

Florida Redevelopment Association 2011 Annual Conference

How To Write A RFP/Scope of Service to Get the Results You Want

Session Overview

Your community wants to solicit professional services and you have to write the request. Do you need a Letter of Interest, Statement of Qualifications, or Request for Proposals? Does it really matter? Learn how to target the right services and how to write the best request for services to meet your needs. Hear varying perspectives from a local government purchasing representative, professional services consultants, and developer. You can make sure you never again ask for something in a request for services and don't get what you need!

Session Presenters

- Neale Stralow, RLA, AICP
WilsonMiller Stantec
- Carrie Woodell, CFCM
City of Winter Park, FL
- Jeffrey L. Oris, CEcD
Planning and Redevelopment Consultants, Inc.
- Tom Harmer, Senior VP
The Pizzuti Companies

Varying Project Perspectives

- Agency's View of the Project



Project Manager

- RFP Project Description



Consultant

- RFP Project Response



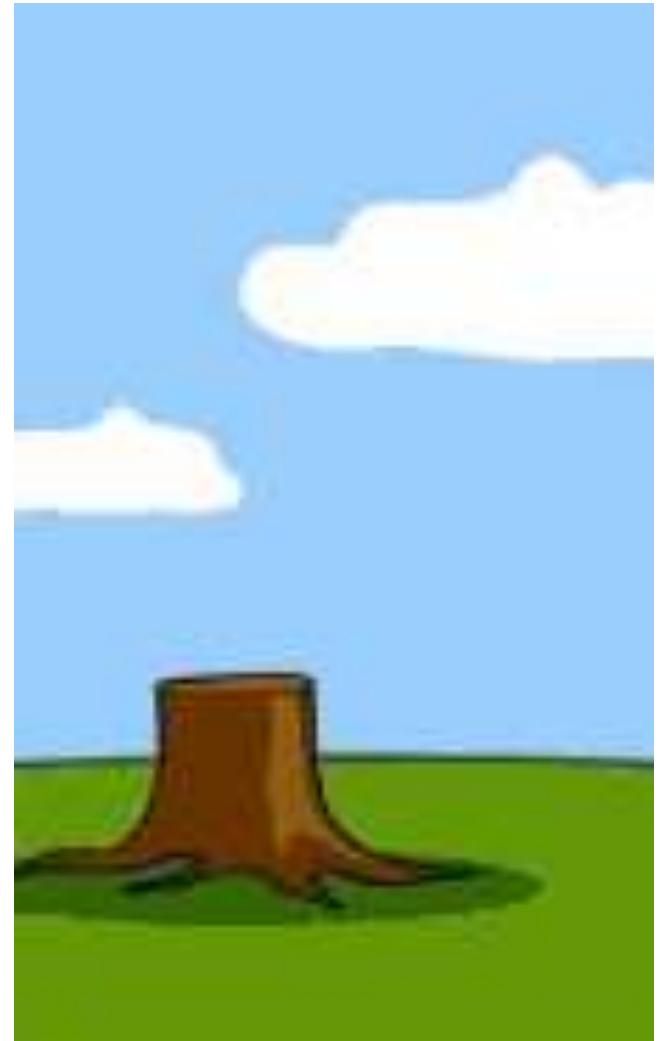
Project Needed

- What Really Was Needed



Community

- Public Support of the Project



Panelist's Perspectives

- Purchasing Manager
- Manager/Consultant
- Development Related

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Purchasing Manager's Perspective

Carrie Woodell, CFCM, CPPO, C.P.M., FCPM
Purchasing Manager
City of Winter Park, FL

What Is An RFP?

- Request for Proposal
 - Document: Formal invitation from an organization to a supplier to submit an offer
 - Process: in which the evaluators base the decision on more than price
- Provides for the negotiation of all terms, including price prior to contract award
- Evaluation based on criteria other than price alone
 - Experience; Qualifications; Proposed Solutions; Service After Award
- Used to obtain “best overall value”
 - Discussion and revised offers permitted and encouraged (during negotiation phase)

What is an RFQ

- Request for Qualifications
 - Qualification Based Selection
- Florida State Statute 287.055 (CCNA)
 - Architects, Engineers, Landscape Architects, Surveying, Mapping Services
 - Basic construction exceeding CATEGORY FIVE (\$325,000) F.S. 287.017
 - Planning or study activity exceeding CATEGORY TWO (\$35,000) F.S. 287.017
- Initial evaluation based on issues such as:
 - Project workload of firms
 - Professional personnel
 - Past performance
 - Certified minority business enterprise
 - External quality control reviews
 - Any other factors deemed applicable to the requirements

RFQ and CCNA

- Price cannot be an evaluation criteria
- No fewer than three firms may be short listed
 - Interviews/oral presentations
- Negotiation (only) with the most qualified firm
 - Detailed analysis of the cost of professional services
- If unsuccessful in negotiation, formal termination; proceed to second most qualified
- Can not revisit after formal termination

Two Step RFP Processes

- Offeror submittals in 2 separate sealed envelopes
 - Technical proposal
 - Price proposal
- RFQ/RFP
 - Qualification based selection
 - RFPs to short listed firms

Building the RFP Document

- Section I – Proposal Information
 - Standard terms & conditions
- Section II – Scope of Work
 - Agency overview & background
 - Tasks required & deliverables
 - Scope of work
 - Minimum vendor qualifications
- Section III – Proposal Content
 - Proposal format
 - Price/cost requirements

Building the RFP Document

- Section IV – Evaluation Procedures
 - Criteria/points/ranking
 - Evaluation procedure
 - Selection process
 - Award process
- Section V – Appendix
 - Attachments & exhibits
 - Standard agency agreement

Creating the Scope of Work

- The MOST important step in the process
 - Most frequent cause for contract failure – **unclear specifications**
 - Establish performance standards and a contractual baseline
 - Provide the contractor with a basis of estimate
 - Communicate effectively
- Identify the resource, schedule and compensation constraints
- Identify specific technical data requirements such as plans, specifications, reports, etc.
- Identify performance, quality and operational characteristics
- Identify specific mandates or directives that may influence the contract (licenses, etc.)

Creating the Scope of Work

- Text should be clear and free of vague terms
- Use specific words to avoid misunderstandings
 - *Shall*: expresses a requirement binding on either party
 - *Should/May*: expresses a non-mandatory provision
 - *Will*: expresses a declaration of purpose on the part of the purchaser
- Identify a minimum requirement
- Allow for maximum competition

Creating the Scope of Work

- Identifying Requirements
 - Review/modify last RFP issued
 - Research other agency proposals
 - Brainstorm with committee members/stakeholders
 - Identify new requirements
- Request for Information (RFI)
 - Helpful for researching new & improved ideas

Section I – Proposal Information

- Parameters of Submittal
 - Due date/time; number of copies; pre-proposal conference (mandatory/non-mandatory)
- Standard Terms & Conditions
- Special Terms & Conditions
 - Required Documents (bonds, insurance, licenses, warranty)

Section II – Scope of Work

- Describe the type of work to be done
 - Initial general overview
 - Specific responsibilities
- Describe anticipated results
 - Deliverables
 - Services rendered
- Statement of Qualifications
 - Establishes an expected quality level for performance

Is the Statement/Scope of Work (SOW) appropriate?
<p>The following questions may be used as tests for the appropriateness of the SOW:</p> <ul style="list-style-type: none"> • Does the Statement tell the offeror what is required to be done? • Is the information necessary to assist the offeror in understanding what is required? • Will the offeror and the jurisdiction be able to negotiate reasonable pricing parameters for tasks, services, etc.? • Will the tasks, when accomplished, produce results consistent with project objectives?
Are the objectives clear?
<p>Do they provide a method for the procurement officer to keep salient features of the procurement's objectives foremost while preparing and reviewing the SOW?</p> <ul style="list-style-type: none"> • Is the SOW sufficiently specific to permit the offeror to identify and the jurisdiction to evaluate the manpower and resources needed to accomplish it? • Are the specific duties of the offeror stated in such a way that it is known what is required and permit the jurisdiction to determine if the requirements have been met prior to signing the acceptance document? • Are sentences written so that there is no question of whether the offeror is to be obligated, such as: <i>The successful offeror shall do the work, not, This work will be required.</i> • Are the proper reference documents provided? Are they pertinent to the SOW? Are they properly cited in the solicitation? • Are the specifications or exhibits applicable, i.e., latest revisions of each document? If so, are they properly cited in the solicitation? • Are the specifications restrictive? Are only the necessities specified? • Are there dates for the key tasks to be accomplished by the offeror in the solicitation document? Is the time reflected in working or calendar days? • Are proper quantities shown?
Some do's and don'ts
<ul style="list-style-type: none"> • Avoid misunderstandings and eliminate possible doubts. • Describe the <i>what, where, and when</i>, and avoid loopholes. • Avoid over-specifying and clarify the contractual obligations of the jurisdiction

Figure 20. Statement of Work Checklist.

Introduction

The City of Winter Park invites your participation in the Request for Proposal (RFP) process to select a developer interested in leasing or purchasing approximately 5.0 acres of land owned by the City of Winter Park located at 941 W. Morse Boulevard. The West Morse Boulevard area is a gateway into the heart of the City's Community Redevelopment Area and the downtown business district.

Description

An existing 63,894 square foot office building, known as the McCarty Building which was originally constructed in 1958, is currently on the site. An aerial view and location map are attached as Appendix A. The property is located within the City of Winter Park, a political subdivision of Orange County, Florida. The City has a population of approximately 29,000. This parcel is located within the City's community redevelopment area. The property is designated as Office on the City's Future Land Use Map and is in the City's O-1 Zoning District.

Background Information and Assumptions

The City, using CRA funds, acquired the property in 2005. In addition to receiving a return on its investment, the City's goal is to create a high quality development that emphasizes sustainability and compatibility with surrounding properties. The City is seeking a developer that will create an environment that is appealing to the surrounding area, protects the mature tree canopy on the property and provides bicycle and pedestrian walkability to both the surrounding commercial areas as well as the City's Lake Island Park. Finally, the City seeks to maximize the value it can achieve to fund future municipal initiatives, through a prudent and secure transaction.

An abatement study was completed on the site in 2006 and is attached as Appendix B. **Only firms prequalified through the RFI-12-2010 process may submit proposals.**

Selection Criteria

The City intends to use the RFP process to competitively select and rank a firm or consortium of firms based on:

- Site Development - should clearly establish a development plan for the site that complements the City's goals and vision for the development (55%)
- Transaction Structure - offer a fair market value for the land and the best potential for value creation (45%)

Qualifications of the bidders will be determined on the referenced criteria. Any bidder that does not meet the associated qualifications shall be determined to be unqualified to bid on this RFP and can be removed from consideration. The City plans to make a final selection and enter into either lease or purchase with the successful bidder.

Timeline

The City intends to conduct the RFP process from June 2010 through July 2010. It is the intention of the City to have a developer selected and a transaction negotiated by fall 2010.

A voluntary walk-through of the building and the site is scheduled for July 7, 2010 immediately following the pre-proposal meeting. While not mandatory, each developer is encouraged to visit the site and include any details into the presentation materials.

The City seeks three types of information from the development teams set out in the selection criteria listed in Section II and as described below. This information is required under the Tabs listed under the Proposal Format:

Qualifications

The primary criteria in selecting a developer will be to identify an experienced and highly qualified team that can create a vision for the site yielding the best financial and value creation package. The developer should also provide a sustainable development that encourages community and stakeholder collaboration; fosters distinctive, attractive development with a strong sense of place, incorporating the gateway attraction of Morse Boulevard into historic Winter Park; preserve open spaces; and creates walk-ability around the site, connecting to the area's parks and commercial features.

As part of the response, please provide the City with specific information regarding the following:

- General overview of your organization both nationally and in the Central Florida area. Please detail the growth and development history of your firm, and comment on the local team you would assign to this project. Please provide an organizational chart and a summary of qualifications of the members of the team who will be working on this project, including a description of their roles and relevant experience. Please identify who will be the team leader throughout the project.
- Provide your team's experience in working on similar type projects in similar settings. Respondents shall identify three to five relevant projects with which the Respondent or the team members have had primary involvement. The City is interested in your direct experiences working with other municipalities on projects of similar size and complexity. As part of your submittal, please address your interaction with community groups, and detail any proffers or community amenity packages that were negotiated as part of these projects.
- Please provide your firm's experience with ground leased development projects or similar structures. What has the degree of success been for your land partner (please be as specific as possible)? What have been the benefits and challenges of these structures for your projects? What are your preliminary concepts of reselling and leasing space and what is your estimated absorption time?
- Please outline a detailed project schedule through entitlements assuming August 9, 2010 as the date your team is selected. What will be the consequences for failure (i.e., penalties) to meet schedule and/or development milestones on your team?
- Discuss how your team would propose working with the City to achieve the above referenced project schedule. Elaborate on the roles that you would anticipate the City and your team participating in regarding communications, decision making, public relations, representing the project to the City in the entitlement process, meeting with neighbors, etc.
- Provide your firm's experience and ability to work with major financial partners. Give three relevant examples that demonstrate past performance in working with such groups.
- Please provide an overview of your company's financial strength which will be relied upon for completion of this project. The City is interested in the financial structure that you would use on your side of the relationship, in the structures you typically use and the partners/investors/financiers you typically work with on these developments, and in the timing for including these partners.
- For Respondents and financial/equity partners, include all projects underway, indicated for each project that status (% complete to date), size and scope, cost, developer equity, financial guarantees and the role of the developer and/or financial equity partner.

Site Development

The McCarty Office Building site is unique in both size and redevelopment opportunities within the CRA area of Winter Park. The site's gateway character, mature tree canopy, pedestrian accessibility and proximity to both downtown Winter Park and Winter Park Village uniquely position this site for development. The City will be very interested and will seek to have input into the final development plans for the parcel to assure they are consistent with the City's goals and vision for the corridor and the property. Please provide specific details on the following criteria as part of the submittal:

- The City is interested in job creation and preservation. The ability to provide immediate tenants to the space will be a consideration during the review of the project
- The site can be demolished or rehabilitated depending on the developer's preference
- The site should be developed within the threshold of the .45 Floor Area Ratio permitted under the City's Land Development Code.
- The green space and tree canopy fronting West Morse Boulevard are critical to the redevelopment of the site and should be incorporated into any design
- Pedestrian accessibility to the commercial parcels on US 17-92 and Winter Park Village should be incorporated into the overall master planning and development of the site
- The parking may be retained at street level or through the development of a parking structure
- The City may choose to hold entitlements to future development if the developer is not prepared to develop the site to its maximum capacity.
- A preliminary development plan is required to be submitted as part of the RFP package. This should include a schematic of the site including a rendering of the architectural style of the building, the location of parking, and appropriate open space. Provide a list of uses anticipated for the property.
- Detail challenges you see with the site.
- As part of your response, please explain how you would present, support and position the development to the market, City officials and the surrounding community. Share the timeframe that you envision for the delivery of the project-including any phases as appropriate.

Transaction Structure

The City prefers a ground-lease on this site, but is open to an outright sale of the property. The proposal is required to show a ground lease option. A secondary proposal for purchase may also be included in the proposal. The City has an interest in ensuring the long-term sustainability of the site and the quality of the development. To that end, the City may consider retaining rights-of-first refusal on future sales of the property, establishment of performance targets for development of the property within reasonable market-driven parameters, and establishing covenants for development of the site that will apply to any future owners or successors of interest in the property.

For ground lease payments, please provide the following:

- Describe the complete methodology, including calculation of land value, ground lease constant, escalations in payments, resets of ground value, and any timing/milestones associated with the preceding.
- Please submit a payment schedule that covers the entire term of the ground lease.

For purchase proposals, please provide the following:

- Document the methodology for arriving at fair value including current market data for the site including sales price per square foot, square foot for sale, total sales, and rental price per square foot, rentable square feet and annual rents. If any payments are delayed, please provide a payment schedule that details the timing of payment.

In addition, respondents will be asked to present an estimate of taxable value of the completed project. If portions of the project are to be completed in phases, please provide an estimate of phase completion. In addition to other evaluative criteria, the City will compare the RFP offers based on price and timing of payment to the City.

Section III – Proposal Content

- Details how the vendors are to respond to the RFP
 - Number of copies
 - Bound copies vs. electronic
 - Confidential information?

Proposers must respond in the format delineated below.

Please submit one (1) original clearly marked "ORIGINAL" along with five (5) exact copies, clearly marked "COPY" and one electronic copy on CD for document management purposes. All responses, and copies, are to be submitted on 8 ½ x 11 inch paper, bound individually. If your response contains any information deemed confidential, provide an additional CD with a redacted version of your response labeled "REDACTED". CD shall be in Microsoft Word, Excel, Power Point, or pdf – the most recent software version.

Each directive listed will require an individual index tab in your response package to indicate the information as requested is listed behind its specific tab. Any other information pertinent to the headings as listed herein may be added to the end of each section. However, required information must be listed first in each section. If further materials are necessary to complete your response and are not noted under any of the headings listed below, add a TAB —X tab to the end of your response with proper index as to the subject matter contained therein. Any Addenda are to be acknowledged on the Signature Sheet. Failure to submit this information will render your proposal non-responsive. Each Section is to be preceded with a Tab delineating the information after the Tab.

Table of Contents

Clearly outline and identify the material and responses by the tab and page number. Outline in sequential order the major areas of the responses, including enclosures. Tabs should be used to separate each tabbed section. All pages must be consecutively numbered and correspond to the table of contents.

Tab 1. Cover Letter

Provide a cover letter indicating your company's understanding of the requirements/scope of services/specifications of this formal solicitation. The letter must be a brief formal letter from the Proposer that provides information regarding the company's familiarity with development of property as described in this RFP. A person who is authorized to commit the Proposer's organization to provide the good/services included in the response must sign the letter. Provide all names, titles, addresses, telephone numbers (including facsimile numbers), and e-mail addresses.

Tab 2. Qualifications of Project Staff

Indicate pertinent qualifications of available expert witnesses that will be made available to the City in the event of a challenge to the validity of the technology associated with this photo enforcement project and the equipment used facilitate enforcement.

Tab 3. Site Development

Please address the criteria highlighted under the RFP requirements for this section. These should include a development schematic and phasing plan if needed. **Note:** The City shall not be responsible for any costs incurred by the Proposer in preparing, submitting or presenting its response to the RFP. This Request for Proposals does not and shall not commit the City or their agents to enter into any agreement, to pay any costs incurred in preparation of the submittals or to procure or contract for services or supplies.

Tab 4. Transaction Structure

The City prefers a ground-lease on this site, but is open to an outright sale of the property. All bids must include a ground lease submittal. Bidders also have the option of submitting a contract for sale of the property. The requirements for submittal are listed under the Transaction Structure section of the RFP.

Tab 5. REQUIRED FORMS

Include fully executed **Signature Sheet, Drug Free Workplace Form, Non-Collusion Affidavit of Prime Respondent** in this section.

Tab X. MISCELLANEOUS

Attachments: Additional information, which the Proposer feels will assist in the evaluation, should be included.

Section IV – Evaluation Procedures

- Explain the process for evaluation
- Identify criteria and weights
- Provide timeline
- Selection process
- Interviews/Oral presentations

SECTION IV

EVALUATION PROCEDURE

All proposals will be subject to a review and evaluation process. It is the intent of the City that all proposers responding to this RFP, who meet the requirements, will be ranked in accordance with the criteria established in these documents. The City will consider all responsive and responsible proposals received in its evaluation and award process.

CRITERIA

Firms submitting the required criteria will have their proposals evaluated and scored for technical qualifications. The following represent the principal selection criteria, which will be considered during the evaluation process.

Each proposal will be evaluated for full compliance with the RFP instructions to the Proposer and the terms and conditions set forth within the RFP document. The objective of the evaluation will be to recommend the firm who is the most fully qualified based upon the herein described needs of the City. Responses will be scored and ranked in accordance with the weighting specified in the following table.

Evaluation Criteria		Maximum Points
1	Proposer's Experience	20
2	Qualifications of Project Staff	20
3	Work Plan	30
4	Cost	20
5	References	10
Total Points To Be Earned		100

Total Points to be earned are on a scale of 1 – 100 points, 1 = lowest, 100 = highest

Tentative Calendar of Events*		
1	RFP Issue Date	July 30, 2010
2	Pre-Proposal Conference	August 12, 2010 at 10:30 AM
3	Responses Due to City Clerk	September 9, 2010 by 10:00 AM
4	Selection Committee Meeting – Evaluation and Ranking	September 16, 2010 at 10:30 AM
5	Oral Presentations and Final Ranking	September 29, 2010 at 10:30 AM

* All times, dates and actions are subject to change. All meetings are publicly posted and open to the public under the Sunshine Law.

SELECTION PROCESS

The selection process is as follows:

1. The Selection Committee will evaluate all proposals which have been determined to be responsive.
2. The Selection Committee will then rank the proposals of those firms based on their submittals to determine a short list.
3. After oral presentations are conducted from the short listed firm(s), a post-presentation ranking will be conducted to determine the overall top ranked firm.
4. The Purchasing Division will prepare an agenda item for the award recommendation to the City Commission.
5. The City Commission of the City of Winter Park will make the final selection after considering the recommendations and rankings of the Committee. The City Commission's decision will be final.

Formal Oral Presentations/Interviews

The City shall conduct oral interviews with, or receive oral presentations from, two or more of the short listed firms. Oral presentations will be open to the public and will adhere to the following guidelines:

The City's Purchasing Division will establish the schedule and proposers will be notified at least five (5) calendar days in advance of the date, time and place of the presentations. The specific format of each presentation will be provided to proposers with the notifications.

The City will allot equal time for each proposer divided into two sequential parts: formal presentations, and questions and answers.

Oral presentations will provide an opportunity for the proposers to demonstrate their ability to use time efficiently, effectively and economically. The times allotted are maximums and no firm will be penalized for using less than the allotted time.

Section IV - Appendix

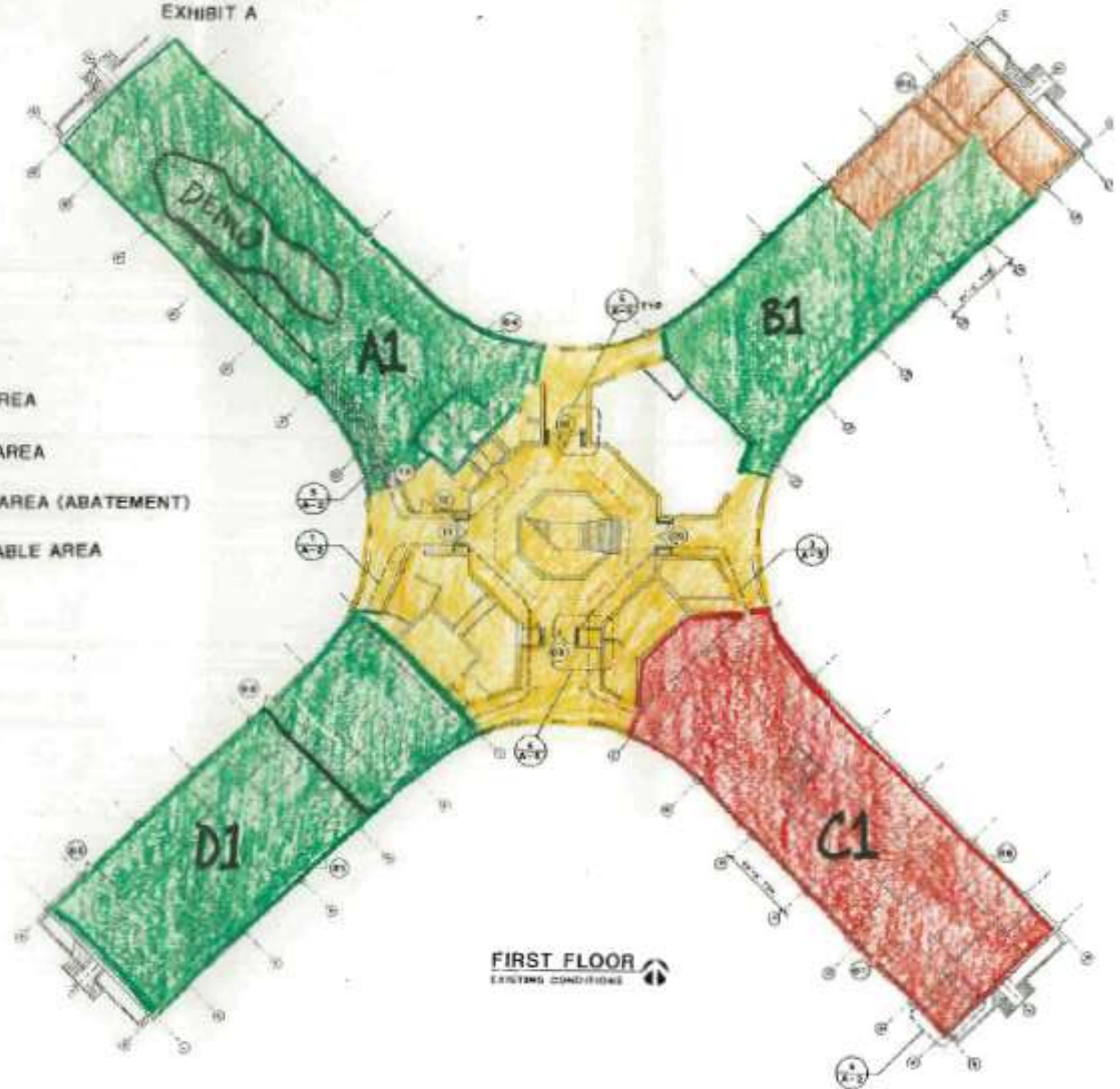
- Useful tools to help proposers
 - Aerial View and Location Map
 - Abatement Study
 - Analytical Statements
 - Photographs or Site Layouts

EXHIBIT A

1ST LEVEL

- 6,988 SF  COMMON AREA
- 16,470 SF  LEASABLE AREA
- 1,500 SF  LEASABLE AREA (ABATEMENT)
- 5,990 SF  NON-LEASABLE AREA

CLASS B & C OFFICE SPACE



Keep in Mind

- Compliance with procurement policies
- Evaluation Committee
- Blackout period
 - From date of RFP/RFQ issuance until date of award
 - May cause disqualification
- Agency rule on rejecting proposals

Florida Statutes

- Florida Statutes
 - 119.071(1)(b) Public Records exemption
 - sealed bids, proposals or replies received by an agency pursuant to a competitive solicitation are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier.
 - Includes exemption if responses rejected with specific parameters
 - 286.0113 Sunshine Law exemption
 - Negotiations, oral presentations, interviews; **MUST** be recorded. Recordings public upon intended award decision
 - Does **NOT** exempt evaluation meetings

When Questions Arise

- Centralized through Purchasing
- Ensures level playing field
- Questions addressed in form of Addendum
- Distributed to plan holders and posted
- Must be acknowledged in proposal/response
- May be cause for disqualification

Evaluation Committee

- Typically 3-5 members
- Selection Committee Guidelines
- Adhere to public meeting requirements
- Fair and objective evaluation of all proposals
- Base evaluation on defined criteria
- Proceedings will be recorded
- All notes are public record

Debriefing

- Gives offerors an explanation of the evaluation process, an assessment of their proposal in relation to the evaluation criteria, a general understanding of the basis of the award decision, and the rationale for their elimination from the competition;
- Assists proposers in processing the experience;
- Reduces the likelihood of protests;
- Shows the evaluation was fair;
- All documents are public record

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Manager/Consultant Perspective

Jeffrey L. Oris, CEcD, President
Planning and Redevelopment Consultants, Inc.

What the Consultant Wants to See

- Consultants seeks RFP's to submit proposal on through a number of sources:
 - Demand Star
 - RFP Depot
 - Professional Organizations
 - Other Subscription Services
 - Registration with Each Government
 - Local Newspaper (the Old School Method!)

How the Consultant Finds Your Job

- Seek for RFP's by keywords:
 - Redevelopment
 - Master Plan
 - Study
 - Analysis
 - CRA
 - Economic
 - Vision

What the Consultant Wants to See

- Critical to be concise and clear in the Title to your RFP... It should be short but:
 - Use good, simple keywords in the title.
 - Be clear and concise.
 - Convey the service you are seeking to contract.
 - Make certain your request is asking for the appropriate services and/or professionals.

What Service Do they Want?

TITLE OF THE REQUEST FOR PROPOSALS

PROFESSIONAL SERVICES FOR THE
BRANDING AND ECONOMIC
RESTRUCTURING OF THE COMMUNITY
REDEVELOPMENT AREA

What Service Do they Want?

Scope/Purpose

The intent of this project is to contract for professional services to implement the Redevelopment Plan and “Brand” the Downtown CRA in accordance with the Agency’s mission statement to “facilitate the emergence of a vibrant urban village where people of all ages will live, work, shop and be entertained.” The vision of the area recognizes the unique social and economic factors that are compressed in a relatively small area of the City. Policy 3.2.8 of the Redevelopment Plan is to “**Brand the Core District as** a well managed and organized urban destination for the purpose of drawing both visitors and residents to a broader market.” There are a number of existing retail and restaurant businesses in the Downtown area that through an economic restructuring process can be enhanced and expanded. Based on the success of these enterprises the CRA will be assisting in attracting new businesses to all the new developments.

What the Consultant is Looking for

- Insurance Requirements
- Timeline
- Budget
- Number of Public Meetings
- Any Preferences in Contracting
- When can I ask questions until
- Is there a Pre-Proposal Conference
 - Is the pre-proposal mandatory?
- When is the Proposal Due

What the Consultant is Looking for

Does this Request give me a sense that this government knows what it wants and how the job needs to be accomplished ?

The Red Flags !!!

- The Request's purpose is not really clear.
- Dates/times in the RFP do not match.
- The RFP is 59 pages long and the description of the services sought is 2 paragraphs.
- Description does not include mention of necessary/required items.
- No Deliverables Described.
- The work is to rely on another study/plan that is not yet contracted for or completed.

The Red Flags !!!

- Project Budget found/told does not match what consultant knows to be the project cost.
- City/CRA has repeatedly hired the same firm for work and there does not appear to be any reason they would hire someone else.
- A City/CRA/County where there has been difficulty before for consultants.
- An RFP that reads like a bid... as if a commodity is being purchased.

The Red Flags !!!

- A short timeline until submittals are due.
- Specific requirements on who will be selected:
 - A firm within a geographic area when this is unnecessary.
 - Someone with specific knowledge of another study completed for the City/CRA.
 - Firm with specific specialties.
 - Description of activities which would require an Architect, Engineer or Land Surveyor.
 - Description of need for subcontractors that would provide unnecessary services.

Some of the Problems

- A person unfamiliar with the project is the contact person.
 - No expectation I will get an answer to my question.
 - Will get the “technical answer” not desired answer.
 - Will get an insufficient answer to the question after it gets “lost in translation.”
 - Not a prime responsibility of a purchasing employee and thus not a priority.

Some of the Problems

- A person unskilled with the purchasing prepares the Request/Bid
 - The desired scope will require an Architect, Engineer, or land surveyor and thus will violate the Consultants Competitive Negotiation Act (CCNA).
 - The wrong format will be utilized (i.e. request for a price in a Request for Interest).

Some of the Problems

- Scope That is Too Expansive/Not Expansive Enough:
 - Asks for one service and describes unrelated services to be included.
 - Does not give sufficient time to complete services desired.
 - Does not include description of services Consultant knows to be needed.

Some of the Problems

- The Selection Process is not handled well.
 - Selection committee not set prior to request's release.
 - No selection timeline prepared prior to request's release.
 - Too many respondents asked to make a presentation.

Things I Don't Want to Deal With

- The War & Peace-sized version of your City/CRA History.
- The contract/agreement you will want me to sign.
- Filling out forms you don't need yet.
- Trying to find a Scope of Work/Description of the Job on page 39 of 59.
- A City/CRA that clearly does not know what it wants or what is required for the job to be completed.

Things to Avoid

- Monday deadlines
- Early morning submittal deadline.
- Use of only a PO Box for submittal mailings.
- The person assigned as contact goes on vacation between release date and due date of the RFP.
- The stated contact person no longer works for the City/CRA.

How to Get it Right...

Just put yourself in the Consultant's shoes....

- Does this Request tell me what they want?
- Are the submittal requirements clearly listed?
- How long will this take to put together?
- Have they made the selection process clear and does it make sense for me?
- Does the government seem to have their stuff together and understand what they are asking for?
- What is my anticipated return on my investment of time, effort and money?

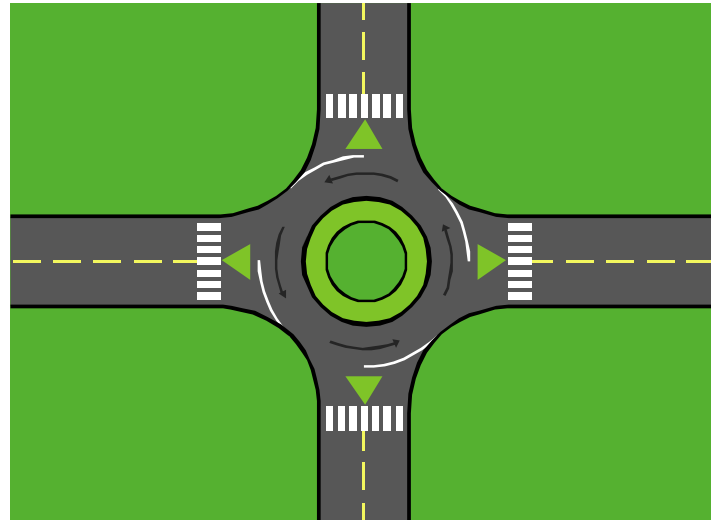
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Development Related RFP's and RFQ's

Tom Harmer, ICMA-CM, Senior Vice President
The Pizzuti Companies



An Initial Thought



"If you don't know where you are going, any road will get you there."

Lewis Carroll

Soliciting a Developer

- Developer selection is often initiated through a Request for Qualifications (RFQ) or Request for Proposals (RFP).

Purpose of Developer RFP/RFO

- Tool to achieve a public goal
- Introduces competition in a redevelopment project
- Helps to ensure a qualified development partner is selected
- Marketing tool to attract private development

Before RFP / RFQ Process

- Gain Political Consensus on Project Concept, Objectives and Range of Possible Incentives
 - Detailed understanding of project feasibility is important.
 - Understanding of incentives that may be offered is also critical.
 - Casting a wide net is not always effective. Specificity is key.
 - **DON'T LEAVE THIS UP TO THE DEVELOPER OF CONSULTANT!**
- Have Understanding of Bidding Laws, Requirements and Confidentiality
- Identify Lead Agency, Selection criteria, and Selection Process (RFQ/RFP, RFP...)

A Certain Flexibility

- The RFP should demonstrate a way for the developer to participate and realize a return on investment,

AND

- Encourage the developer to respond with even better way to participate and realize public and private objectives.

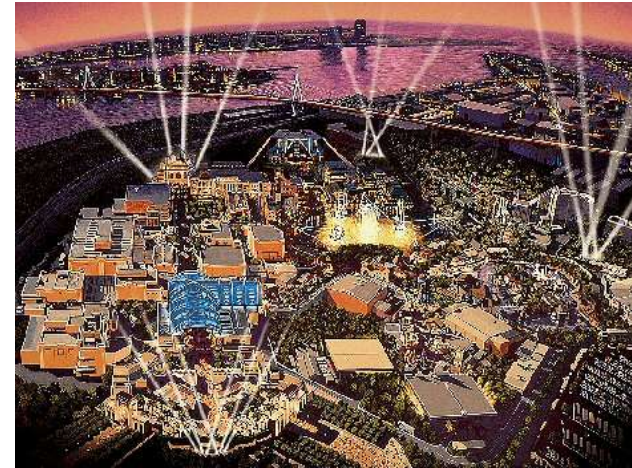
Overly complicated requirements will limit qualified responses, especially in good economic times.

Public Private Partnerships: *Lessons Learned*

- Need a Political Champion
- **Communicate, Communicate, Communicate...**
- Involve Stakeholders
- RFQ/RFP Process is Slow...May Miss Market
- **Private Developer is Partner...Not Adversary**
- Banks Will Want Changes in Development Agreement
- **Its Not Done Until You Move Dirt, Then Its Still Not Done**

Do's and Don'ts

- Don't be Swayed by Beautiful pictures
- Don't go on a Fishing Expedition
- Do Understand the Market
- ***Do make Your RFP Requirements Reasonable***
- Do Proceed only With Political Support
- Do Visit the Developer's Projects
- Do Call References to Understand Past Performance
- ***Do Proof Read Your Request***



RFP & RFQ Examples

- Language From RFP/RFQ Documents:

*"The City may, in its sole discretion and **without any obligation to act reasonably**, reject any and all proposals, negotiate with any entity submitting a proposal, waive any formalities connected therewith, extend deadlines, request additional information ..."*



RFP & RFQ Examples

- From a document issued as an RFP:

“(The organization) discourages lengthy submittals”

Required components:

- Transmittal letter
- Developer information
- Development team
- Proposed associate members
- Developer experience
- Developer history, financial position & abilities
- Other (participation with minority-owned businesses; approach to worksite safety ...)



RFP & RFQ Examples

Required components (continued):

- Technical approach
 - Project understanding
 - Project approach
 - Project management approach
 - Project staffing approach
- Other (participation with minority-owned businesses; approach to worksite safety ...) **AGAIN?**



RFP & RFQ Examples

From the same document ...

- Response due date:
October 8
- Development team to recommend award:
Late October
- Agreement finalization:
“Officers will meet with the successful development team **between September 28 and October 5.**”



RFP & RFQ Examples

- From an RFP Seeking a Developer:

Confidentiality

Due to the competitive nature of the RFP evaluation, negotiation and selection process, and the fact that subsequent submissions will likely be required of two or more Proposers, in order to obtain best and final offers, and finally the fact that proposals will involve the negotiation of a real estate transaction...



Still Going...

... and contain information relating thereto, involving trade secrets, commercial and financial information, the disclosure of which could cause substantial competitive harm to the Proposers and the interest of the College until the College completes its negotiations and contract execution with the successful Proposer, any public release of the Project information from specific proposals, is prohibited.



You Didn't Hear It From Me...

- From a Redevelopment RFP:

Neither the City, nor (owner's agent), nor any their officers, agents or employees, shall be responsible for the accuracy or completeness of any information provided to any Developer as part of the RFP or clarifications to the RFP. All Developers are encouraged to independently verify the accuracy of any information provided by the City or (the owner's agent) or obtained from any other source. The use of any of this information in the preparation of a response to this request is at the sole risk of the Developer.



How Much is Too Much?

(The city) seeks useful and quality information about the proposer – as well as capacity to provide the required services for a successful project. Vague and redundant discussions are not desirable, nor is a bulky display of irrelevant information. A carefully prepared, graphically attractive submittal will be most appreciated.



How Much is Too Much?

- Continued:

... you are encouraged to be brief and succinct. Thick volumes of background and general marketing material will not be appreciated and will not curry favor with the reviewers.

- And:

**PLEASE NOTE THAT QUALIFICATIONS
WILL BE EVALUATED ON CONTENT,
*NOT BULK!***



Did I Really Say That?

Unnecessarily elaborate responses beyond that sufficient to present a complete and effective response to this solicitation are not desired and may be construed as an indication of the respondent's lack of ability to communicate in a cost-effective and succinct manner.



Do the Math

- Please submit:

Nine (9) copies of between three (3) and five (five) Consultant Verification Forms.

(Between 3 and 5? Could that be 4?)



Do I Need To Go To The Pre-Bid?

Non-mandatory pre-submittal conference and mandatory site visit at the same time at the same location.

Seems to me you go to one, you're already at the other...



Pre-proposal conference

The County will hold a pre-proposal conference and mandatory site visit on Thursday, October 20, 2011 at 10 a.m. EST. ***Attendance at the pre-proposal conference is voluntary for responding to this RFP, however, responses of proposers who fail to attend the site visit will not be considered.*** The purpose of the pre-proposal conference is to provide information regarding the project and to address any questions and concerns regarding the services sought by the county through this RFP.

A Final Thought

"Never tell people how to do things.

Tell them what you want to achieve and they'll surprise you with their ingenuity."

General George S. Patton

Florida Redevelopment Association 2011 Annual Conference

Collective Takeaways

Neale Stralow, RLA, AICP
WilsonMiller Stantec

Big Items

- Define The Project Needs
- Legal Requirements
- Reduce Documentation
- Internal Consistency
- Identify Knowledgeable Contact Person
- Allow For Innovation

Florida Redevelopment Association 2011 Annual Conference

Questions & Answers

Please Fill Out The Evaluation Surveys

You may reach us at:

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cwoodell@cityofwinterpark.org

tharmer@pizzuti.com

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How To Write A RFP/Scope of Service to Get the Results You Want