



108-0272020-002

Agenda Item **No. 8(b)**
Meeting of December 1, 2020

INFORMATIONAL MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Nadia Sesay, Executive Director

SUBJECT: Issuance of a Request for Proposals for interim activation of the former Transbay Temporary Terminal Site; Transbay Redevelopment Project Area

EXECUTIVE SUMMARY

The former Transbay Temporary Terminal Site is located between Howard, Main, Folsom and Beale Streets (the “Terminal Site”) in the Transbay Redevelopment Project Area. The Transbay Joint Powers Authority (“TJPA”) currently owns the Terminal Site, which is slated to be transferred to OCII in January 2021 pursuant to Commission Resolution No. 23-2020 authorizing acquisition of the Terminal Site. The long-term plan for the Terminal Site is for OCII to facilitate the development of the Terminal Site into three blocks with affordable housing (“Block 2”), a park (“Block 3”), and mixed-use development (“Block 4”), in accordance with the Transbay Redevelopment Plan. See Attachment 1, Development Map and Schedule. The short-term plan for the Terminal Site, until development commences sometime between Spring 2022 and Spring 2023, is to maintain and monitor the site in its current condition, or, if there is sufficient interest, make it available for interim activation uses (defined below). OCII has issued an RFP for property management services to maintain the Temporary Terminal Site in a safe and orderly condition until such time as construction activities commence on Blocks 2, 3 and 4.

To achieve the short-term activation goal, OCII, in consultation with TJPA, intends to issue a Request for Proposals (the “Activation RFP”) seeking proposals to implement, manage and operate active, pedestrian-oriented, community-serving uses on the Terminal Site. The draft Activation RFP is attached as Attachment 2. The Activation RFP is in addition to the property management RFP.

London N. Breed
MAYOR

Nadia Sesay
EXECUTIVE DIRECTOR

Miguel Bustos
CHAIR

Mara Rosales
Bivett Brackett
Dr. Carolyn Ransom-Scott
COMMISSIONERS

One S. Van Ness Ave.
5th Floor
San Francisco, CA
94103

415 749 2400

www.sfocii.org

DISCUSSION

Activation RFP Uses

The Activation RFP contemplates interim activation uses that could include any of the following uses, or mix of uses:

- outdoor food and/or beverage court, including food trucks
- outdoor farmer's market
- outdoor retail
- outdoor recreational uses and/or sports programming (soccer field, tennis court, etc.)
- outdoor movies
- other temporary activation uses

The expectation is that responses to the Activation RFP will cater to, and create vitalized spaces for, those who live, work, and visit the East Cut Neighborhood of San Francisco, and other nearby communities. Proposers are encouraged to conduct outreach and engage with the “bricks and mortar” East Cut Neighborhood’s business community, residents, and other relevant stakeholders for input on potential uses.

Respondents to the Activation RFP may consider teaming up with other entities to provide the activation uses prior to submittal, or, post-submittal, OCII may consider negotiating with successful respondents to re-configure teams. In any case, respondents may be on multiple teams.

Permit to Enter and Site Fees

OCII will provide access to the Terminal Site to the selected proposer or proposer team through a Permit to Enter (“Permit”). The Permit area is available as-is and is comprised of open space and three buildings as depicted on Attachment 3, Map of the Permit Area (“Permit Area”). Proposals may include all or some of the Permit Area, which is open for negotiation. Use of the buildings is optional.

The term of the Permit will begin in approximately spring 2021 with full access to the negotiated Permit Area and may terminate in phases over time as the development schedules for Block 2, Block 3, and Block 4 are implemented. OCII will give permittee(s) 60-day advance notice of the Permit termination.

Use of the Permit Area must be cost neutral to OCII. Therefore, the Permittee will be required to cover OCII’s carrying costs for the Site, including property management fees, Utilities, staff costs, and site maintenance or repair costs. OCII may impose a possible use fee, based on the applicants use of the Permit Area, if such uses are non-activating.

Submission Requirements

Proposers are required to submit their qualifications, examples of comparable projects, information to assess financial capacity, references, and an operations plan. The operations plan should include the proposed concept; visual depiction of the layout of the intended uses; proposed staffing plan; schedule and hours of operation; marketing plan; and a financing plan/budget.

Activation RFP Selection Process

Proposals are due on February 3, 2021 and will be evaluated based on the strength of the respondent's operations plan, experience and qualifications and financial capacity, as set forth in Section V (B) of the RFP in Attachment 2. A record of proven success delivering services to an economically and socially diverse community and a strong commitment to serving neighborhood communities is strongly preferred.

An evaluation panel comprised of representatives from OCII, TJPA, the City, and the Transbay Citizens Advisory Committee intends to recommend to the Executive Director a respondent to the RFP who best meets these criteria. The Executive Director will subsequently recommend, in March or April 2021, that the Commission on Community Investment and Infrastructure approve a Permit to Enter with a respondent.

Transbay Citizens Advisory Committee ("Transbay CAC")

OCII staff presented the proposed Activation RFP to the Transbay CAC at its meeting of November 12, 2020. The CAC was supportive of the Activation RFP, interested in activation of the Terminal Site, and shared the importance of maintaining security of the site during activation.

Next Steps

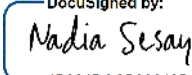
The following table shows important dates related to the RFP process and the selection process. Staff expects to return to the OCII Commission for its consideration of a Permit to Enter with the recommended proposer(s) in March 2021.

1. Issue Date: RFP available and posted on OCII's and TJPA's websites	December 3, 2020
2. Site Tour and pre-submittal meeting	1:00 p.m., December 14, 2020
3. Deadline for written questions / requests for additional information	January 20, 2021
4. PROPOSAL SUBMISSION DEADLINE	4:00 p.m., February 3, 2021
5. Applicant interviews (via video conference)	Week of February 15, 2021 ¹
6. Selection announced	Week of February 22, 2021 ¹

7. OCII and selected Applicant execute Permit to Enter	Week of April 5, 2021 ¹
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¹The exact dates and times will be determined after submittal of proposals

(Originated by Denise Zermani, Senior Development Specialist)

DocuSigned by:

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Nadia Sesay
Executive Director

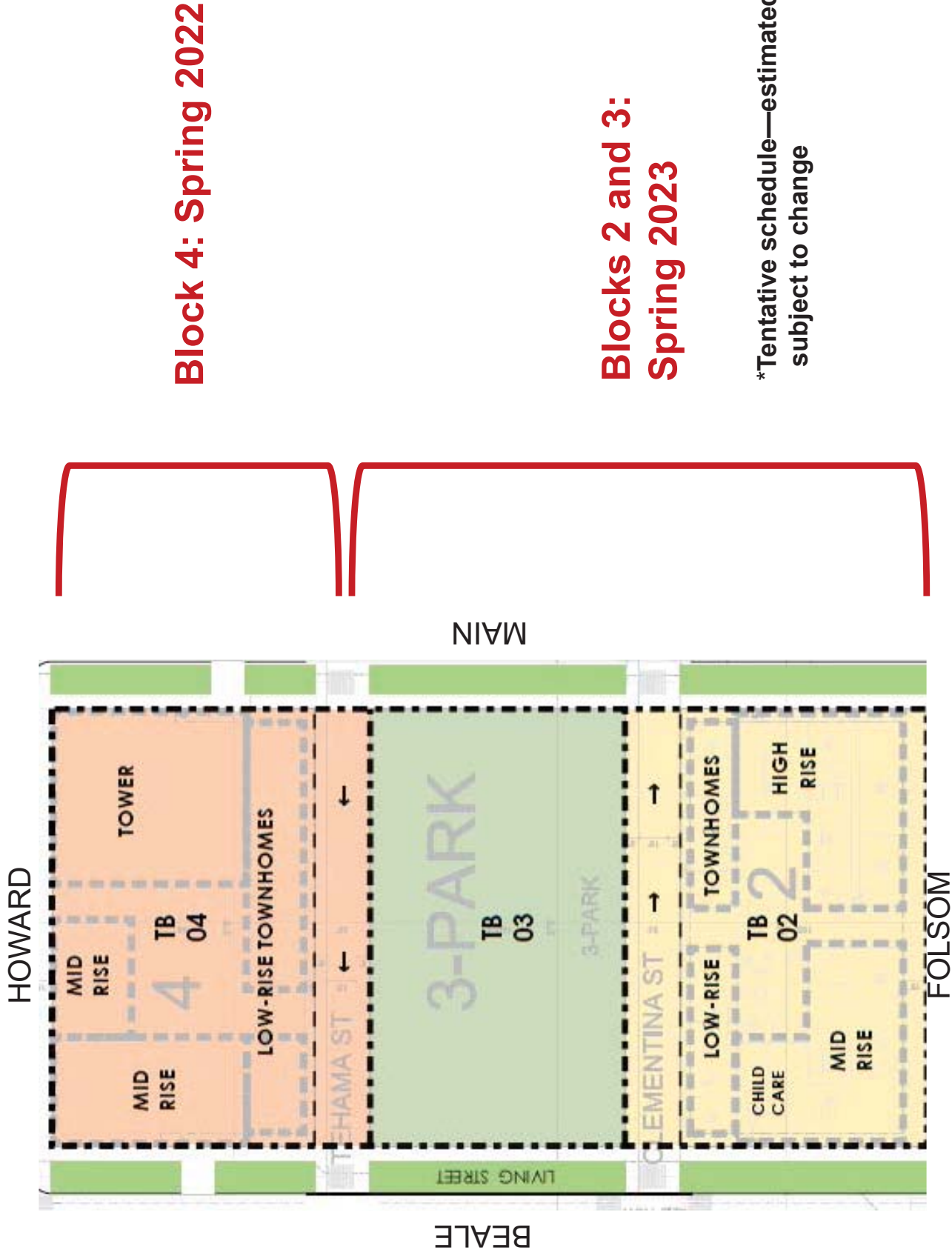
Attachment 1: Development Map and Schedule

Attachment 2: Draft Request for Proposals for Interim Activation of the Former Transbay Temporary
Terminal Site

Attachment 3: Map of Permit Area

ATTACHMENT 1

Development Map and Schedule*



*Tentative schedule—estimated and subject to change

Request for Proposals

For Interim Activation of an unoccupied site:

Former Transbay Temporary Terminal Site
200 and 250 Main Street, and 200 Folsom Street
San Francisco, CA

Transbay Redevelopment Project Area

Issued: December 3, 2020

Deadline for Submission:
4:00 p.m. – February 3, 2021

Issued by:
Office of Community Investment and Infrastructure
One South Van Ness Avenue, Fifth Floor
San Francisco, CA 94103

Contact: Denise Zermani
Email: denise.zermani@sfgov.org

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SECTION I. SUMMARY

The Office of Community Investment and Infrastructure (“**OCII**”), in consultation with the Transbay Joint Powers Authority (the “**TJPA**”), is soliciting proposals (“**Request for Proposals**” or “**RFP**”) regarding the potential interim activation of the former Transbay Temporary Terminal site, located at 200 and 250 Main Street, and 200 Folsom in San Francisco (the “**Site**”). The Site is an approximately 3.34 acre block bounded by Main, Howard, Folsom and Beale Streets, is currently owned by the TJPA, and is slated to be transferred to OCII in early 2021. In accordance with the Transbay Redevelopment Plan, OCII will facilitate the development of the Site into three blocks with affordable housing (“**Block 2**”), a park (“**Block 3**”), and mixed-use development (“**Block 4**”) according to the tentative schedule in **Attachment 1, Development Map and Schedule**. Prior to development, the Site is available for interim uses (defined below). OCII seeks interim activation for a period of time that may range from 1-2 years, but that is subject to change.

The area identified for interim activation is depicted on **Attachment 2, Permit Area** (“**Permit Area**”). The proposed Permit Area is comprised of open space and three buildings. Proposals may include all or some of the Permit Area, which is open for negotiation. Use of the following buildings is optional.

200 Folsom Building (former Greyhound bus terminal)

- 8,550 SF pre-engineered metal building with offices, public restrooms, sprinklers, and fire alarm system
- Height 15’
- Occupancy A3, B, S2
- 274 occupant load
- Building Type V-N
- 256 SF Trash/Recycling Enclosure with Roof
- 105 SF Baggage Cart Enclosure with Roof
- 8 diagonal bus positions
- 2 ADA passenger car parking
- 12 passenger car parking

250 Main Building (former AC Transit offices)

- 1,030 SF pre-engineered metal office building which includes an office, break room, and restrooms
- Height 14’
- Occupancy B
- 9.5 occupant load
- Building Type V-N

200 Main Building (former security office)

- 700 SF pre-engineered metal office building which includes an office, janitors' room, electrical room, and public and private restrooms
- Height 14'
- Occupancy B
- 6.4 occupant load
- Building Type V-N

OCII, in consultation with an evaluation panel that will include representatives from TJPA, the City, and the Transbay Citizens Advisory Committee, intends to select a respondent to the RFP who best meets the criteria set forth in this RFP through the process described below. OCII, as owner of the Site¹, will grant access to the Permit Area through a permit to enter ("Permit to Enter"), and OCII's "Permit to Enter Policy," to the selected applicant ("Permittee") and their sub-permittees, if any.

This opportunity is open to all businesses and organizations, both for-profit and non-profit, with a preference for small businesses as defined under OCII policy. OCII is also committed to promoting opportunities for the local workforce and paying prevailing wages.

SECTION II. IMPORTANT DATES & SUBMISSION PROCESS**A. Important Dates**

Submittals are due by 4:00 p.m. on February 3, 2021.

1. Issue Date: RFP available and posted on www.sfcocii.org	December 3, 2020
2. Site Tour and pre-submittal meeting	1:00 p.m., December 14, 2020
3. Deadline for written questions / requests for additional information	January 20, 2021
4. PROPOSAL SUBMISSION DEADLINE	4:00 p.m., February 3, 2021
5. Applicant interviews (via video conference)	Week of February 15, 2021 ¹
6. Selection announced	Week of February 22, 2021 ¹
7. OCII and selected Applicant execute Permit to Enter	Week of April 5, 2021 ¹

¹The exact dates and times will be determined after submittal of proposals

B. Questions and Requests for Additional Information; Site Tour

Please submit all questions and information requests to the attention of the contact person listed on the cover page of this RFP. All questions and requests for additional information regarding this RFP must be received **in writing** by OCII (via e-mail) – *on or before* – the time and date as shown above, in Section II.A. Questions received after the deadline may not be answered. All responses to questions and any additional information will be posted on OCII's website. OCII reserves the right, in its sole discretion, to determine the timing and content of the response, if any, to all questions and requests for additional information.

¹ In the unlikely event that the Site does not transfer to OCII by the time the site is ready for activation, TJPA, instead of OCII, will enter into a License with the selected respondent to the RFP and TJPA's form of license and contracting policies will apply.

Site Tour. Applicants are highly encouraged to attend a tour of the Permit Area on the time and date as shown above, in Section II.A., to become familiar with the Permit Area's physical conditions. Immediately following the tour, OCII will provide applicants with an opportunity to ask questions about the interim activation opportunity and comment on the content of the RFP. All questions and comments will be noted and taken into consideration by OCII. All responses to questions and any additional information will be posted on OCII's website. OCII reserves the right, in its sole discretion, to determine the timing and content of the responses, if any, to all questions raised at the Site tour. **Please confirm your attendance at the site tour via email to denise.zermani@sfgov.org.**

C. Submission Time, Place, Date, Contact

All applicants must submit a complete electronic copy of their submittal via email to denise.zermani@sfgov.org no later than **4:00 PM on February 3, 2021**. Late submissions will not be accepted.

During the COVID-19 pandemic, hard copy submission of proposals will not be accepted. If Applicant does not have the capability to submit a proposal digitally via email, please contact the person listed on the cover page of this RFP before the due date for Deadline for Questions and Requests for Additional Information specified in Section II.A. above to request an alternative submission method (subject to OCII approval).

OCII will disqualify from consideration any Proposal received lacking all or part of any required submission element. Applicants may submit a Proposal at any time prior to the submission deadline.

SECTION III. REQUEST FOR PROPOSALS

OCII, in consultation with TJP, is seeking proposals to implement, manage and operate active, pedestrian-oriented, community-serving uses in the Permit Area. Interim active uses may include, but are not limited to, an outdoor food or beverage court, including food trucks; outdoor farmer's market; outdoor retail; outdoor recreational uses; sports programming (soccer field, tennis court, etc.); and outdoor movies that cater to, and create vitalized spaces for, those who live, work and visit the East Cut Neighborhood of San Francisco, and other nearby communities. Proposals may include a variety of the above-noted and/or other uses, and may include other parties, as sub-permittees to the primary applicant. Applicants are encouraged to conduct outreach and engage with the "bricks and mortar" East Cut Neighborhood's business community, residents, and other relevant stakeholders for input on potential uses.

A record of proven success delivering services to an economically and socially diverse community and a strong commitment to serving neighborhood communities is strongly preferred. The selected proposer will be expected to successfully manage all aspects of design, including any potential permitting and minor improvements to transform the Permit Area into a new community-serving use. However, construction of new spaces is not a required element of this RFP.

Respondents to the RFP may consider teaming up with other entities to provide the activation uses prior to submittal, or, post-submittal, OCII may consider negotiating with successful respondents to re-configure teams. In any case, respondents may be on multiple teams. For the purpose of the RFP, respondents SHALL NOT form contracts with subpermittees/other entities, or request or enter into exclusive or non-exclusive arrangements, which would preclude them from entering another team arrangement.

SECTION IV. SUMMARY OF PERMIT TO ENTER KEY TERMS AND CONDITIONS

- A. Permit Area.** The Permit Area, as depicted on Attachment 2, also includes 18-saw tooth diagonal bus bays, two oversized driveways on Beale and Folsom Streets, and if needed and based on the proposal

selected, gas connection located on the Beale Street side of the Permit Area and water connections (domestic, fire and landscaping) located at the 200 Folsom Building.

- B. Permit to Enter.** Through the RFP process, a respondent will be selected and will then negotiate a Permit with OCII, as the “**Permitter**,” based on the Permit to Enter Policy. OCII’s form of Permit to Enter and Permit to Enter Policy may be found at <https://sfocii.org>. The final executed Permit may contain terms and conditions not specifically described or outlined in this RFP or the form of Permit. The final Permit to be negotiated by and between Permitter and Permittee may be subject to approval by OCII’s Commission on Community Investment and Infrastructure and/or Executive Director.
- C. Term.** The term of the Permit will begin in approximately spring 2021 with full access to the negotiated Permit Area, and may terminate in phases over time as the development schedule for Block 2, Block 3, and Block 4 is implemented pursuant to the timeline found in Attachment 1, Development Map and Schedule. Permitter will provide Permittee with 60-days’ notice of termination.
- D. Use.** The preferred uses of the Permit Area include those interim active uses described in Section III, or other appropriate uses. ***Proposals for solely non-activating uses, such as parking lots, storage, or private office operations, for example, are not encouraged or preferred.***
- E. Improvements.** Improvements, if any, must be approved in advance by the Permitter and serve to further the goal of activating the Permit Area in a manner consistent with the requirements of this RFP, the Permit, and the temporary period of time that the area is available prior to commencement of construction activities. Improvements must meet all applicable local, state and federal codes, requirements and regulations, including the Americans with Disabilities Act. Permitter makes no representations regarding the Permit Area’s compliance with the Americans with Disabilities Act and all other applicable government requirements. The Permittee is solely responsible for all costs related to any proposed improvements. *OCII is unable to provide funding for any Permittee improvements.*
- F. “As Is” Condition, Maintenance, Vacating.** The Permittee will accept the Permit Area in “**AS IS**” condition, and entry upon the Permit Area by Permittee will be an acknowledgment by Permittee that all dangerous places and defects in the Permit Area are known to it and are to be made secure and kept in such secure condition by Permittee. Permittee shall maintain the Permit Area, at its sole expense, it so that it will not be unsafe, unsightly or unsanitary. Upon termination of the Permit, Permittee shall vacate the Permit Area and remove any and all personal property located thereon. OCII and TJPA make no representations or warranties, express or implied, with respect to the environmental condition of the Permit Area (including without limitation all facilities, improvements, structures and equipment thereon and soil and groundwater thereunder), or compliance with any Environmental Laws, and gives no indemnification, express or implied, for any costs of liabilities arising out of or related to the presence, discharge, migration or Release or threatened Release of the Hazardous Substance in or from the Permit Area. Removal and disposal of any existing furniture, fixtures and equipment (“**FF&E**”) and procurement of any required FF&E, or repairs and maintenance of the buildings and open space, will be the sole responsibility of Permittee at no cost to OCII.
- G. Utility Services.** Permitter will furnish water, sewer, gas and electricity (“**Utilities**”) as currently available within the Permit Area. Pursuant to Section IV.(H) below, Permittee will reimburse Permitter for the cost of Utilities related to the Permit Area. At its own expense, Permittee shall provide trash and recycling removal from the Permit Area and shall furnish all services and equipment necessary for its operation of the Permit Area.
- H. Site Fees, Use Fees.** Use of the Permit Area must be cost neutral to OCII. Therefore, the Permittee will be required to cover OCII’s carrying costs for the Site, including property management fees, Utilities, staff costs, and site maintenance or repair costs (“**Site Fees**”). OCII may impose a possible use fee, based on the applicants use of the Permit Area, if such uses are non-activating. OCII will provide potential applicants with estimates of Site carrying costs via an addendum to this RFP prior to or on the date of the Site tour in Section II(A).

- I. **Liens.** Permittee will bear all costs or expenses of any kind or nature in connection with its use of the Permit Area, and will keep the Permit Area free and clear of any liens or claims of lien arising out of or in any way connected with its use of the Permit Area.
- J. **Property Management.** Prior to commencement of the interim activation of the Permit Area, OCII may engage a property management company to maintain and monitor the Permit Area. In addition, OCII may have separately entered into contracts for fence security and fire alarm services at the site. The Permittee may be asked to assume some or all of these property management services or to coordinate its interim uses with these property management services.

SECTION V. **SELECTION PROCESS & CRITERIA**

A. Selection Process

- Submittals will be accepted via email until the date and time shown in Section II.A.
- Submittals must be complete. The Applicant is solely responsible for ensuring that all information requested in Section VI Submission Requirements is submitted.
- OCII staff will contact references.
- Further information or written material regarding qualifications or submittals may be requested by OCII staff.
- The selection panel will make a recommendation to the OCII Executive Director and the Commission on Community Investment and Infrastructure.
- OCII will not consider an applicant’s public statements on matters of public concern, that are protected under the First Amendment to the United States Constitution and unrelated to the Permit, in the evaluation and selection of the applicant for the Permit.

B. Selection Criteria

- Proposals will be evaluated by a selection panel comprised of representatives of the OCII, TJPA, the City, and the Transbay Citizens Advisory Committee. The opportunity to activate the Permit Area on an interim basis with active, community-serving uses will be awarded to the proposer who best meets the selection the criteria below. The proposals will be evaluated on a point basis as follows:

<u>Selection Criteria</u>	<u>Points</u>
Operations Plan	40
Relevant Experience/Qualifications	30
Financial Capacity	<u>30</u>
TOTAL	100

- First consideration will be given in awarding contracts in the following order: (1) Redevelopment Project Area¹ Small Business Enterprises (“SBEs”), (2) Local SBEs (outside an OCII Project or Survey Area, but within San Francisco), and (3) all other SBEs (outside of San Francisco). Non-local SBEs would be considered if Project Area SBEs or Local SBEs are not available, qualified, or if their bids or fees are significantly higher than those of non-local SBEs. (See Section VII(B) for additional information about OCII’s SBE Program.)

¹Redevelopment Project Area means an area of San Francisco that meets the requirements under Community Redevelopment Law, Health and Safety Code Section 33320.1. These areas currently include

the Hunters Point Shipyard, Candlestick Point, Mission Bay, and Transbay. A Project Area SBE is one that is located within the geographical boundaries of the project area.

SECTION VI. SUBMISSION REQUIREMENTS

The Applicant must email **one complete electronic copy** of the submittal containing the information requested in this RFP. The submittal should be submitted to OCII, on or before **4:00 pm on February 3, 2021** and as indicated in Section II(C) above. A proposal submitted with incomplete or missing forms or submitted after 4:00 pm on February 3, 2021, will be deemed non-responsive and will be rejected.

A. Submission of Proposal

The Proposal must contain **all** of the following information and materials:

1. **Operations Plan. A comprehensive plan, specific to the proposed use of the Permit Area, including:**
 - a. Narrative of no more than two pages describing the proposed concept.
 - b. Visual depiction (through informal sketches or other graphic means) of the layout of the intended use(s) in the Permit Area.
 - c. Proposed staffing plan.
 - d. Proposed teams or sub-permittees, if any.
 - e. Schedule and Hours of operations for activation and any other uses.
 - f. Marketing plan and outreach plan.
 - g. Financing plan, including:
 - i. Anticipated one-time start-up costs and proposed revenue source(s)
 - ii. A 12-month budget, including on-going operations and maintenance revenue and expense forecasts.
 - h. Covid-19 safety plan for the proposed interim activation use, in compliance with Covid-19 regulations in place at the time of the proposal is submitted.
2. **Qualifications.** Provide qualifications, and biographies or resumes, for the respondent, respondent's staff, and all other team members.
3. **Comparable Projects.** Submit a list of comparable projects and experiences, including experiences in serving economically and social diverse communities, for at least one and no more than three comparable projects. For each comparable project, include dates, project description, target market, outcomes, budget information, and any other information that would help to describe the comparable project.
4. **Financial Capacity.** A proposer must demonstrate evidence of financing and sufficient financial experience and capacity to operate in accordance with the terms of the Permit. In particular, OCII may review financial performance in other projects, including whether a proposer is, and if a proposer's other projects have been, solvent. OCII reserves the right to request evidence of financial commitments, a credit report and additional financial information from each proposer. Applicants must be in good standing with OCII, TJPA and the City on any existing agreements, current in the payment of all applicable business tax, rentals, and assessments owed by the proposer, as well as current with all necessary filings with the United States Internal Revenue Service and California Franchise Tax Board with respect to non-profit status. Applicants must submit a written statement attesting to the compliance with payment of taxes and current tax filings pursuant to this section.

5. **Improvements.** If applicable, describe through informal sketches or other graphic means the intended layout of improvements on the Permit Area. Presentation materials should be no larger than 8.5" x 11". Provide an estimated budget for the improvements as part of the Operations Plan.
6. A written statement attesting to the compliance with payment of taxes and current tax filings pursuant to Section VI.A.3.
7. Submit two references and their contact information for similar projects.
8. Complete responses to all Disclosure Questions (**Attachment #3**).
9. A signed Statement of Compliance with OCII Policies & Certification of Applicant (**Attachment #4**).

THIS IS THE END OF THE SUBMISSION REQUIREMENTS SECTION.

ALL INFORMATION REQUESTED ABOVE IN SECTION VI MUST BE SUBMITTED IN ORDER FOR A PROPOSAL TO BE DEEMED COMPLETE.

SECTION VII. AGREEMENT TO COMPLY WITH OCII POLICIES

Each applicant shall acknowledge receipt and understanding of the following OCII contracting requirements and policies and state its ability and willingness to comply with each of them. Copies of OCII policies are available at <https://sfocii.org/policies-and-procedures>.

A. Certification Regarding Insurance & Indemnification

The selected Applicant will be required to procure and maintain insurance that meets or exceeds OCII requirements as shown in VII G below, and as may be updated from time to time.

From the time of entering into a Permit with OCII, the selected Applicant shall defend, hold harmless and indemnify OCII, the City and County of San Francisco and their respective commissioners, members, officers, agents and employees of and from all claims, loss, damage, injury, actions, causes of action and liability of every kind, nature and description directly or indirectly arising out of or connected with the performance of OCII contract and any of the contractor's operations or activities related thereto, excluding the willful misconduct or the gross negligence of the person or entity seeking to be defended, indemnified or held harmless.

B. Small Business Enterprise Program

OCII has adopted a Small Business Enterprise ("SBE") Program with an overall Agency goal of 50% SBE participation that provides first consideration in awarding contracts in the following order: (1) Project Area SBEs, (2) Local SBEs (outside an OCII project or survey area, but within San Francisco), and (3) all other SBEs (outside of San Francisco). Non-local SBEs should be used to satisfy participation goals only if Project Area SBEs or Local SBEs are not available, qualified, or if their bids or fees are significantly higher than those of non-local SBEs. In the context of this RFP and the Permit to Enter, Permittee should make good faith efforts to engage SBEs in components of its intended activation use, including components such as improvements, janitorial, security, and/or sub-permittee(s), among others, to the extent such components are not self-performed.

C. Nondiscrimination in Contracts & Benefits

OCII has established the Nondiscrimination in Contracts and Benefits Policy prohibiting discrimination in contracting and in providing benefits between employees with spouses and employees with domestic partners.

D. Minimum Compensation Policy

The Minimum Compensation Policy ("MCP") requires the payment of a minimum level of compensation to employees for all consultants working on OCII funded projects.

E. Health Care Accountability Policy

The Health Care Accountability Policy ("HCAP") requires that contractors offer certain health plan benefits to their employees or participate in a health benefits program developed by the City's Department of Public Health, or make a payment in lieu of such benefits to the City's Department of Public Health.

F. Prevailing Wages

The Contractor and its subcontractors, if any, shall comply with OCII's Prevailing Wage Policy, which includes payment of the State of California's prevailing wages, as applicable.

G. Insurance

The selected applicant must procure and maintain insurance against claims for injuries to persons or damages to property, which may arise from or in connection with interim activation of the Site under the OCII Permit by the Permittee, its agents, representatives, employees or subcontractors/sub-permittee.

Unless otherwise approved by the OCII, the selected applicant must maintain insurance with an insurance company that has an A.M. Best rating of A:VII with the following coverages and limits:

- General Liability: \$2,000,000 per occurrence;
- Automobile Liability: \$1,000,000 per accident for bodily injury and property damage;
- Workers' Compensation and Employers Liability: Workers' Compensation limits as required by the State of California and Employer's Liability limits of \$1,000,000 for bodily injury by accident and \$1,000,000 per person and in the annual aggregate for bodily injury by disease. (Required only if Permittee has employees); and
- Professional Liability: Intentionally omitted
- The insurance requirements may be modified by the OCII's Risk Manager in his/her sole discretion.

SECTION VIII. ADDITIONAL TERMS & CONDITIONS

A. Applicant's Duty of Loyalty

Applicant for itself and its subcontractors or sub-permittees agree to abide by OCII's duty of loyalty, which appears in OCII's Personnel Policy (Prohibited Activities of Present and Former Employees, Commissioners and Consultants) and which states in part the following: "Unless approved in advance in writing by OCII, no present or former employee, Commissioner or consultant of OCII shall knowingly act for anyone other than OCII in connection with any particular matter in which OCII is a party, or has a direct and substantial interest, and in which he or she participated personally and substantially as an OCII employee, Commissioner or consultant whether through decisions, recommendations, advice, investigation or otherwise. Violation of this section by a present employee,

consultant or Commissioner may, in the case of an employee or consultant, be grounds for discharge or termination of the consultant contract, and in the case of a Commissioner, be considered misconduct in office pursuant of California Health and Safety Code Section 33115.”

B. Applicant Expenses

The Applicant responding to this RFP does so at its own expense. OCII will not consider any costs related to preparing the proposal or negotiating the Permit as reimbursable.

C. OCII Right to Modify or Suspend RFP

OCII, through its Executive Director, reserves the right at any time, in its sole and absolute discretion, to modify or suspend any and all aspects of the selection process, including, but not limited to, this RFP and all or any portion of the selection process in or subsequent to the RFP; to obtain further information from any Applicant member, to waive any defects as to form or content of the RFP or any other step in the selection process; to reject any and all responses submitted; to reissue the RFP; procure the desired interim activation uses by any other means or not proceed in procuring the interim activation uses; to negotiate with any, all, or none of the respondents to this RFP as to fees, terms of the Permit, or any other aspect of the RFP or interim activation uses; to negotiate and modify any and all terms of a Permit; and to accept or reject any Applicant.

D. Claims Against OCII and TJPA

Each Applicant member, by responding to this RFP, waives any claim, liability or expense whatsoever against OCII and the TJPA and their respective officers, commissioners, employees and agents by reason of any or all of the following: any aspect of this RFP, the selection process or any part thereof, any informalities or defects in the selection process, the failure to enter into any agreement or Permit, any statements, representations, acts or omissions of OCII or TJPA, the exercise of any discretion set forth or concerning any of the foregoing, and any other matters arising out of all or any of the foregoing.

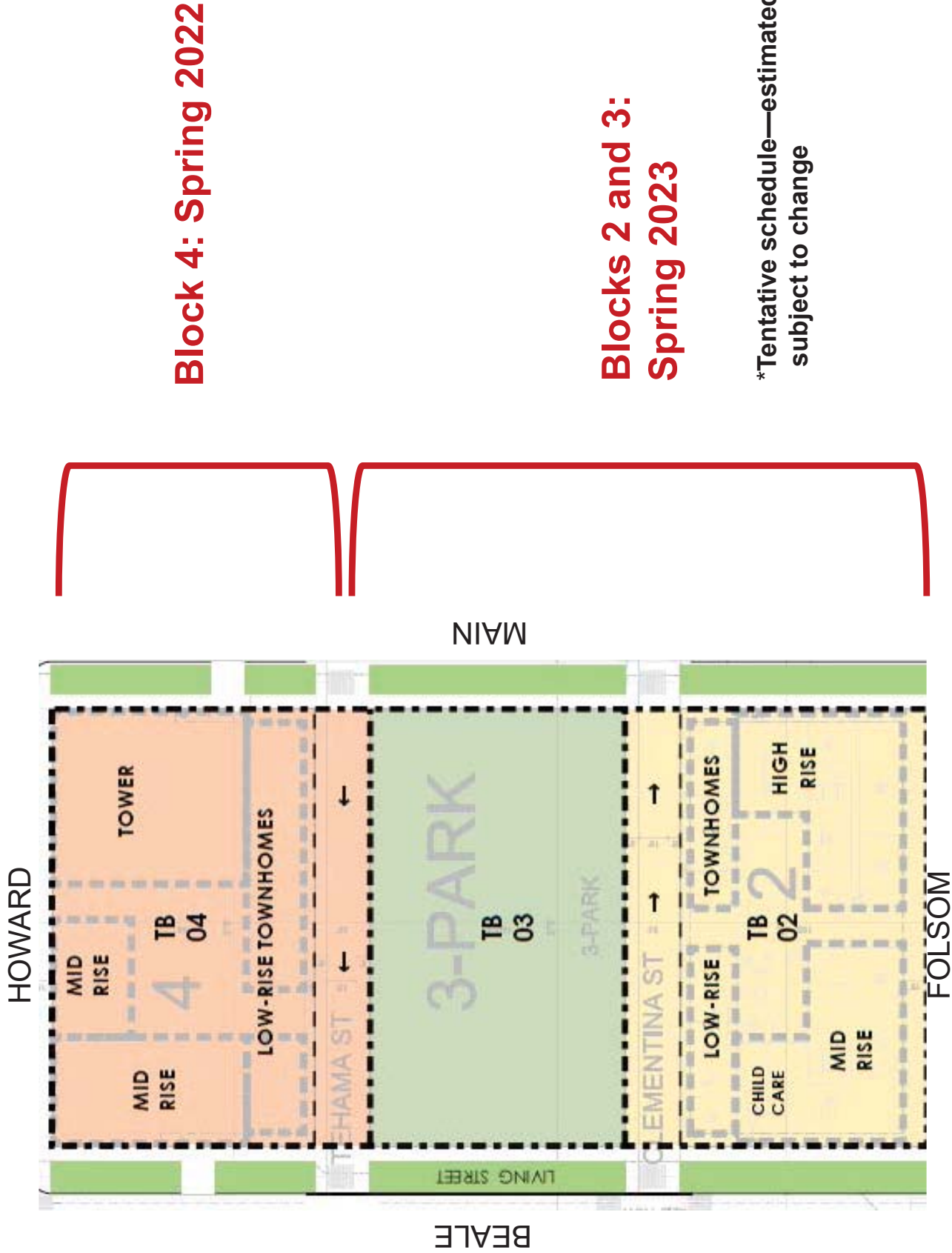
SECTION IX. ATTACHMENTS

Attachments #3 and #4 are to be submitted with Submission Package:

Attachment #1:	Development Map and Schedule
Attachment #2:	Permit Area Map
Attachment #3:	Disclosure Questions
Attachment #4:	Statement of Compliance with OCII Policies & Certification of Applicant

ATTACHMENT 1

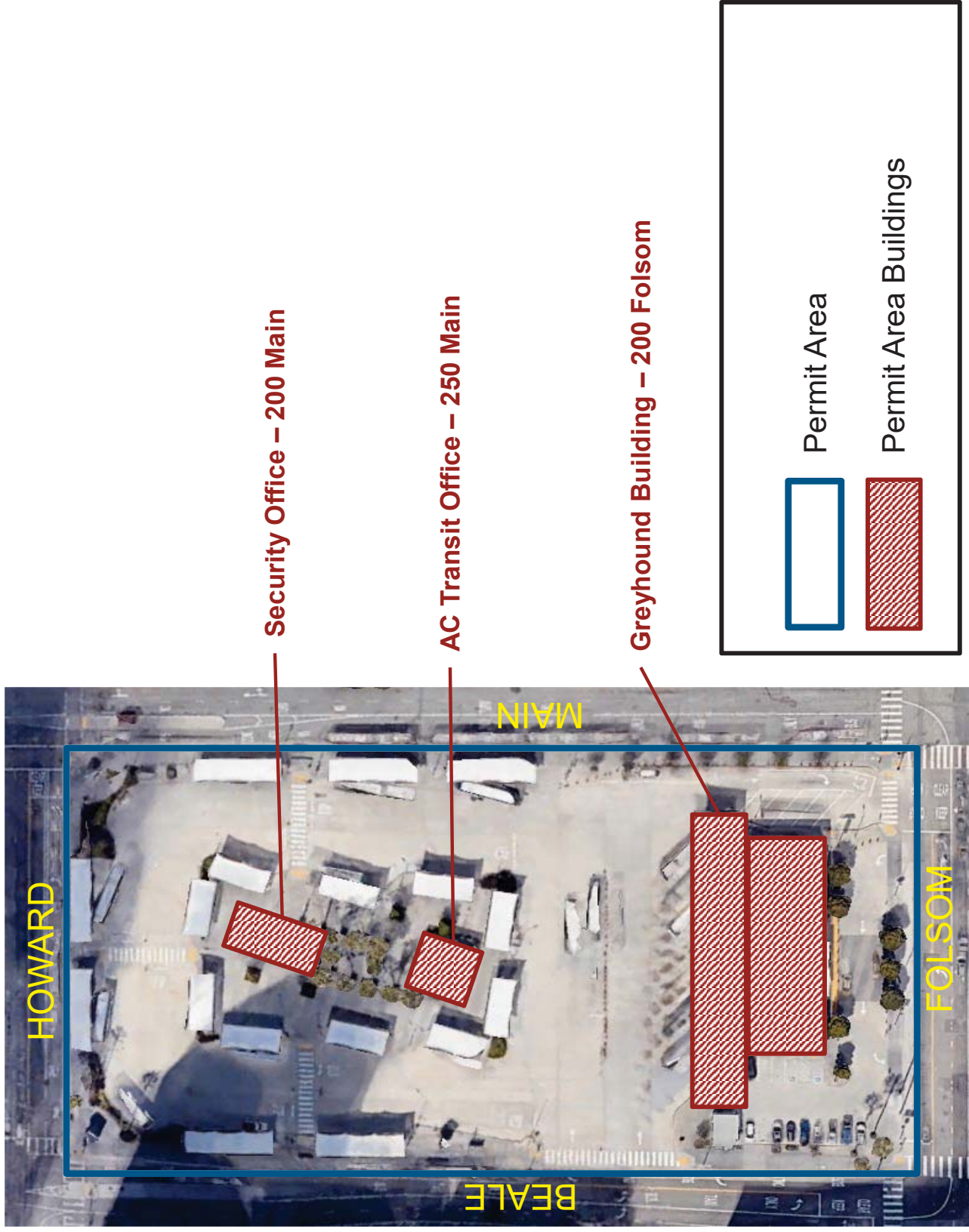
Development Map and Schedule*



*Tentative schedule—estimated and subject to change

AI TACHMENT 2

Permit Area Map



ATTACHMENT #3

DISCLOSURE QUESTIONS

Instructions: Please respond completely to each question listed below using the space provided. Use a separate sheet of paper, if necessary. Please state “No” or “None” when appropriate. Do not leave a question blank or state “N/A”. If the applicant¹ is an individual, then the information relative to that individual should be disclosed. If the applicant is a group or joint venture, then information relative to each member of the group or entities that comprise the joint venture should be disclosed. If the applicant is a corporation, then the information relative to the corporation should be disclosed.

1. Has applicant ever defaulted on a loan or other financial obligation? This includes all affiliate corporations and partnerships in which applicant is a general partner. If so, please describe the circumstances including dates and current status.

Answer: _____

2. Are there any prior or pending legal proceedings, actions, convictions or judgments that have been filed against applicant or its wholly owned subsidiaries, or any prior or pending arbitrations or mediations. If so, provide dates the complaints were filed and the present status of the litigation or the status of the arbitrations or mediations.

Answer: _____

3. Are there any prior or pending administrative complaint/hearing against, or any debarment or suspension of, or other administrative determination by any federal, state or local government entity relating to applicant, against any of applicant’s affiliated corporations, partnerships in which applicant is a general partner, or other business entity. If so, please describe the circumstances including dates, agency or body conducting the investigation or inquiry and the current status.

Answer: _____

4. Has applicant or its wholly owned subsidiaries ever filed for bankruptcy. Please include dates and jurisdiction of filing, the reason, and current status.

Answer: _____

¹ For the purposes of this RFQ, the term “applicant” shall mean and refer to the respondent to this RFQ regardless of legal form. Thus applicant applies to individuals, sole proprietorships, joint ventures, unincorporated associations, partnerships, LLCs, LLPs, corporations (whether for profit, nonprofit, California or out of state) and any other entity legally entitled to do business in the State of California.

5. Describe any business, property, gifts, loans, investments or other financial relationships applicant, its individual principals, corporation, LLC, LLP or any of applicant's affiliated corporations or partnerships in which applicant is a general partner, or other business entity, with any member of the Agency Commission or his/her immediate family which are financial interest as defined by Section 87103 of the Fair Political Practices Act.²

Answer: _____

Applicant(s) hereby certify under penalty of perjury under the laws of the State of California that all information provided in the Disclosure Questionnaire is true and correct.

Date: _____ Signed: _____

² In summary Government Code Section 87100 requires any public officials participating in making decisions to refrain from using their official position to influence a governmental decision in which they know or has reason to know they have a financial interest. Section 87103 defines a financial interest as one that has a material, financial effect on the official or a member of their immediate family as follows: business interest – over \$2,000; real property interest – over \$2,000; other source of income within 12 months before the decision – over \$500; gift or intermediary for donor of gift within 12 months - \$250; business entity in which the official is a director, officer, partner, trustee, employee or holds a position of management. See Government Code Section 87103 for the complete definition.

ATTACHMENT #4

**STATEMENT OF COMPLIANCE WITH AGENCY POLICIES
& CERTIFICATION OF APPLICANT**

Applicant(s) _____ agrees to comply with all of the Agency's policies, including but not limited to insurance and indemnification requirements found in this RFP.

Applicant(s) hereby certifies that is in good standing with federal, state, and local regulatory bodies, and is authorized to conduct business and provide the goods and/or services requested in this RFP.

The undersign hereby certifies under penalty of perjury under the laws of the State of California that the foregoing statements and all information provided in Applicant's proposal in response to this RFP are true and correct.

Date: _____

Signed: _____

Print Name: _____

Title: _____

AI TACHMENT 3

Map of Permit Area

