in evaluating the proposal is encouraged. The adequacy, depth, and clarity of the proposal will influence, to a considerable degree, its evaluation. Each proposal submitted must be complete. Proposers are advised to submit thorough, complete proposals, because the City will initially evaluate proposals based solely on the information contained in the proposals. Each proposal **MUST** include all the following items:

1. Cover Sheet. A signed Request for Proposal (RFP) Cover Sheet (“Cover Sheet”).

2. Development Vision. A detailed description of the Proposer's vision for redevelopment and operation of the Property as Affordable Housing, consistent with applicable land use regulations.
3. Summary of Experience.
 - a) A resume or summary of the Proposer's qualifications and direct experience in constructing and operating affordable housing developments similar to the one described in the proposal.
 - b) The names and contact information of a minimum of three (3) references with direct knowledge of the Proposer's experience in developing and operating affordable housing during the preceding three (3) years.
 - c) If a Proposer will not be involved in the day-to-day operations of the Project, a statement of the qualifications of all persons to be employed in a management capacity for the Project demonstrating that all such persons are sufficiently qualified for such management role.
 - d) If the Proposer, its shareholders, members, general or limited partners, or other equity owners, or its executive level management personnel, have been investigated or cited by the California Department of Housing and Community Development or the San Diego Housing Commission for any reason in the past ten (10) years, clear and complete disclosure of the nature and outcome of the investigation or citation, including all resulting fines, penalties, suspensions, restitution, and other actions taken by the California Department of Housing and Community Development or the San Diego Housing Commission as a result of the investigation or citation.
4. Financial Statements. Each Proposer must include in its proposal:
 - a) financial statements for the preceding three (3) years audited or prepared by a certified public accountant; or,
 - b) tax returns for the preceding three (3) years; or,
 - c) substantial justification as to why financial statements or tax returns for the preceding three (3) years cannot be provided.
 - d) A full and detailed statement of the Proposer's true financial condition as of January 1, 2024, or as recent as possible if that date is not available. The statement must include all the Proposer's assets, liabilities and net worth, including the availability of operational capital (equity and debt), its source, and its terms.
5. Project Design. A basic Project conceptual development plan including, at minimum, all the following:
 - a) Site plan/ground floor plan with all buildings, streets, and projects/land uses within 300 feet of the Property. The site plan should illustrate the proposed building(s) footprint(s), proposed open space(s) and landscape design

concept(s), parking area(s), with parking counts, and vehicular and pedestrian access.

- b) Building stacking plan for each unique building. Stacking plans should provide a comprehensive block elevation view of the proposed space type usage, defined by either square footage or a percentage of the overall floor area, for each floor within the building.
 - c) Exterior building elevations for each unique building (indicating the number of buildings represented by each elevation). Elevations should provide a comprehensive view of the entire development and illustrate proposed building massing and height, materials and colors of all finishes, and related architectural elements.
 - d) A description of how the Project will be sustainable and satisfy the requirements for LEED Silver Certification.
6. Project Schedule. A narrative description and graphical timeline of the anticipated Project development schedule, addressing the time expected to obtain development entitlements, building permits, finalize the Disposition and Development Agreement, design the Project, obtain financing for the Project, commence and complete Project construction, and commence Project operations. The Project schedule must show, at a minimum, all the following:
- a) Project construction beginning within 3 months after the close of escrow date.
 - b) Project construction being completed within 24 months after the close of escrow date.
7. Project Financing Plan. A narrative description of all financing sources anticipated to be used by the Proposer to purchase the Property from the City, redevelop the Property with the Project, and operate the Project throughout the 55-year affordability period, including the name of the entity or person providing the financing (debt, equity, tax credits, vouchers, or otherwise), the total dollar amount to be obtained from each financing source, when the Proposer expects to receive the funds from each financing source, and all terms, conditions, covenants, restrictions, and requirements associated with each financing source.
8. Affordability Levels. A narrative description of the specific affordability levels and associated affordable rents for all the residential units in the Project.
9. Work Force Report. A completed Work Force Report (RFP Exhibit D).
10. Buyer Questionnaire. A completed Buyer Questionnaire (RFP Exhibit E).
11. Certification. A completed Contractor Standards Pledge of Compliance (RFP Exhibit F). By submission of a proposal, the Proposer certifies to the City that neither the Proposer nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any request for proposals,

invitation to bid, contract, or agreement by any federal, state, City, or other government department or agency.

12. Business Tax Certificate. A copy of the Proposer's City issued business tax certificate or its City business tax certificate application receipt.

F. CITY'S DEVELOPMENT SERVICES DEPARTMENT ("DSD") REVIEW

The Selected Proposer's Project will be processed under City of San Diego Executive Order No. 2023-1 by the Mayor, if applicable. Permit fee estimates for the Selected Proposer's Project may be provided by DSD prior to submittal of its development application, following written request to DSD from the Selected Proposer for such an estimate.

G. PROPOSER RESPONSIBILITIES.

Each Proposer is responsible for carefully examining this RFP, including all documents attached to this RFP or incorporated into this RFP by reference, before submitting a proposal. The City's selection of a proposal does not constitute the City's approval of any requested modification to the DDA contained in the proposal.

Each Proposer is responsible for making all investigations and examinations necessary for formulating its proposal for acquisition of the Property and development and operation of its proposed Project on the Property. Submission of a proposal is conclusive evidence that the Proposer made all such investigations and examinations.

The Selected Proposer shall be responsible for obtaining all necessary approvals and permits for development and operation of its proposed Project on the Property to the satisfaction of the City.

A Proposer may withdraw its proposal, at any time prior to the City's selection of its proposal, by written notice to the City Contact.

H. NONCONFORMING PROPOSALS

A Proposer requesting deviation from the provisions of this RFP should specifically identify the requirement(s) being deviated from and address each requested deviation in its proposal. The City is not obligated to accept any proposal, whether conforming or non-conforming.

I. PRE-PROPOSAL PROPERTY INSPECTION

To give Proposers an opportunity to view the Property, a pre-proposal Property inspection is scheduled, as set forth on the Cover Sheet. All Proposers are strongly encouraged to attend this inspection. Attendance is not mandatory, though. It is the sole responsibility of each Proposer to become familiar with the state of the Property prior to submitting a proposal.

J. PROPOSAL SUBMISSION

1. Due Date

- a. Proposals must be received at the address listed below in Section J.2 no later than 5:00 p.m. Pacific Time on the Closing Date (see the Cover Sheet).
- b. Proposals received after 5:00 p.m. Pacific Time on the Closing Date will not be considered.

2. Place of Delivery. All proposals must be delivered to:

City of San Diego
Department of Real Estate and Airport Management
1200 Third Avenue, Suite 1700
San Diego, CA 92101
Attn: Marc Frederick

- 3. Number of Copies. Proposers must submit copies of their proposals in accordance with the last paragraph of the Cover Sheet. All materials submitted by Proposers become the property of the City and will not be returned.
- 4. Questions and Comments. Written questions and comments relating to this RFP must be electronically mailed (e-mailed) to the City Contact no later than the due date for questions or comments specified on the Cover Sheet. Only written communications relating to this RFP will be considered by the City. **E-mail is the only acceptable method for submitting questions or comments relating to this RFP.** Proposers are responsible for verifying that the City received their questions and/or comments. All responses to questions or comments will be posted on the City's website at (<https://www.sandiego.gov/real-estate-and-airport-management>) as an addendum to this RFP and it is each Proposer's responsibility to check the City's website. In responding to questions or comments, the City will not identify the inquirer(s). Proposers shall not rely on oral communications relating to this RFP. Addenda will only be issued addressing questions or comments determined by the City, in its sole and absolute discretion, to be material to this RFP.

K. PROPOSAL EVALUATION AND SELECTION

The City reserves the right to select the proposal best satisfying the City's objectives in issuing this RFP, in the City's sole and absolute discretion. The City further reserves the right, based upon its deliberations and in its sole and absolute discretion, to accept or reject any or all proposals at any time, including any proposals that have been scored or been the subject of oral presentations and/or interviews. The City also reserves the right to waive minor irregularities or variations to the specifications stated in this RFP and in the solicitation process, provided that such a waiver does not provide an unfair competitive advantage to one or more Proposers.

The City will select a proposal as submitted, without discussion or negotiation, except that oral presentations/interviews may be held with finalists (defined below in this Section K) under the terms of this RFP and the City reserves the right, in its sole and absolute

discretion, to approve, reject, or negotiate any or all proposed modifications to the DDA contained in any proposal. Proposers should not rely on having a chance to discuss, negotiate, or adjust their proposals after submission.

Each Proposer, by signing the Cover Sheet and submitting a proposal, agrees to provide the City access to the Proposer's financial records for the sole purpose of determining the Proposer's ability to perform under the DDA. Should the City inspect a Proposer's financial records, the City reserves the right to disqualify a Proposer who does not, in the City's sole and absolute discretion, exhibit sufficient or appropriate financial resources to perform under the DDA.

Proposals will be evaluated by an evaluation committee of qualified City staff, and if the City desires, in the City's sole and absolute discretion, other persons selected by the City.

The evaluation process will start with the committee evaluating all responsive proposals and scoring all responsive proposals based on the evaluation criteria in Sections K.1 through K.9.

If the score of the highest scoring proposal resulting from the evaluation committee's initial scoring of responsive proposals is more than ten (10) points greater than the scores of the other proposals, and the committee is satisfied that the highest scoring proposal is sufficient for recommendation, the highest scoring proposal may be presented to the City Council for consideration, without any further evaluation. The Selected Proposer may be required to appear before the City Council and any of its committees to answer questions about its proposal.

If one or more proposals score within ten (10) points of the highest scoring proposal, only the Proposer with the highest scoring proposal and those Proposers scoring within ten (10) points or less of the highest scoring proposal (collectively, the "finalists") will be asked to make an oral presentation to the evaluation committee and/or participate in an in-person or conference telephone call interview by the committee. The purpose of the oral presentation/interview is to provide the committee an opportunity to further evaluate the finalists' proposals and may include requesting clarification of the finalists' proposals. The finalists are required to make the oral presentation/interview within seven (7) business days after request by the City. The committee may also perform other due diligence regarding any finalist's proposal as it may determine appropriate, in the committee's sole and absolute discretion. The committee may then, in the committee's sole and absolute discretion, add up to eleven (11) additional points to the score of one or more finalist's proposal(s). If the committee is satisfied that the highest scoring proposal following the oral presentation/interview process is sufficient for recommendation, such proposal may be presented to the City Council for consideration. The Selected Proposer may be required to appear before the City Council and any of its committees to answer questions about its proposal.

Subject to all the provisions of this RFP, selection of a proposal for potential recommendation to the City Council will be determined from assessment of the evaluation criteria listed below in Sections K.1 through K.9.

1. General Proposal Quality (Maximum 10 points). The quality, attractiveness, and thoroughness of the proposal and responsiveness to the minimum requirements of this RFP, including providing a complete and accurate Cover Sheet (Section E.1), Work Force

Report (Section E.8), Buyer Questionnaire (Section E.9), Contractor Standards Pledge of Compliance (Section E.10), and Business Tax Certificate (Section E.11).

2. Development Vision (Maximum 10 points). The extent to which the proposal clearly addresses the requirements of Section E.2.
3. Proposer's Experience and Qualifications (Maximum 15 points). The extent to which the proposal clearly addresses the requirements of Section E.3.
4. Financial Statements (Maximum 15 points). The extent to which the proposal clearly addresses the requirements of Section E.4.
5. Project Design (Maximum 10 points). The extent to which the proposal clearly addresses the requirements of Section E.5.
6. Project Schedule (Maximum 5 points). The extent to which the proposal clearly addresses the requirements of Section E.6.
7. Project Financing Plan (Maximum 5 points). The extent to which the proposal clearly addresses the requirements of Section E.7.
8. Project Affordability Levels (Maximum 10 Points). The extent to which the proposal clearly addresses the requirements of Section E.8.

Maximum Total Points: 100

9. Oral Presentation/Interview (Maximum 11 points). If the oral presentation/interview process is initiated, additional points may be awarded one or more proposals to the extent that the Proposer demonstrates, among other things, the ability to communicate information that is concise, easy to understand, and relevant to the City's objectives in issuing this RPF.

L. ANNOUNCEMENT OF INTENT TO RECOMMEND DDA

1. Intent to Recommend Proposal/DDA. The City Contact will inform Proposers in writing of the evaluation committee's intent to recommend a proposal and resulting DDA for the Property for consideration by the City Council, if any.
2. Obtaining Proposals or Evaluation Results. No copies of proposals or evaluation results can be obtained until the City informs Proposers in writing of the proposal that may be recommended to the City Council. Copies of proposals or evaluation results may only be obtained by e-mailing a request to the City Contact after the City informs Proposers in writing of the proposal that may be recommended to the City Council. To ensure an accurate response, requests should reference the Solicitation Number on the Cover Sheet.

M. ADDITIONAL INFORMATION FROM PROPOSERS

The City reserves the right to request information from a Proposer to clarify information submitted in its proposal.

N. INCURRED COSTS

Each Proposer is solely and fully responsible for all costs associated with preparing and/or submitting a proposal in response to this RFP. The City will not be responsible for any costs incurred by Proposers in the preparation and/or submission of proposals.

O. CONTACT WITH CITY STAFF

Except as provided in Section J.4, Proposers considering submitting a proposal in response to this RFP, or that submit a proposal in response to this RFP, are prohibited from communicating with City staff who are directly involved with administration of this RFP or evaluation committee members about this RFP from the date this RFP is issued until a Proposer is selected by the City Council.

P. ADDENDA

The City will issue the DDA as an addendum to this RFP and may issue additional addenda to this RFP as necessary. All addenda will be incorporated into this RFP and will be posted to the City's website. Each Proposer is responsible for determining whether addenda were issued prior to a proposal submission. Failure to respond to or properly address addenda in a proposal may result in rejection of the proposal.

Q. PUBLIC RECORDS

All proposals received by the City shall be considered confidential until the City informs Proposers in writing of the proposal that may be recommended to the City Council. By signing the Cover Sheet and submitting a proposal, each Proposer acknowledges that all information submitted in response to this RFP, including a proposal, is a public record subject to public disclosure, unless the City determines that a specific exemption from the California Public Records Act ("CPRA") applies to some or all such information. Proposer releases and holds the City, its elected officials, officers, and employees harmless from all liability arising from or relating to public disclosure of proposals and/or other information submitted to the City. Nothing in the DDA resulting from a proposal creates any obligation on the part of the City to notify the Proposer or obtain the Proposer's approval or consent before publicly releasing information subject to disclosure under the CPRA.

R. CITY'S RIGHT TO REJECT ALL PROPOSALS

The City reserves the right to reject any or all proposals submitted in response to this RFP, in the City's sole and absolute discretion, at any time.

S. QUALIFICATION OF PROPOSALS

This RFP 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 DDA presented to it for consideration, in the City Council's sole and absolute discretion. All transactions discussed, referenced, or implied in this RFP are subject to final approval by the City Council, in its sole and absolute discretion.

T. 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 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, gender expression, gender identity, sexual orientation, disability, medical condition, or place of birth.

U. COMPLIANCE WITH CITY'S EQUAL OPPORTUNITY CONTRACTING PROGRAM

Each Proposer understands that failure to comply with the following requirements and/or submitting false information in response to these requirements may result in rejection of its proposal by the City and debarment of the Proposer from participating in City contracts for a period of not less than one (1) year:

1. Equal Opportunity Contracting. Each Proposer acknowledges and agrees that it is aware of, and will comply with, City Council Ordinance No. 18173 (San Diego Municipal Code Sections 22.2701 through 22.2708, as amended), EQUAL EMPLOYMENT OPPORTUNITY OUTREACH PROGRAM, a copy of which is on file in the Office of the City Clerk and by this reference is incorporated into this RFP. Each Proposer and all its subcontractors are individually responsible to abide by the City's Equal Employment Opportunity Outreach Program.

Each Proposer shall comply with Title VII of the Civil Rights Act of 1964, as amended; Executive Orders 11246, 11375, and 12086; the California Fair Employment Practices Act; and any other applicable federal and state laws and regulations hereafter enacted. Each Proposer will not discriminate against any employee or applicant for employment on any basis prohibited by law.

Each Proposer shall insert the foregoing provisions in all contracts and subcontracts for any work covered by its proposal, so that such provisions will be binding upon each contractor and subcontractor. Each Proposer agrees that compliance with these laws will be monitored, and reviewed by the City's Equal Opportunity Contracting Program staff.

Each Proposer shall submit a current Work Force Report or a current EEO Plan, as required by Section 22.2705 of the San Diego Municipal Code, which sets forth certain actions that the Proposer will take to achieve the City's commitment to equal employment opportunities. Copy of Work Force Report is attached as **Exhibit D** to this RFP.

2. Local Business and Employment. Each Proposer acknowledges that the City seeks to promote employment and business opportunities for local residents and firms in all City contracts. Each Proposer shall, to the extent legally possible, solicit applications for employment, and bids and proposals for subcontracts, for work associated with

its proposal from local residents and firms, as opportunities occur. Each Proposer shall hire qualified local residents and firms whenever feasible.

V. PROTESTS

The City's protest procedures for this RFP are the procedures in San Diego Municipal Code section 22.3017.

W. REAL ESTATE BROKER'S COMMISSION

The City will not pay a brokerage commission for any transaction resulting from this RFP.

X. SCHEDULE OF RFP EXHIBITS

RFP Exhibit A-1:	Property Location – High Altitude Aerial
RFP Exhibit A-2:	Property Location – Low Altitude Aerial
RFP Exhibit B:	Disposition and Development Agreement (DDA)
RFP Exhibit C:	Buyer's Questionnaire
RFP Exhibit D:	Work Force Report
RFP Exhibit E:	References / Zoning Information
RFP Exhibit F:	Contractor Standards Pledge of Compliance

The forms attached to this RFP as Exhibits C, D, and F are required to be completed and submitted with the proposal. Failure to submit any of the forms attached to this RFP as Exhibit C, D, or E will result in the City determining that the proposal is incomplete and non-responsive.

RFP Exhibit A-1: Property Location / High Altitude Aerial





RFP Exhibit B: Disposition and Development Agreement

The City will issue the DDA as an addendum to this RFP per Paragraph P

RFP Exhibit C: Buyer's Questionnaire

Followed on next page

CITY OF SAN DIEGO
BUYER QUESTIONNAIRE - MANDATORY DISCLOSURE OF BUSINESS INTERESTS

In accordance with City of San Diego Charter Section 225, no right, title or interest in the City's real or personal property, nor any right, title or interest arising out of a contract, or lease, may be granted or bargained pursuant to the City's general municipal powers or otherwise, nor any franchise, right or privilege may be granted pursuant to Section 103 or 103.1 of the City Charter, unless the person applying or bargaining therefor makes a full and complete disclosure of the name and identity of any and all persons directly or indirectly involved in the application or proposed transaction and the precise nature of all interests of all persons therein. Every person or entity contracting with the City shall first disclose to the City the names and identities of all natural persons who will receive more than 10% of the contracted amount or who own more than 10% of the entity contracting with the City, where the City will be expending or receiving more than the amounts established by ordinance of the City Council or where the City Council approval is required by this Charter or by ordinance.

The term "person" means any natural person, joint venture, joint stock company, partnership, association, firm, club, company, corporation, business trust, organization or entity.

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 agreement to sell City-property.

In submitting this Questionnaire, the potential Buyer 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.

By signing this and submitting an offer, the Potential BUYER acknowledges that any information submitted with an offer to purchase the real property is a public record subject to disclosure unless the City determines that a specific exemption in the California Public Records Act (CPRA) applies. If the Potential BUYER submits information clearly marked confidential or proprietary, the City may protect such information and treat it with confidentiality to the extent permitted by law. However, it will be the responsibility of the Potential BUYER to provide to the City the specific legal grounds on which the City can rely in withholding information requested under the CPRA should the City choose to withhold such information. General references to sections of the CPRA will not suffice. Rather, the Potential BUYER must provide a specific and detailed legal basis, including applicable case law that clearly establishes the requested information is exempt from the disclosure under the CPRA. If the Potential BUYER does not provide a specific and detailed legal basis for requesting the City to withhold Potential BUYER's confidential or proprietary information at the time of submittal, the City will release the information as required by the CPRA and Potential BUYER will hold the City, its elected officials, officers, and employees harmless for release of this information. It will be the Potential BUYER's obligation to defend, at Potential BUYER's expense, any legal actions or challenges seeking to obtain from the City any information requested under the CPRA withheld by the City at the Potential BUYER's request. Furthermore, the Potential BUYER shall indemnify and hold harmless the City, its elected officials, officers, and employees from and against any claim or liability, and defend any action brought against the City, resulting from the City's refusal to release information requested under the CPRA which was withheld at Potential BUYER's request. Nothing in the Agreement resulting from the proposal creates any obligation on the part of the City to notify the Potential BUYER or obtain the Potential BUYER's approval or consent before releasing information subject to disclosure under the CPRA.

Date this Questionnaire completed: _____, _____. Number of Pages Attached: _____

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

Buyer Name: _____

Signature: _____

Title: _____

POTENTIAL BUYER

1. Name of potential Buyer exactly as it will appear on the actual deed:

2. Mailing Address of potential Buyer for purposes of notice or other communication:

Telephone No.: _____ E-mail Address: _____

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

Telephone No.: _____ E-mail Address: _____

4. Potential Buyer intends to operate as a:

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

Explain if necessary: _____

5. Is anyone other than potential Buyer, directly or indirectly involved in the proposed transaction?
Yes () No () If yes, provide the name, identity, and precise nature of all interests of all such persons:

PARTNERSHIP STATEMENT

If potential Buyer 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 potential Buyer name [from page 2] on the top of each page).

General/ Limited	Name	Address	Share %

6. Attach a complete copy of the Partnership Agreement.

CORPORATION STATEMENT

If potential Buyer 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: _____

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 Buyer name (from page 2) on the top of each page].)

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 potential Buyer 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 potential Buyer; or (2) effective control of the potential Buyer, regardless of the percentage of ownership or membership interest.

LIMITED LIABILITY COMPANY STATEMENT

If the potential Buyer 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.

Thank you for taking the time to complete the Questionnaire. Please return the completed Questionnaire, with any additional information or documents to:

CITY OF SAN DIEGO
 DEPARTMENT OF REAL ESTATE AND AIRPORT MANAGEMENT
 1200 THIRD AVENUE STE. 1700
 SAN DIEGO, CA 92101

EQUAL OPPORTUNITY CONTRACTING (EOC)

1200 Third Avenue, Suite 200 • San Diego, CA 92101
Phone: (619) 236-6000 • Fax: (619) 236-5904

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: _____ Email: _____

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: _____ Email: _____

- 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 or African-American
- (2) Hispanic or Latino
- (3) Asian
- (4) American Indian or Alaska Native
- (5) Native Hawaiian or Pacific Islander
- (6) White
- (7) Other race/ethnicity; not falling into other groups

Definitions of the race and ethnicity categories can be found on Page 4

ADMINISTRATION OCCUPATIONAL CATEGORY	(1) Black or African American		(2) Hispanic or Latino		(3) Asian		(4) American Indian/ Nat. Alaskan		(5) Pacific Islander		(6) White		(7) Other Race/ 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 or African-American
- (2) Hispanic or Latino
- (3) Asian
- (4) American Indian or Alaska Native
- (5) Native Hawaiian or Pacific Islander
- (6) White
- (7) Other race/ethnicity; not falling into other groups

Definitions of the race and ethnicity categories can be found on Page 4

TRADE OCCUPATIONAL CATEGORY	(1) Black or African American		(2) Hispanic or Latino		(3) Asian		(4) American Indian/ Nat. Alaskan		(5) Pacific Islander		(6) White		(7) Other Race/ 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

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

Disabled														
----------	--	--	--	--	--	--	--	--	--	--	--	--	--	--

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 (American Indian or Alaska Native, Asian, Black or African-American, Native Hawaiian or Pacific Islander, White, and Other) for each occupation. Currently, our CLFA data is taken from the 2010 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 Report¹. 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 county². 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.*

RACE/ETHNICITY CATEGORIES

American Indian or Alaska Native – A person having origins in any of the peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

Asian – A person having origins in any of the peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American – A person having origins in any of the Black racial groups of Africa.

Native Hawaiian or Pacific Islander – A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White – A person having origins in any of the peoples of Europe, the Middle East, or North Africa.

Hispanic or Latino – A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin.

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

RFP Exhibit E: References

1. ZONING: CCPD-MC (Centre City Planned District – Mixed Commercial)
<https://docs.sandiego.gov/municode/MuniCodeChapter15/Ch15Art06Division03.pdf>
2. COMMUNITY PLAN AREA: Downtown
<https://www.sandiego.gov/sites/default/files/downtown-community-plan-all-1.pdf>
3. Chap 02 Art 02 Div 30, Contract Definitions and Procedures
<http://docs.sandiego.gov/municode/MuniCodeChapter02/Ch02Art02Division30.pdf>
4. Department of Real Estate and Airport Management Website
<https://www.sandiego.gov/real-estate-and-airport-management>

Exhibit F: Contractor Standards and Pledge of Compliance

City of San Diego CONTRACTOR STANDARDS Pledge of Compliance

The City of San Diego has adopted a Contractor Standards Ordinance (CSO) codified in section 22.3004 of the San Diego Municipal Code (SDMC). The City of San Diego uses the criteria set forth in the CSO to determine whether a contractor (bidder or proposer) has the capacity to fully perform the contract requirements and the business integrity to justify the award of public funds. This completed Pledge of Compliance signed under penalty of perjury must be submitted with each bid and proposal. If an informal solicitation process is used, the bidder must submit this completed Pledge of Compliance to the City prior to execution of the contract. All responses must be typewritten or printed in ink. If an explanation is requested or additional space is required, Contractors must provide responses on Attachment A to the Pledge of Compliance and sign each page. Failure to submit a signed and completed Pledge of Compliance may render a bid or proposal non-responsive. In the case of an informal solicitation or cooperative procurement, the contract will not be awarded unless a signed and completed Pledge of Compliance is submitted. A submitted Pledge of Compliance is a public record and information contained within will be available for public review except to the extent that such information is exempt from disclosure pursuant to applicable law.

By signing and submitting this form, the contractor is certifying, to the best of their knowledge, that the contractor and any of its Principals have not within a five (5) year period – preceding this offer, been convicted of or had a civil judgement rendered against them for commission of a fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) contract or subcontract.

“Principal” means an officer, director, owner, partner or a person having primary management or supervisory responsibilities within the firm. The Contractor shall provide immediate written notice to the Procurement Contracting Officer handling the solicitation, at any time prior to award should they learn that this Representations and Certifications was inaccurate or incomplete.

This form contains 10 pages, additional information may be submitted as part of *Attachment A*.

A. BID/PROPOSAL/SOLICITATION TITLE:

B. BIDDER/PROPOSER INFORMATION:

Legal Name		DBA	
Street Address	City	State	Zip
Contact Person, Title	Phone	Fax	

Provide the name, identity, and precise nature of the interest* of all persons who are directly or indirectly involved** in this proposed transaction (SDMC § 21.0103). Use additional pages if necessary.

* The precise nature of the interest includes:

- the percentage ownership interest in a party to the transaction,
- the percentage ownership interest in any firm, corporation, or partnership that will receive funds from the transaction,
- the value of any financial interest in the transaction,
- any contingent interest in the transaction and the value of such interest should the contingency be satisfied, and
- any philanthropic, scientific, artistic, or property interest in the transaction.

** Directly or indirectly involved means pursuing the transaction by:

- communicating or negotiating with City officers or employees,
- submitting or preparing applications, bids, proposals or other documents for purposes of contracting with the City, or
- directing or supervising the actions of persons engaged in the above activity.

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	
Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	
Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	

C. OWNERSHIP AND NAME CHANGES:

1. In the past five (5) years, has your firm changed its name?
Yes **No**

If **Yes**, use Attachment A to list all prior legal and DBA names, addresses, and dates each firm name was used. Explain the specific reasons for each name change.

2. Is your firm a non-profit?
Yes **No**

If **Yes**, attach proof of status to this submission.

3. In the past five (5) years, has a firm owner, partner, or officer operated a similar business?
Yes **No**

If **Yes**, use Attachment A to list names and addresses of all businesses and the person who operated the business. Include information about a similar business only if an owner, partner, or officer of your firm holds or has held a similar position in another firm.

D. BUSINESS ORGANIZATION/STRUCTURE:

Indicate the organizational structure of your firm. Fill in only one section on this page. Use Attachment A if more space is required.

Corporation Date incorporated: _____ State of incorporation: _____

List corporation's current officers: President: _____
Vice Pres: _____
Secretary: _____
Treasurer: _____

Type of corporation: C Subchapter S

Is the corporation authorized to do business in California: **Yes** **No**

If **Yes**, after what date: _____

Is your firm a publicly traded corporation? **Yes** **No**

If **Yes**, how and where is the stock traded? _____

If **Yes**, list the name, title and address of those who own ten percent (10 %) or more of the corporation's stocks:

Do the President, Vice President, Secretary and/or Treasurer of your corporation have a third party interest or other financial interests in a business/enterprise that performs similar work, services or provides similar goods? **Yes** **No**

If **Yes**, please use Attachment A to disclose.

Please list the following:	Authorized	Issued	Outstanding
a. Number of voting shares:	_____	_____	_____
b. Number of nonvoting shares:	_____	_____	_____
c. Number of shareholders:			_____
d. Value per share of common stock:		Par	\$ _____
		Book	\$ _____
		Market	\$ _____

Limited Liability Company Date formed: _____ State of formation: _____

List the name, title and address of members who own ten percent (10%) or more of the company:

Partnership Date formed: _____ State of formation: _____

List names of all firm partners:

Sole Proprietorship Date started: _____

List all firms you have been an owner, partner or officer with during the past five (5) years. Do not include ownership of stock in a publicly traded company:

Joint Venture Date formed: _____

List each firm in the joint venture and its percentage of ownership:

Note: To be responsive, each member of a Joint Venture or Partnership must complete a separate *Contractor Standards form*.

E. FINANCIAL RESOURCES AND RESPONSIBILITY:

1. Is your firm preparing to be sold, in the process of being sold, or in negotiations to be sold?

Yes No

If **Yes**, use Attachment A to explain the circumstances, including the buyer's name and principal contact information.

2. In the past five (5) years, has your firm been denied bonding?

Yes No

If **Yes**, use Attachment A to explain specific circumstances; include bonding company name.

3. In the past five (5) years, has a bonding company made any payments to satisfy claims made against a bond issued on your firm's behalf or a firm where you were the principal?

Yes No

If **Yes**, use Attachment A to explain specific circumstances.

4. In the past five (5) years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

Yes No

If **Yes**, use Attachment A to explain specific circumstances.

5. Within the last five years, has your firm filed a voluntary petition in bankruptcy, been adjudicated bankrupt, or made a general assignment for the benefit of creditors?

Yes No

If **Yes**, use Attachment A to explain specific circumstances.

6. Are there any claims, liens or judgements that are outstanding against your firm?

Yes No

If **Yes**, please use Attachment A to provide detailed information on the action.

7. Please provide the name of your principal financial institution for financial reference. By submitting a response to this Solicitation Contractor authorizes a release of credit information for verification of financial responsibility.

Name of Bank: _____

Point of Contact: _____

Address: _____

Phone Number: _____

8. By submitting a response to a City solicitation, Contractor certifies that he or she has sufficient operating capital and/or financial reserves to properly fund the requirements identified in the solicitation. At City's request, Contractor will promptly provide to City

a copy of Contractor's most recent balance sheet and/or other necessary financial statements to substantiate financial ability to perform.

9. In order to do business in the City of San Diego, a current Business Tax Certificate is required. Business Tax Certificates are issued by the City Treasurer's Office. If you do not have one at the time of submission, one must be obtained prior to award.

Business Tax Certificate No.: _____ Year Issued: _____

F. PERFORMANCE HISTORY:

1. In the past five (5) years, has your firm been found civilly liable, either in a court of law or pursuant to the terms of a settlement agreement, for defaulting or breaching a contract with a government agency?

Yes No

If **Yes**, use Attachment A to explain specific circumstances.

2. In the past five (5) years, has a public entity terminated your firm's contract for cause prior to contract completion?

Yes No

If **Yes**, use Attachment A to explain specific circumstances and provide principal contact information.

3. In the past five (5) years, has your firm entered into any settlement agreement for any lawsuit that alleged contract default, breach of contract, or fraud with or against a public entity?

Yes No

If **Yes**, use Attachment A to explain specific circumstances.

4. Is your firm currently involved in any lawsuit with a government agency in which it is alleged that your firm has defaulted on a contract, breached a contract, or committed fraud?

Yes No

If **Yes**, use Attachment A to explain specific circumstances.

5. In the past five (5) years, has your firm, or any firm with which any of your firm's owners, partners, or officers is or was associated, been debarred, disqualified, removed, or otherwise prevented from bidding on or completing any government or public agency contract for any reason?

Yes No

If **Yes**, use *Attachment A* to explain specific circumstances.

6. In the past five (5) years, has your firm received a notice to cure or a notice of default on a contract with any public agency?

Yes No

If **Yes**, use Attachment A to explain specific circumstances and how the matter resolved.

7. Performance References:

Please provide a minimum of three (3) references familiar with work performed by your firm which was of a similar size and nature to the subject solicitation within the last five (5) years.

Please note that any references required as part of your bid/proposal submittal are in addition to those references required as part of this form.

Company Name: _____

Contact Name and Phone Number: _____

Contact Email: _____

Address: _____

Contract Date: _____

Contract Amount: _____

Requirements of Contract: _____

Company Name: _____

Contact Name and Phone Number: _____

Contact Email: _____

Address: _____

Contract Date: _____

Contract Amount: _____

Requirements of Contract: _____

Company Name: _____

Contact Name and Phone Number: _____

Contact Email: _____

Address: _____

Contract Date: _____

Contract Amount: _____

Requirements of Contract: _____

G. COMPLIANCE:

1. In the past five (5) years, has your firm or any firm owner, partner, officer, executive, or manager been criminally penalized or found civilly liable, either in a court of law or pursuant to the terms of a settlement agreement, for violating any federal, state, or local law in performance of a contract, including but not limited to, laws regarding health and safety, labor and employment, permitting, and licensing laws?
Yes No

If **Yes**, use Attachment A to explain specific circumstances surrounding each instance. Include the name of the entity involved, the specific infraction(s) or violation(s), dates of instances, and outcome with current status.

2. In the past five (5) years, has your firm been determined to be non-responsible by a public entity?
Yes No

If **Yes**, use Attachment A to explain specific circumstances of each instance. Include the name of the entity involved, the specific infraction, dates, and outcome.

H. BUSINESS INTEGRITY:

1. In the past five (5) years, has your firm been convicted of or found liable in a civil suit for making a false claim or material misrepresentation to a private or public entity?

Yes **No**

If **Yes**, use Attachment A to explain specific circumstances of each instance. Include the entity involved, specific violation(s), dates, outcome and current status.

2. In the past five (5) years, has your firm or any of its executives, management personnel, or owners been convicted of a crime, including misdemeanors, or been found liable in a civil suit involving the bidding, awarding, or performance of a government contract?

Yes **No**

If **Yes**, use Attachment A to explain specific circumstances of each instance; include the entity involved, specific infraction(s), dates, outcome and current status.

3. In the past five (5) years, has your firm or any of its executives, management personnel, or owners been convicted of a federal, state, or local crime of fraud, theft, or any other act of dishonesty?

Yes **No**

If **Yes**, use Attachment A to explain specific circumstances of each instance; include the entity involved, specific infraction(s), dates, outcome and current status.

4. Do any of the Principals of your firm have relatives that are either currently employed by the City or were employed by the City in the past five (5) years?

Yes **No**

If **Yes**, please disclose the names of those relatives in Attachment A.

I. BUSINESS REPRESENTATION:

1. Are you a local business with a physical address within the County of San Diego?

Yes **No**

2. Are you a certified Small and Local Business Enterprise certified by the City of San Diego?

Yes **No**

Certification # _____

3. Are you certified as any of the following:

- a. Disabled Veteran Business Enterprise Certification # _____
- b. Woman or Minority Owned Business Enterprise Certification # _____
- c. Disadvantaged Business Enterprise Certification # _____

J. WAGE COMPLIANCE:

In the past five (5) years, has your firm been required to pay back wages or penalties for failure to comply with the federal, state or local **prevailing, minimum, or living wage laws**? **Yes** **No** If **Yes**, use Attachment A to explain the specific circumstances of each instance. Include the entity involved, the specific infraction(s), dates, outcome, and current status.

By signing this Pledge of Compliance, your firm is certifying to the City that you will comply with the requirements of the Equal Pay Ordinance set forth in SDMC sections 22.4801 through 22.4809.

K. STATEMENT OF SUBCONTRACTORS & SUPPLIERS:

Please provide the names and information for all subcontractors and suppliers used in the performance of the proposed contract, and what portion of work will be assigned to each subcontractor. Subcontractors may not be substituted without the written consent of the City. Use Attachment A if additional pages are necessary. If no subcontractors or suppliers will be used, please write "Not Applicable."

Company Name: _____

Address: _____

Contact Name: _____ Phone: _____ Email: _____

Contractor License No.: _____ DIR Registration No.: _____

Sub-Contract Dollar Amount: \$_____ (per year) \$_____ (total contract term)

Scope of work subcontractor will perform: _____

Identify whether company is a subcontractor or supplier: _____

Certification type (check all that apply): DBE DVBE ELBE MBE SLBE WBE Not Certified

Contractor must provide valid proof of certification with the response to the bid or proposal to receive participation credit.

Company Name: _____

Address: _____

Contact Name: _____ Phone: _____ Email: _____

Contractor License No.: _____ DIR Registration No.: _____

Sub-Contract Dollar Amount: \$_____ (per year) \$_____ (total contract term)

Scope of work subcontractor will perform: _____

Identify whether company is a subcontractor or supplier: _____

Certification type (check all that apply): DBE DVBE ELBE MBE SLBE WBE Not Certified

Contractor must provide valid proof of certification with the response to the bid or proposal to receive participation credit.

L. STATEMENT OF AVAILABLE EQUIPMENT:

A full inventoried list of all necessary equipment to complete the work specified may be a requirement of the bid/proposal submission.

By signing and submitting this form, the Contractor certifies that all required equipment included in this bid or proposal will be made available one week (7 days) before work shall commence. In instances where the required equipment is not owned by the Contractor, Contractor shall explain how the equipment will be made available before the commencement of work. The City of San

Diego reserves the right to reject any response, in its opinion, if the Contractor has not demonstrated he or she will be properly equipped to perform the work in an efficient, effective matter for the duration of the contract period.

M. TYPE OF SUBMISSION: This document is submitted as:

Initial submission of *Contractor Standards Pledge of Compliance*

Initial submission of *Contractor Standards Pledge of Compliance* as part of a Cooperative agreement

Initial submission of *Contractor Standards Pledge of Compliance* as part of a Sole Source agreement

Update of prior *Contractor Standards Pledge of Compliance* dated _____.

Complete all questions and sign below.

Under penalty of perjury under the laws of the State of California, I certify that I have read and understand the questions contained in this Pledge of Compliance, that I am responsible for completeness and accuracy of the responses contained herein, and that all information provided is true, full and complete to the best of my knowledge and belief. I agree to provide written notice to the Purchasing Agent within five (5) business days if, at any time, I learn that any portion of this Pledge of Compliance is inaccurate. Failure to timely provide the Purchasing Agent with written notice is grounds for Contract termination.

I, on behalf of the firm, further certify that I and my firm will comply with the following provisions of SDMC section 22.3004:

(a) I and my firm will comply with all applicable local, State and Federal laws, including health and safety, labor and employment, and licensing laws that affect the employees, worksite or performance of the contract.

(b) I and my firm will notify the Purchasing Agent in writing within fifteen (15) calendar days of receiving notice that a government agency has begun an investigation of me or my firm that may result in a finding that I or my firm is or was not in compliance with laws stated in paragraph (a).

(c) I and my firm will notify the Purchasing Agent in writing within fifteen (15) calendar days of a finding by a government agency or court of competent jurisdiction of a violation by the Contractor of laws stated in paragraph (a).

(d) I and my firm will notify the Purchasing Agent in writing within fifteen (15) calendar days of becoming aware of an investigation or finding by a government agency or court of competent jurisdiction of a violation by a subcontractor of laws stated in paragraph (a).

(e) I and my firm will cooperate fully with the City during any investigation and to respond to a request for information within ten (10) working days.

Failure to sign and submit this form with the bid/proposal shall make the bid/proposal non-responsive. In the case of an informal solicitation, the contract will not be awarded unless a signed and completed *Pledge of Compliance* is submitted.

Name and Title

Signature

Date

City of San Diego
CONTRACTOR STANDARDS
Attachment "A"

Provide additional information in space below. Use additional Attachment "A" pages as needed. Each page must be signed.
Print in ink or type responses and indicate question being answered.

I have read the matters and statements made in this Contractor Standards Pledge of Compliance and attachments thereto and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters, I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

Print Name, Title

Signature

Date