

REQUEST FOR PROPOSALS (RFP)

RFP 16-04ME

WORLD CLASS WATERFRONT DEVELOPMENT OPPORTUNITY



Procurement Services

***San Diego Unified Port District
1400 Tidelands Avenue
National City, CA 91950***

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ALL INQUIRIES REGARDING THIS RFP SHALL BE DIRECTED TO:

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KEY RFP DATES

Issued:	February 22, 2016
Information Exchange Meeting:	March 21, 2016 at 1:00 PM
Submit Questions By:	March 24, 2016 at 1:00 PM
Submit Proposals By:	May 2, 2016 at 1:00 PM
Oral Interviews:	June 13 & 14, 2016
Board Presentation and Direction:	August 9, 2016 at 1:00 PM

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I. INTRODUCTION

A. Regional Market and Economic Overview

The San Diego region's coastal and outdoor lifestyle is enamored by both visitors and residents alike. There are 3,055 sunshine hours during the year that provide predictability for outdoor lifestyle and friendly people to infuse the region with an upbeat, anything's possible attitude. San Diego's good vibes are combined with scenic splendor, diverse product and an abundance of activities. This blend of people, place, and climate is what elevates the San Diego experience and makes it a destination like no other.

- Generates an annual Gross Domestic Product of \$206 billion from advanced manufacturing, tourism, military and defense, biotechnology, information technology, telecommunications, agribusiness, clean tech, and logistics
- Ranks 6th world-wide in attracting venture capital and carries an export value of \$18.6 billion
- Unemployment rate is less than 5%, and ranks 13th in the nation
- Leader in military/defense sector
 - Camp Pendleton, Naval Base Coronado and Naval Base San Diego
- Leaders in technology and health sciences:
 - Qualcomm, Sharp HealthCare and Scripps Health
- Leader in educational institutions:
 - University of California San Diego, San Diego State University, California State University San Marcos and University of San Diego

The region is home to more than 500 life sciences firms, the highest concentration of Navy and Marine Corps facilities in the United States (including the U.S. Navy's Third Fleet headquarters and the Space and Naval Warfare (SPAWAR) Systems Command), dozens of defense contractors and world-class research institutes.

Population and Growth

San Diego County is approximately 4,261 square miles and is bound by 70 miles of Pacific coastline to the west. There are 18 incorporated cities within the county limits and is ranked second most populous in the state of California, and fifth most populous in the United States. There are currently 3.2 million residents, with a projection of 800,000 more by the year 2030, and a projected population of 4.4 million by 2050.

City of San Diego is approximately 372 square miles and is the second largest city in California and eighth largest in the United States. The City boasts a population of nearly 1.3 million residents and over 33 million annual visitors.



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According to US Department of Labor statistics, the City is one of the “Top 25 Best Large Cities for Jobs and Businesses in America”. Downtown San Diego is at the heart of the city and has experienced significant growth over the last decade.

Ideal Location

Ideally situated between Balboa Park, the largest cultural park in the country, and the beautiful San Diego Bay, Downtown San Diego has experienced a renaissance following significant development efforts that began with the construction of the Horton Plaza retail center, the rehabilitation of the Gaslamp Quarter National Historic District in the 1980s and the construction of the San Diego Convention Center in 1989 (and its expansion in 2001). The San Diego Convention Center, supporting approximately 12,500 region-wide jobs, has become one of North America’s leading convention facilities. The Convention Center hosted 153 events, attracted more than 900,000 attendees and over \$700 million in direct spending from the attendees to this region.

Tourism and Entertainment

Tourism and entertainment are also huge drivers of the San Diego economy as the area hosts more than 33 million visitors each year, bringing over \$18 billion into the local economy who enjoy the region’s myriad, world-class attractions such as the San Diego Zoo and Safari Park, SeaWorld, LEGOLAND California, Coronado Island, the historic Gaslamp Quarter, Balboa Park and San Diego’s vibrant craft brewery scene. There are more than 200,000 cruise ship passengers who pass through the Port of San Diego each year and each homeported ship alone brings in \$2 million into the local economy. Due in part to San Diego’s popularity as a cruise ship destination, Downtown’s waterfront has re-emerged as a focal point for future growth, with projects such as the North Embarcadero Visionary Plan, Hilton Convention Center Hotel and the Harbor Drive Pedestrian Bridge significantly improving Downtown’s connection with San Diego Bay for area residents and visitors. As part of this rejuvenation of San Diego’s waterfront, the 12-acre Waterfront Park opened in May 2014 next to the County Administration Center in Downtown. The vibrant Waterfront Park is located two blocks north of the subject Site, contains grass and picnic areas, gardens, a playground and an interactive water fountain.

The proximity to the San Diego International Airport, downtown, businesses and major attractions coupled with the diversity and strength of the regional economy continue to make San Diego one of the top capital and real estate investment markets in the country.



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B. District Background

The San Diego Unified Port District (commonly referred to as the “District”) is a public benefit corporation established in 1962 by an act of the California State legislature and ratified by the voters of the five member cities of the District. The enabling legislation and subsequent amendments conveyed certain tide and submerged lands within San Diego Bay and the oceanfront within the City of Imperial Beach to District administration to further the development of commerce, navigation, fisheries and recreation on behalf of the state



of California, which owns these lands. The lands are conveyed to the District as a trustee of the state.

The District’s five member cities are Chula Vista, Coronado, Imperial Beach, National City and San Diego. The District’s jurisdiction covers waterfront property within these cities and approximately 2,500 acres of land and 3,400 acres of water.

California Tidelands: Lands Held in Public Trust

The District’s mission statement is to protect the Tidelands Trust resources by providing economic vitality and community benefit through a balanced approach to maritime industry, tourism, water and land recreation, environmental stewardship and public safety. The District is to administer the public trust lands and manage tidelands consistent with the Public Trust Doctrine (the common law principles that govern use of these lands). Accordingly, any uses within the District’s jurisdiction must comply with the Doctrine.

For more information, the ‘California Public Trust Doctrine’, ‘California Tidelands: Land Held in Public Trust’, and ‘Port Act’ documents can be reviewed in further detail by visiting the District website.¹

C. Location Background

The World Class Waterfront Development site (Site) is located in the heart of San Diego’s Embarcadero, which is in the waterfront of downtown San Diego, surrounded by an urban region of over 2.7 million people. The Site is approximately 70 acres, comprised of approximately 40 acres of land and 30 acres of water on San Diego Bay.



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Over the years, there has been significant unsolicited interest in pursuing development projects on the Site as well as numerous concepts explored for redevelopment of the Seaport Village leasehold. The interested parties sought to develop hotels, retail, an entertainment district, performing arts venues and a variety of other commercial uses. Additionally, two of the leaseholds on the Site, Seaport Village and Chesapeake Fish Company, have leases that will expire within the next three years. The diverse interest for this Site, coupled with upcoming lease expirations, presents the development community with a unique opportunity to be a part of the world class development of the District.



D. Surrounding Amenities

1. San Diego Bay

One of San Diego's greatest assets, San Diego Bay, borders the Property, bringing scenic views of the water by day, reflections of the skyline lights on the bay by night, the activity of sailboats and ships alike floating by, built-in recognition of the area and a high profile from the very beginning.

2. Downtown San Diego

The site is on the southwestern edge of Downtown San Diego, with easy access from the thriving business, residential, retail and entertainment opportunities downtown offers. Major hotels line the area along the north and south Embarcadero and into downtown. Nearly 30,000 individuals call downtown San Diego home, living in a diverse mixture of neighborhoods and districts including Little Italy, Horton Plaza, Gaslamp Quarter, Ballpark District and East Village.

3. North Embarcadero

Two popular museums with more than one million annual visitors are within walking distance of the site of the USS Midway Museum and the San Diego Maritime Museum. Nearly 200,000 passengers per year pass through the two B Street and Broadway Cruise Ship Terminals located on the North Embarcadero, eager to explore San Diego. The \$31 million North Embarcadero Visionary Plan created Broadway Landing which includes a visitor's center, restrooms and benches (all recently



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completed). Nearby Lane Field Park pays homage to the historical baseball field where the Padres first played.

4. South Embarcadero

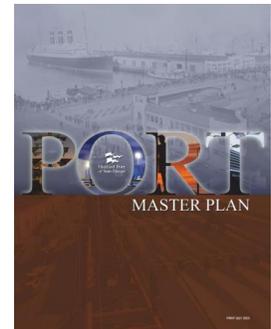
The nearby San Diego Convention Center hosts local, national and international trade shows, and is a constant hub of activity for both residents and visitors. The three convention center hotels are adjacent to the site, with approximately 4,200 rooms. In true Port of San Diego fashion, the surrounding area encompasses both the commercial tourism side of the organization and maritime operations with the nearby Tenth Avenue Marine Terminal cargo operations visible to the south. The Embarcadero Marina Park North, which is part of the site, juts into the water mirroring Embarcadero Marina Park South just across a small channel of water on the south end of the site. Additionally, nearby Petco Park hosts a multitude of baseball games, concerts and special events drawing additional crowds to the area on a regular basis.

E. Land Use Information

1. Port Master Plan

The District has a certified Port Master Plan (PMP)² which serves as the governing land use document for District tidelands.

The PMP currently allows a variety of public recreation and commercial land and water uses for the Site; however, respondents will be required to comply with the California Environmental Quality Act (CEQA) and California Coastal Act, which may require additional processing at the Proposer's expense. Additionally, the District reserves its sole and absolute discretion to approve, disapprove, condition, select an alternative, or impose mitigation measures in relation to any CEQA analysis, and Coastal Act approval or other required approvals.



2. Integrated Planning

The District has developed a new, long-term Integrated Planning Vision³ that will ensure a holistic, thoughtful, and balanced approach to the future land and water uses on San Diego Bay. The vision and its guiding principles will create vibrant business, recreational and sustainable resource for generations. This integrated, multi-year planning process will ultimately result in a new Port Master Plan.



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To date, Integrated Planning has led to the formulation of an Integrated Planning Vision. The Integrated Planning Vision was developed as a result of an extensive public engagement process which resulted in the Board's acceptance of the Vision Statement and Guiding Principles in August, 2014, and the Framework Report in November, 2015.

Together the Integrated Planning Vision Statement and Guiding Principles and the Framework Report provide the foundation for this location specific planning initiative. Therefore, Proposers planning to submit should review these documents to inform their potential responses. Further details relative to the Guiding Principles and Framework Report have been described in Section II below.



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II. WORLD CLASS WATERFRONT DEVELOPMENT

A. The Opportunity

The District is soliciting proposals from well-qualified development teams for the development of one of San Diego's premier waterfront sites located between Downtown San Diego and the San Diego Bayfront. The World Class Waterfront Development Site includes land and water parcels, extensive frontage along the water's edge, and takes full advantage of views of the San Diego Bay to the south and west as well as views of the San Diego skyline to the north and east.

The World Class Waterfront Development is one of the most important Sites along San Diego Bay, comes with high expectations both from the public and the District, and presents respondents with a one-of-a kind opportunity to develop a locally and internationally recognized waterfront destination.

Scope of Proposals

The District will accept proposals to enter into ground leases for development of the Site. The District is seeking comprehensive development plans and strongly encourages collaboration amongst respondents to form development teams; however, individual proposals for portions of the site will be accepted. Proposers should include the following to be a part of the development plan:

- Create a mixed-use commercial development along the water's edge characterized by a variety of uses, public amenities, exceptional architecture and the vibrancy of a mixed-commercial and recreational destination;
- Provide an innovative development concept which is integrated with its surroundings;
- Incorporate into its vision strong connections to the water's edge and public realm, excellence in design, high levels of sustainability and long-term financial viability.

Specifically, the District's priorities for this site are focused on:

- Increasing development potential and ground rent;
- Linking the city street grid to the waterfront by public streets and sidewalks to increase access and views to the bay;
- Expanding available public space to provide greater opportunities for the public to access the waterfront and enjoy low or no-cost amenities within and adjacent to these spaces;
- Supporting a variety of activities on the water and the waterfront (including commercial fishing);



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- Creating a comprehensive development that integrates a variety of visitor serving uses, including but not limited to, hotel, retail/restaurant, cultural arts and entertainment uses, water oriented facilities and multi-purpose open space.

B. World Class Waterfront Development Vision

1. Guiding Principles and Framework Report

As previously stated the Integrated Planning Vision Statement and Guiding Principles and the Framework Report provide the foundation for this location specific planning initiative.

The District encourages respondents to build upon the Integrated Planning Vision. Successful respondents will demonstrate how their proposed development concept aligns with the Vision and Guiding Principles and the Framework Report as outlined below.

a. Vision and Guiding Principles

The Vision and Guiding Principles establish fundamental aspirations and represent what is desirable by the District. The Guiding Principles include a set of key planning principles that are meant to provide guidance to future development actions. Therefore, respondents should strive to incorporate the following key planning principles into their proposals:

- Honor the Water
- Guarantee the Public Realm
- Celebrate Nature and Ecology
- Create a Comprehensive Open Space Plan
- Provide Easy Mobility on Land and Water

b. Framework Report

The Framework Report is intended to provide guidance and inform future development opportunities, such as this. The Framework Report describes a set of comprehensive planning ideas for this location specific planning initiative relative to land use, water use, mobility, and public access and recreation. Development proposals should ensure that linkages to these comprehensive ideas are established. Specifically, respondents will need to consider and demonstrate how their proposal:

- Increases or maximizes public space
- Extends streets to the water
- Preserves and enhances view corridors
- Facilitates the enjoyment of the bay



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2. Programmatic Components

The following programmatic components have been identified by the District as uses, which individually or collectively, could be desirable and may be considered by the District as part of a development proposal for the area. These programmatic elements are in alignment with the concepts outlined in the Framework Report and may enable the District to fulfill a number of the Guiding Principles listed above; however, these programmatic elements are only meant to inform what could be developed on the site and are not meant to limit the creativity of ideas of the potential respondents. There are a variety of factors identified as being integral to a successful proposal to the District as discussed at the December 8, 2015 Board of Port Commissioners meeting, Agenda Item 2015-1672⁴ and can be downloaded from the website for more information.

a. *Waterfront Arts and Entertainment District*

A waterfront arts and entertainment district could serve as an anchor of attraction to the area and could include a mixed-use development with a focus on contributions to the artistic, cultural and economic growth of the waterfront. Potential uses could include performing arts venues, iconic visitor attractions, specialty retail shops and galleries, statement art pieces and spaces that encourage concerts, exhibitions, performances and street fairs.

b. *Significant Architectural Elements/Features*

The Site is one of San Diego Bay's premier waterfront locations and situated in a location where the city street grid shifts. This presents an opportunity for the provision of a significant architectural element, feature or focal point for the Site. The design of any new buildings or public improvements should be distinct in architectural design and contain features (including state of the art sustainable features) that will establish a unique identity for the area. Design elements that strengthen and integrate the Site's connection to the waterfront and the adjacent urban environment should also be considered.

c. *Hotel*

Although there are currently a number of existing hotels or plans for future hotels to be developed within the immediate vicinity, other uses proposed for the Site may generate the demand for additional hotels on the Site.



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d. ***Retail/Restaurant***

There are a variety of existing retail and restaurant uses on the Site and in the surrounding areas. The Site's strong attraction to visitors could support the provision for restaurant and visitor-serving retail uses.

e. ***Multi-Purpose Public Space***

Multi-purpose promenades and public spaces (such as public parks or public plazas) with activating uses for the public should be included as part of any development proposal as a means to "Guarantee the Public Realm." Public spaces should capitalize on waterfront access and should also be located throughout the Site in order to create a variety of gathering spaces for multiple purposes and programming; such as within and between building areas, along promenades, and in large concentrated areas. Promenades should be located along the edge of the waterfront, as well as at key locations through and between buildings or structures to create visual and physical connections to the water's edge, nearby park or plaza spaces, as well as linkages to the adjacent urban fabric. The potential exists for this Site to serve as the catalyst in the development of the "Green Necklace" concept (identified in the Integrated Planning Framework Report), which seeks to provide a connected, continuous public greenway surrounding the Bay.

f. ***Water Oriented Facilities***

The Site benefits from extensive frontage along the water's edge, but is not organized to optimize public access and public views to the water. Opportunities exist for the optimization and improvement of existing infrastructure for water-dependent uses, as well as opportunities to provide new recreational water-side uses that facilitate enjoyment of the water, including, but not limited to, new "Dock and Dine" facilities. There is also the potential to extend activities over the water to further connect the public to the bay as a means to "Honor the Water" and promote the Bay's rich diversity of ecological and natural resources.

g. ***Commercial Fishing Operations***

There are two commercial fishing sites within the District's jurisdiction, Driscoll's Wharf located in America's Cup Harbor on Shelter Island and Tuna Harbor located on the Site off of the G Street Mole. Commercial fishing plays a significant role in San Diego's economy and cultural identity. Additionally, it is a priority



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use under the Coastal Act. Any future development proposal should consider strategic improvements including, but not limited to, improvements to or relocation and/or consolidation of existing facilities and optimization and expansion of infrastructure and facilities in order to support future growth and greater efficiency for the commercial fishing industry, as well as potentially allow the industry to regain the vibrancy of its past and maintain resiliency into the future.

In partnership with the California Coastal Conservancy, the District adopted the Commercial Fisheries Revitalization Plan (Fisheries Plan) in 2010.⁵ The Fisheries Plan serves as a guide for future development regarding economic, regulatory, market, environmental and infrastructure opportunities for the commercial fishing industry in San Diego Bay. In collaboration with the District, any development partner will need to engage with key commercial fishing industry stakeholders early and often.

Proposers who wish to consider modification, relocation or consolidation of commercial fishing operations should take in to account the uncertainty and long lead time to accomplish such when contemplating project phasing.

h. *Parking and Mobility Improvements*

Adequate parking is necessary to support a variety of visitor-serving uses. The existing parking capacity is not sufficient for the current leaseholds and visitors to the area; therefore, new parking and transportation solutions along with increased parking supply are important considerations in any future development program. There is a Reciprocal License and Use Agreement⁶ with Seaport Village Operating Co., LLC for joint use parking between the Seaport Village and Old Police Headquarters that provides 360 shared parking spaces for patrons and employees for both leaseholds including ingress and egress rights over driveway areas and pro-rata share of cost for maintenance and repair of these driveway areas.

The District may determine that surplus parking on the Site should be provided to address offsite shortages, and the District may also chose to participate in some manner in the development of said parking.

Due to the Site's proximity to a variety of multi-modal transportation options, the opportunity exists for incorporating a variety of parking management strategies, including the use of emerging technologies



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and linkages to existing local and regional transportation systems, mobility hubs, and water transportation systems. Mobility hubs offer an array of transportation options, such as bikes and car share. Mobility hubs also utilize Wi-Fi and smartphone technologies to provide users with advance reservations and real-time service information.

Infrastructure improvements that enhance the Site's connection to the waterfront, optimize existing and future infrastructure connections to Downtown, and maximize public access to the waterfront should be considered. Infrastructure improvements for the Site should be actively coordinated with the City of San Diego and other stakeholders.



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III. PROPERTY OVERVIEW

A. Property Description

The 70-acre Site includes approximately 40 acres of land and 30 acres of water) within the Tuna Harbor and Marina Zone Subarea of Planning District 3 (Centre City/Embarcadero) of the certified Port Master Plan (PMP).

The Site is bounded by the Midway Museum and Harbor Drive to the North, the Manchester Grand Hyatt and Marriott Marquis San Diego Marina to the East, and open bay to the South and West. The site also includes Marina Park North, Ruocco Park and the commercial fishing basin known as Tuna Harbor. Land and water parcels around Tuna Harbor (also known as G Street Mole) are currently comprised of public parking, walkways, green space, and commercial fishing uses on both land and water. The remaining area (approximately 22 acres of land and water) is currently occupied by tenants under existing leases as described below.



B. Existing Leaseholds

The Headquarters and Fish Market are included in the Site boundaries because they both require parking outside of their leased areas, and any future vision would be required to accommodate that parking; however, the leaseholds are excluded from the development effort as these leases do not expire until 2052 and 2028, respectively.

A breakdown of the tenant names, location, size and current agreement expirations are listed in the following table.

Tenant	Location	*Acres	Lease Expiration
Chesapeake Fish Company	535 Harbor Lane	1.68	12/31/2015
Seaport Village	849 W. Harbor Drive	13.20	9/30/2018
American Tunaboat Association	1 Tuna Lane	0.20	9/30/2019
Fish Market Restaurant	750 N. Harbor Drive	0.55	2/29/2028
The Headquarters	789 W. Harbor Drive	6.29	1/10/2052
	Total Area	21.92	

*Includes Land and Water Acreage



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IV. INSTRUCTIONS TO PROPOSERS

A. Information Exchange Meeting

The District will conduct an Information Exchange Meeting on March 21, 2016 at 1:00 p.m. in the Board Room of the San Diego Unified Port District Administration Building, located at 3165 Pacific Highway, San Diego, CA. 92101. The purpose of this meeting is to cover the requirements to submit your proposal, the ADA related requirements and to give a brief review of the Scope of Services. All prospective Proposers are encouraged to attend.

B. Examination of Proposal Documents.

By submitting a proposal, the Proposer represents that it has thoroughly examined and become familiar with the work required under this RFP, and that it is capable of performing quality work to achieve District's objectives.

C. Questions

Questions or comments regarding this RFP must be submitted electronically to our eBid system where the RFP was downloaded and must be received by District no later than March 24, 2016, at 1:00 p.m. All electronic questions must be received by the date stated above. Responses from District will be communicated via the electronic eBid system to all recipients of this RFP. Inquiries received after the date and time stated above will not be accepted.

D. Addenda

If changes to the RFP are required, the District will issue an addendum to all Proposers via the eBid system. All Proposers will receive an email notifying them that an addendum has been issued. All Addenda, if any, must be acknowledged via eBid system.

E. Electronic Submission of Proposals

1. All Proposers are required to submit their proposals electronically via the electronic eBid system they downloaded this RFP. The maximum file size for proposal submission is 50 megabytes, and the file type shall be Portable Document Format (PDF). The electronic system will close submission exactly at the date and time set forth in this RFP or as changed by addenda. An electronic copy of the firm's proposal must be attached to the electronic system.

2. Proposers are responsible for submitting and having their proposal accepted before the closing time set forth in this RFP or as changed by addenda. **NOTE:** Pushing the submit button on the electronic system may



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not be instantaneous; it may take time for the Proposer's documents to upload and transmit before the proposal is accepted. It is the Proposer's sole responsibility to ensure their document(s) are uploaded, transmitted, and arrive in time electronically. The District will have no responsibility for proposals that do not arrive in a timely manner, no matter what the reason.



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V. SUBMITTAL REQUIREMENTS

A. Submittal Format

Proposals shall be (1) typed, (2) clear, concise and complete, and (3) not include any unnecessary promotional material.

THE PROPOSAL SHALL BE ONE DOCUMENT ONLY.

The nature and form of response are at the discretion of those responding, but shall include the information listed below.

B. Required Documents

The proposal shall contain **all of the following items** in order to be deemed responsive. The District will conduct a preliminary review of the proposals to determine if the items listed below are included as required in the RFP. **If a proposal does not include all items fully completed, the proposal may be considered not responsive.**

1. *Response Cover Letter:*

a. The Proposer shall submit a response cover letter that summarizes why the Proposer believes they should be selected by the District to develop the World Class Waterfront Development.

b. The Proposer shall provide in the Response Cover Letter the name of the authorized representative(s) who has the authority to enter into a binding lease agreement and authorize changes to the scope, terms, and conditions of the lease agreement if selected. The information should include: Name and Title, Name of Firm, Address, City, State, Zip, Telephone number. Fax number, and E-Mail address.

2. *Lessee Questionnaire – Form 317*⁷: Proposers MUST download and complete this form from the link provided in the reference section of this RFP.

3. *Proposal for World Class Waterfront Development*

Proposers should submit a proposal that must contain the following components and contents.

a. *Approach to Project:* The Proposer shall present a well-conceived plan that establishes that the Proposer understands and has the ability to achieve the District's vision and goals (as outlined in Section II.B.) for the World Class Waterfront Development. The Proposer shall provide a



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detailed project concept, preliminary marketing plan, project description and conceptual project design drawings as described below.

i. Project Concept: Provide a detailed narrative of proposed uses (ie. restaurant, retail, hotel, etc.), unique characteristics, theme and décor (if known) and preliminary name/branding of the project or components within the project. As applicable, Proposer should also include potential hours of operation, price points and if operations would be recognizable as a known establishment. The narrative should also identify whether the Proposer is proposing to develop the entire Site or a portion of the Site, as detailed below:

- **Vision** - If a Proposer is responding to propose a development for a portion of the site, Proposers must still address how their proposal has the ability to achieve the District's visions and goals for the Site (as per Section II.B.). If the proposal does not address a vision or goal for the Site, this should be clearly noted. Proposers should also include the rationale for proposing on a portion of the Site.
- **Consistency with Public Trust** – Pursuant to the Public Trust Doctrine and the Port Act, uses within the District must serve statewide, as opposed to purely local, public purposes. Public trust uses are generally limited to water dependent or related uses, and include commerce, fisheries, navigation, ecological preservation, and recreation. Examples of permitted uses include: ports, marinas, docks, piers, wharves, buoys, commercial fishing, sportfishing, bathing, swimming, boating, warehouses, scientific study, open space, and visitor-serving facilities such as hotels, restaurants, shops, certain entertainment venues and attractions, parking lots, and restrooms. Uses not permitted on public trust lands are those not trust-use related, do not serve a public purpose, and can be located on non-waterfront property such as residential, non-maritime related commercial, including department stores, and certain office uses.

For more information on the Public Trust Doctrine, Port Act, and permitted uses please refer to Section I.B. - California Tidelands: Lands Held in Public Trust.

ii. Preliminary Marketing Plan: Provide a preliminary marketing plan for attracting visitors and the community. The Proposer may also suggest business ideas that have been used



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successfully on other similar operations, and which may facilitate the best operations.

iii. Project Description: Provide a concise written description of the proposed project proposal (3 page maximum), including but not limited to, the general description of the vision and the proposed project concept, gross square footage of each type of use proposed, height of structures, approach to parking, type and location of public amenities. Demonstrate how the proposed project aligns with the Integrated Planning Vision.

iv. Project Design Concept Drawings: All drawings should be legible, orient north up and should only include one plan or elevation/perspective per sheet. At a minimum, proposers shall provide a site plan, elevations and context/perspective drawings, as detailed below.

- **Site Plan** – The site plan should illustrate the proposed project concepts for the site, including proposed structure footprints, proposed public spaces, preliminary landscape design, parking lots with estimated parking counts, vehicular and pedestrian access. The site plan should clearly distinguish area allocations among commercial uses, water side uses, service/parking, circulation, view corridors and public areas.
- **Elevations** – Provide colored architectural exterior elevations and should provide a comprehensive view of the entire project and illustrate proposed building massing and height, materials and colors and related architectural elements.
- **Context/Perspective Drawings** – Provide a representative illustration of the proposed project clearly showing massing and the relationship of the development to its surrounding environment. This drawing(s) should show the proposed development in context with the adjacent building masses roughed in. Context elements do not need to be photo-realistic but must accurately convey the bulk, scale and character of the surrounding area.

b. Proposer's Relevant Experience: The entity with the legal authority to execute the appropriate real estate agreement required to implement the proposed development should describe its relevant experience (within the past 10 years, at a minimum) in each of the following areas:



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- i. Description of experience in the development and/or development projects, with emphasis on large-scale, complex mixed-use developments, and/or experience in the integration of retail, cultural, and visitor serving and related activities.
- ii. This section shall include a brief description of the entity, including its organization structure, key personnel and financial and operational wherewithal and resources.
- iii. A listing of any lawsuit or litigation and the result of that action resulting from (a) any public operations undertaken by the Proposer where litigation is still pending or has occurred within the last five years or (b) any type of operations where claims or settlements were paid by the Proposer or its insurers within the last five years.

NOTE: If a new entity is being formed, the experience of the partners or members should be discussed as well as which partners or members will be in operational control.

c. Capability to Perform: The District reserves the right to consider the financial responsibility and reputation within the industry of each Proposer to determine if the Proposer has the apparent ability to successfully perform and complete all responsibilities that the Proposer may assume and undertake in connection with the World Class Waterfront Development.

- i. Information required by the District includes, but is not limited to: Proposer's financial wherewithal; Proposer's business reputation; financial feasibility of Proposer's proposed operations; and Proposer's capability to timely contract for the design, construction and completion of the proposed project, and proposed preliminary financing approach.
- ii. The Proposer shall provide an audited financial statement or other comparable evidence of financial capability, in addition to any other information requested by the District reasonably necessary to establish the Proposer's financial capability.
- iii. This section shall include a brief description of the Proposer qualifications and previous experience on similar or related operations. Description of pertinent experience shall include a summary of the operations, the total operations gross revenues, the length of the operations, and the name, title, and phone number of clients to be contacted for references.



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d. Revenue and Expense Projections

Proposer shall provide a project development and operating pro-forma including a breakdown of the project concept’s components, revenue and estimated development and construction costs, and other data and information about the project concept. The proforma shall be for the first ten years of the proposed real estate agreement (including both the construction period and the first years of operation).

NOTE: It is at the discretion of the Proposer to perform any and all necessary due diligence to determine project costs, including structural, mechanical, electrical, architectural, and in-water components to make the development project viable and successful.

C. Evaluation and Selection

1. Evaluation Criteria and Matrix

The criteria listed in listed in Section VB4 above and the following matrix shall be used to evaluate proposals:

Evaluation Criteria	Weight	Firm A		Firm B		Firm C	
		Score	Total	Score	Total	Score	Total
Approach to Project	10						
Proposer’s Relevant Experience	10						
Capability to Perform	9						
Revenue and Expense	9						
Grand Total							

2. Evaluation Procedure

A Selection Review Panel of District staff will review the proposals and establish a list of finalists based on pre-established review criteria. The names of the Selection Review Panel members are not revealed prior to the interviews. The Selection Review Panel may interview the finalists. If interviews are conducted, the proposer should allow approximately 75 minutes for the oral interview, which includes a question and answer session. As part of the interview, the Project Manager must lead a 20 minute presentation before the Selection Review Panel.



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Interviews are expected to be conducted June 13 & 14, 2016. Each Proposer is asked to keep these dates open. No other interview dates will be provided.

The Selection Review Panel will evaluate the proposals. The rating and evaluation forms prepared by Panel members will not be revealed. The scores in the evaluation matrix shown above **DO NOT** indicate a "winning score" and the highest score is not guaranteed selection. The final decision is at the discretion of the District and is based on the scores, reference checks, negotiated pricing, and further analysis of the proposals including any risks associated with selecting any proposal.

3. Award

When the Selection Review Panel has completed its work, the District may recommend to the Board of Port Commissioners that it authorize negotiations with one or more Proposers at the August 9, 2016 Board meeting. Negotiations may lead to a Lease for the development of the property, which must be authorized by the Board of Port Commissioners in its sole and absolute discretion at a future Board meeting to be determined.

D. Agreement Type

There may be one or more actions brought before the Board of Port Commissioners prior to entering into a long-term agreement with one or more proposer(s). Processing of the agreement and associated project reviews will be subject to Cost Recovery in accordance with Board Policy No. 106. Long-term agreements shall be in the form of a Lease and shall not exceed 66 years.

E. Rights of District

This RFP does not commit the District to enter into an Agreement, nor does it obligate the District to pay for any costs incurred in preparation and submission of proposals or in anticipation of an Agreement. District may investigate the qualifications of any Proposer under consideration, require confirmation of information furnished by the Proposer, and require additional evidence or qualifications to perform the Services described in this RFP.

The District reserves the right to:

- 1.** Reject or move forward any or all proposals or parts thereof.
- 2.** Issue subsequent Requests for Proposal.
- 3.** Postpone opening for its own convenience.
- 4.** Remedy technical errors in the Request for Proposals process.



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5. Approve or disapprove the use of particular Proposer's Sub-Service Providers.
6. Negotiate with any, all, or none of the Proposers.
7. Solicit best and final offers from all or some of the Proposers.
8. Award an Agreement to one or more Proposers.
9. Waive informalities and irregularities in proposals.

F. Collusion

By submitting a proposal, each Proposer represents and warrants that its proposal is genuine and not a sham or collusive or made in the interest of or on behalf of any person not named therein; that the Proposer has not directly or indirectly induced or solicited any other person to submit a sham proposal, or any other person to refrain from submitting a proposal; and that the Proposer has not, in any manner, sought collusion to secure any improper advantage over any other person submitting a proposal.

G. Withdrawal of Proposals

Proposer may withdraw their proposal before the expiration of the time for submission of proposals by going to the eBid system and removing their submission.



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VI. EQUAL OPPORTUNITY PROGRAM INFORMATION

A. Equal Opportunity Contracting Policy Statement

It is the policy of the District that all businesses be provided equal opportunity to participate in the performance of District contracting and leasing opportunities, and to insure that, workers on public works projects of one thousand dollars (\$1,000) or more are paid the general prevailing rate of per diem wages for regular, holiday, and overtime work as provided by California Labor Code Section 1771.

The District is committed to take all necessary and reasonable steps to increase its utilization of small businesses for a positive economic impact to the region. District policy prohibits discrimination against any person because of age (over 40), ancestry, color, disability (mental or physical), gender (including identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person's sex at birth), marital status, medical condition, military status, national origin, pregnancy, race, religion, sexual orientation, genetic information, or veteran status, in the award or performance of District contracts or leases.

The District will create a level playing field on which small businesses can compete fairly for District contracts. This policy will help remove barriers to the participation of small businesses in District contracts and assist in the development of firms to compete successfully in the marketplace outside the District's Equal Opportunity Contracting Program.

B. Americans with Disabilities Act (ADA) Policy Statement

The District does not discriminate on the basis of disability in employment and complies with the ADA, and all other applicable federal, state, and local laws, regarding barrier-free access to all District services, programs, and activities.

In conjunction with BPC Policy No. 361⁸, it is the District's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

An individual with a disability, who can be reasonably accommodated for a job, without undue hardship to the District, will be given the same consideration for that position as any other applicant. Additionally, the District will engage in an interactive process to attempt to reasonably accommodate qualified individuals with disabilities so they can perform the essential functions of a job. All employees are required to comply with safety standards.



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The District is committed to ensure all services, programs, and activities are accessible and usable by all individuals except where to do so would result in a fundamental alteration in the nature of the service, program or activity, or in undue financial and administrative burdens.

To ensure high visibility, the District will participate in community outreach events, report on activities that further enhance accessibility, and consider the use of Universal Design, which is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design, to support and include people with disabilities in all services, programs, and activities as appropriate.

In conjunction with BPC Policy No. 361, the District will promptly investigate all complaints of employment discrimination and barriers to services, programs, and activities, and when appropriate, take effective remedial action to address and remedy any complaints.

The Executive Director will designate person(s) responsible for developing and implementing the District's ADA program and ensuring that District employees, agents, lessees, and Service Providers adhere to the provisions of the ADA program.

The ADA program will be implemented at the same priority as compliance with all other legal obligations incurred by the District.

C. Small Business Enterprise (SBE) Participation

NO SBE participation goal was established for this RFP. The District has an Equal Opportunity Contracting Policy (BPC Policy No. 359⁹) under which the District is committed to take all necessary and reasonable steps to increase its utilization of small businesses for a positive economic impact to the region. SBE program requirements will be evaluated and incorporated into appropriate phases moving forward, at which time Proposers may be required to submit an SBE Plan, including goals for design, construction and or lease/operations. Proposers should make good faith efforts to include small businesses in their Proposals.

SBE eligibility is based on economic size standards determined by number of employees or gross receipts. The SBE Plan recognizes both federal and state size standards for small businesses. Small business concerns can be certified as SBEs by the U.S. Small Business Administration, State of California, Department of General Services, or any U.S. Department of Transportation, Disadvantaged Business Enterprise (DBE) certification using Title 49 Code of Federal Regulations Part 26 criteria.



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The District's Small Business Enterprise Program utilizes external resources in their search for small businesses to participate on contract opportunities. This information is maintained and updated by those sources and their registered clients. Businesses that are registered within these data sources claim they meet the federal or state size standards to qualify as a small business. Please be aware that the District's Small Business Enterprise program does not control or guarantee the accuracy, or completeness of this outside information. Questions regarding a small business size protest should be addressed with the outside source.

NOTE: Equal Opportunity Contracting Certified Small Business data resources are available at www.portofsandiego.org. Click on the Business Tab, then, click on the Equal Opportunity Contracting Information "link", scroll down to the SBE resource links. Click on any of the three (3) SBE database resource links. This will provide you with small business sub-participants to contact for sub-contracting opportunities on specific work categories pertaining to this project. If you do not have access to the Internet, please contact Equal Opportunity Contracting at (619) 686-7245 or 686-7216.

D. Equal Employment Opportunity Policy Statement

It is the policy of the District that all service providers and lessees interested in conducting business with the District shall not discriminate against any employee or applicant for employment because of age (over 40), ancestry, color, disability (mental or physical), gender (including identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person's sex at birth), marital status, medical condition, military status, national origin, pregnancy, race, religion, sexual orientation, or veteran status, and shall take action to assure applicants are employed, and that employees are treated during employment, without regard to age (over 40), ancestry, color, disability (mental or physical), gender (including identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with the person's sex at birth), marital status, medical condition, military status, national origin, pregnancy, race, religion, sexual orientation, or veteran status.

Questions regarding this section of this opportunity should be directed to:

Shirley Hirai, Manager, Equal Opportunity
Phone: (619) 686-7245
E-mail: shirai@portofsandiego.org



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VII. INDEMNIFY, DEFEND, HOLD HARMLESS

Proposer will indemnify the District as stated in any future Agreements.

VIII. INSURANCE REQUIREMENTS

Proposer and each Proposer's Sub-Service Provider will at all times, at its expense, the minimum levels and types of insurance as stated in the lease.

IX. PROTESTS

Prior to the closing date for submittal of proposals, Proposer may submit to District protests regarding the procurement process, or alleged improprieties in specifications or alleged restrictive specifications. Such protests shall be filed no later than 10 working days prior to the scheduled closing date. If necessary, the closing date of the solicitation may be extended pending a resolution of the protest. Protests dealing with alleged improprieties in the procurement or the procurement process that can only be apparent after the closing date for receipt of proposals shall be filed within five (5) working days of issuance of the Notice of Recommended Award. Protests shall contain a statement of the grounds for protests and supporting documentation. Protestor will be notified of District's final decision prior to issuance of Award.

Proposer may discuss the procurement documents with District. Such discussions, however, do not relieve Proposers from the responsibility of submitting written protests as required.

Requests and protests shall be addressed to:

San Diego Unified Port District,
Attn: Angelica Ruiz, Procurement Supervisor
1400 Tidelands Avenue,
National City, CA 91950.



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References to resources mentioned in this solicitation:

- ¹ San Diego Unified Port District Website
https://www.portofsandiego.org/public-documents/cat_view/162-about-port-of-san-diego-documents.html
- ² Port Master Plan
<https://www.portofsandiego.org/environmental/land-use/port-master-plan.html>
- ³ Integrated Planning
<http://portforall.org/>
- ⁴ December 8, 2015 Board of Port Commissioners Meeting Agenda Item No. 2015-1672
<https://www.portofsandiego.org/read-board-agendas.html>
- ⁵ Commercial Fisheries Revitalization Plan
<https://www.portofsandiego.org/commercial-fisheries.html>
- ⁶ Reciprocal License and Use Agreement, pp. 109 to 127 of District Lease with Seaport Village Operating Co., LLC Lease, on file in the Office of the District Clerk as Document No. 58599
- ⁷ Lessee Questionnaire – Form 317
<http://re.portofsandiego.org/>

NOTE: Form 317 is a required document, as per Section V.B.2. If the questionnaire is not submitted, the response will be deemed incomplete.

BPC Policies

https://www.portofsandiego.org/public-documents/cat_view/161-port-commissioners/206-bpc-policies.html