

City of Madison

Community Development Division

215 Martin Luther King Jr. Blvd.,
Third Floor
Madison, WI 53703-3346



DRAFT---REQUEST FOR QUALIFICATIONS

RFQ #xxxx

Seeking a Developer/Owner/Operator for a Community Center Serving Bridge Lake Point and Waunona Neighborhoods

Release Date: March 22, 2019
Due Date: 12:00 p.m., NOON
April 19, 2019

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RFQ SUMMARY

RFQ TITLE	Developer/Owner/Operator for a Community Center Serving Bridge Lake Point and Waunona Neighborhoods														
DEADLINE FOR BID SUBMISSIONS	12:00 P.M. (NOON) CDT, April 19, 2019 Proposals received after the deadline will not be considered.														
SCOPE	The City of Madison’s intent is that this RFQ process will result in the identification and selection of a qualified team (“Team”) assembled by the Owner/Operator with the interest and ability to design, construct, own and operate a neighborhood Center serving the BLPW residents. The Center will become the new home for the Bridge Lake Point Waunona Neighborhood Center, currently operating from two properties located at 1910 and 1917 Lake Point Drive in Madison.														
PROJECT LOCATION	Three (3) parcels, situated at the southeast corner of Lake Point Drive and Hoboken Road and totaling 39,545 square feet.														
APPLICATION FORM AND GUIDELINES	Available at: Community Development Division Funding Opportunities Website														
E-MAIL PROPOSAL TO:	CDDapplications@cityofmadison.com Please put BLPW RFQ in email subject line.														
DIRECT ALL INQUIRES TO:	Jim O’Keefe: jokeefe@cityofmadison.com or (608) 266-6520														
RFQ CALENDAR	<p>Please Note: These dates are for planning purposes. They represent the City’s desired timeline for implementing this project. Any revision to the Due Date for submission of proposals will be made by addendum. All other dates may be adjusted without notice, as needs and circumstances dictate.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Date</th> <th style="text-align: left;">RFQ Activity</th> </tr> </thead> <tbody> <tr> <td>March 22, 2019</td> <td>Release of RFQ</td> </tr> <tr> <td>12:00 p.m. (CST) April 19, 2019</td> <td>DEADLINE FOR SUBMISSION OF PROPOSALS</td> </tr> <tr> <td>Week of May 6</td> <td>Applicant Presentations</td> </tr> <tr> <td>TBD</td> <td>Common Council Approval</td> </tr> <tr> <td>TBD</td> <td>Notification of Award</td> </tr> <tr> <td>TBD</td> <td>Anticipated contract start date</td> </tr> </tbody> </table>	Date	RFQ Activity	March 22, 2019	Release of RFQ	12:00 p.m. (CST) April 19, 2019	DEADLINE FOR SUBMISSION OF PROPOSALS	Week of May 6	Applicant Presentations	TBD	Common Council Approval	TBD	Notification of Award	TBD	Anticipated contract start date
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SECTION 1: Scope of Work

1.1 Purpose

The purpose of the Community Development Division (CDD) is to help make the City of Madison (“City and/or Madison”) **“a more viable urban community by providing decent housing, a supportive living environment and enhanced economic opportunities for low- and moderate-income persons (defined as individuals/households whose incomes do not exceed 80% of the area median income).”** The CDD aims to aid and support the efforts of non-profit organizations, businesses, neighborhood groups, labor unions, funding partners, volunteers, other governmental entities and the general community to plan for, develop and invest in projects which contribute to the goals and objectives set forth in the City’s Consolidated Plan. The Consolidated Plan is a longer-term (5-year) planning document formulated by the City’s Community Development Block Grant (“CDBG”) Committee, the Mayor, and Common Council in consultation with Madison residents. Its content also reflects and reinforces the City’s broader goals and objectives articulated within its Comprehensive Plan and related neighborhood plans.

The Community Development Division’s (“CDD”) 2018 Adopted Capital Budget includes \$2 million (“City Development Funding”) to contribute to the construction of a resident-inspired community center (“Center”) in the Bridge Lake Point and Waunona Neighborhood (“BLPW”). The City Development Funding includes up to \$1.4 million from the City’s Program, and up to \$600,000 of general fund reserves derived from the 2018 closure of Tax Increment Financing District (“TID”) 27.

Community Center Purpose

The goal of the project is to have a centrally located Center providing adequate space to better accommodate neighborhood oriented activities, public gatherings and programming that meets the needs of the BLPW residents. Progress will be measured by increased capacity for uses desired by neighborhood residents, and a corresponding increase in the Center’s rate of use. An owner/operator (“Owner/Operator”) will be chosen to design and construct a Center capable of accommodating the mix of uses deemed most important to the BLPW residents. The Owner/Operator, working with City officials and the area alderperson, will identify and prioritize those uses through a process of active engagement and consultation with BLPW residents. When completed, the Center will be widely viewed as an asset to the BLPW. It will be a safe and welcoming place for all residents.

The Center will perform three primary functions. First, it will serve as a venue from which its Owner/Operator will provide a variety of resident-focused services and activities, with

a particular emphasis on those beneficial to lower-income households. Second, it will provide a place at which BLPW residents can gather for meetings and other public functions. Third, it will offer office space to the Center's Owner/Operator.

1.2 Request for Qualifications ("RFQ") Objective

The City of Madison's intent is that this RFQ process will result in the identification and selection of a qualified team ("Team") assembled by the Owner/Operator with the interest and ability to design, construct, own and operate a neighborhood Center serving the BLPW residents. The Center will become the new home for the Bridge Lake Point Waunona Neighborhood Center, currently operating from two properties located at 1910 and 1917 Lake Point Drive in Madison.

Once the Team is selected, the City and the lead organization of the Team, which will own and operate the Center (the "Owner/Operator"), will begin the process of negotiating the terms of a Memorandum of Understanding ("MOU"). The MOU will set forth performance expectations and timelines to complete the following tasks during a due diligence period that could last up to twelve months:

- Community engagement efforts with the BLPW residents, alder and City. As a result of said efforts present to the CDD a preliminary report describing the dates/feedback from said meetings and the Owner/Operator's recommendation on the design of the Center and uses ("Engagement Report").
- The City's Community Development Division will review the Engagement Report and set the City's operational expectations based on feedback for the Center that will be incorporated into the Development Loan Agreement and Memorandum of Agreement for Purchase of Services.
- Present a preliminary development budget and financing structure based on the CDD approved preliminary site/building plans. Present an operating budget for the first 12 month fiscal period. In connection with this, present the operational funding sources
- Commence fundraising efforts for required equity needed in development budget and operational needs.
- Present preliminary site plan and building renderings to the BLPW residents for feedback. Present preliminary site plan and building renderings to the City's Development Assistance Team for feedback.

The Team will consist of an organization or a group of organizations or experts, and the ability to execute the list of responsibilities described below:

1. **Project Development and Organizational Leadership Experience** – The Team will include individuals with experience leading or participating in the development of major projects. This would include expertise in fundraising for large capital projects, experience in real estate development, knowledge of city approval processes, and experience in developing and implementing public/private partnerships.
2. **Center Management** – The Team will have experience with managing larger, multi-use facilities. This might include, for example, experience with or responsibility for managing the operations of a neighborhood center or similar public-use facility.
3. **Financial and Personnel Management** – The Team will include expertise in managing the finances of a complex public facility, and experience hiring and managing a staff team.
4. **Strong Community/Neighborhood Connections** – The Team will have strong ties to the community and nearby neighborhoods. The Team will have experience working with neighborhood associations and residents, and building consensus around long-term projects.

Project Scope

The City is interested in identifying an Owner/Operator, as part of the Team that can successfully complete the following tasks:

1. **Establish a prioritized set of uses, programs, activities and functions that the new Center will seek to accommodate.** These priorities will be determined based on an analysis of relevant neighborhood data; input from neighborhood residents, community stakeholders, and the area's alderperson; and compatibility with available resources. Though the City intends for the Center to benefit all BLPW residents, it will place primary emphasis on uses that serve and support members of low-income households, particularly youth. The Owner/Operator must demonstrate that any secondary uses it might propose or consider as part of this development are compatible with the operations of the Center, and enjoy the support of residents, the relevant City policy committees, City elected officials and City staff.
2. **Prepare and secure City approvals for design plans for a Center that will accommodate the identified uses.** The chosen Owner/Operator must assemble

and manage a project team to provide architectural, engineering and construction services. The preparation of design plans, including for public utilities needed to serve the development, must be undertaken in consultation with City of Madison staff, likely to include representatives from the City's Planning, Zoning, Engineering and Community Development Divisions. Design plans and specifications are subject to final review and approval by the City's Urban Design Commission and Plan Commission.

3. **Secure the financing needed to construct the Center.** The Owner/Operator will need to secure financing from other sources for any project costs associated with the Center that exceed \$2 million.
4. **Manage development and construction of the Center.** This includes securing all necessary City permits and approvals, and conforming to all relevant local, state or federal regulatory requirements.
5. **Operate the Center to serve residents of the Bridge Lake Point and Waunona Neighborhood.** The Center must be accessible to the public and promote community engagement and cohesion through programs and activities that meet the needs of residents in the surrounding neighborhood. Primary programming and support provided will include child and youth out-of-school time programming. In addition to demonstrating compliance with City contracting requirements, the Owner/Operator receiving operational funds will commit to:
 - Advancing racial equity through programs and support to residents in the facility's surrounding neighborhoods (defined as "catchment area").
 - Using data and reports to inform decisions and track outcomes.
 - Meeting applicable licensing and accreditation standards as well as quality standards established in contracts for all programming provided by the organization.

Project Location

The current Bridge Lake Point Waunona Neighborhood Center is situated in two buildings- at 1917 Lake Point Drive ("1917") and 1910 Lake Point Drive ("1910"). The 1917 building is a two-story structure with a 3000 square foot neighborhood center on the first floor, where all center programming and activities occur. Four market rate apartments are located on the second floor of 1917, and are managed by a third party.

The 1910 building is a two-story structure with roughly 4620 square feet; it houses several programs (a day care center, elementary and teen after school programs as well as elementary and teen summer programs). The 1910 site is not part of this project since it will be used to house the Bridge Lake Point Waunona Neighborhood Center until the new Center is completed.

The City intends to assemble three parcels, situated at the southeast corner of Lake Point Drive and Hoboken Road and totaling 39,545 square feet, to accommodate the development of the Center. An aerial map showing the three parcels (“Site”) is attached as Attachment A. The City will provide a certified survey map of the Site at closing.

If the new Center is developed at the corner of the Site at Hoboken Road and Broadway, then the 1917 building could remain operational until the Center is completed, and possibly demolished thereafter for parking.

Ideally, the Center will provide at least 8,000 gross square feet of space and include the following uses:

- A large activity room that can also serve as a gym;
- A professional kitchen adjacent to the large activity room;
- Meeting/class rooms;
- A daycare area;
- Office space for use by the Owner/Operator.
- An outdoor play area for children adjacent to the Center.

The Owner/Operator may also consider constructing a two-story building at its cost to accommodate other compatible uses, provided such uses have the support of the BLPW residents and City officials, as previously described. The Owner/Operator could use any net income generated from such compatible uses to support the operation of the Center and/or related programs and activities.

Ownership Structure

At closing, the City will convey rights of the Site through a 99-year ground lease (“Lease”) to the Center’s Owner/Operator. The Owner/Operator will be responsible for managing and maintaining the Center and the Site during the term of the Lease. The Lease will be recorded at closing. The Owner/Operator will be the owner of the Center and its interest in the Lease is appurtenant to the Owner/Operator’s ownership of the Center.

If the Owner/Operator wants to keep the 1917 building operational during the construction phase of the Center, then (i) any apartment and neighborhood center leases in the 1917 building will be assigned to the Owner/Operator at closing. Likewise, the Owner/Operator will be responsible for all operating and capital costs related to the 1917 building and (ii) operate the current neighborhood in the 1917 building with only street parking. The Owner/Operator will also need to manage the neighborhood center in the 1910 building until it is sold. The above terms will be described in the Lease

The Owner/Operator will also execute at closing a Development Loan Agreement and promissory note with the City for the City Development Funding. The Development Loan

Agreement will describe the mortgage terms, scope of development, development timeframe, and operating agreement for the Center.

Eligible Lead Applicants for Owner/Operator

In order to be considered for financing, applicants must do the following:

- a) Demonstrate the Owner/Operator is fiscally responsible and has the ability to fund pre-development costs and other expenses not eligible for reimbursement through the City of Madison.
- b) Demonstrate experience/ability to use CDBG funds to plan for and complete a high-quality project.
- c) Owner/Operator will need to contribute at least 5% of the total development costs in equity or first mortgage financing, and demonstrate the ability to raise or otherwise secure other financing necessary or convenient to complete the project as proposed.
- d) Qualify as a not-for-profit corporation. The corporation must be a 501(c)(3) or 501(c)(4) tax exempt organization, and registered in good standing with the Wisconsin Department of Financial Institutions.
- e) Have an active registration on the System for Award Management website. Registration for the SAM website can be found at <https://www.sam.gov/portal/SAM/#1#1#1>.

1.3 Funding Availability

The City is prepared to contribute the City Development Funding towards the construction of a Center, provided the Owner/Operator's proposal:

- Reflects resident engagement and enjoys broad community support;
- Secures all needed City permits and approvals; and,
- Has a realistic development and operational budget plan for ongoing programming and operations.

The Owner/Operator will execute a Development Loan Agreement will describe the mortgage terms, development details of the Center, and how the Owner/Operator will operate and manage the Center

Financing Terms

- The CDD shall secure the City Development Funding for capital costs with a promissory note and a mortgage (Development Loan Agreement) in the form of a non-recourse loan. The City Development Funding will be provided in the form of a long-term deferred loan payable upon an uncured default, sale, transfer, or change in the use of the property. The promissory note will reflect one of the following loan term options, to be selected by the applicant at the time of project application:

Option 1: Zero percent, long-term deferred loan payable upon sale, transfer, or change in the use of the property. The promissory note will require repayment of either a percent of the appraised value at the time of repayment based on the amount of the City Development Funding invested in the Center or a percentage of the net proceeds, whichever is less.

Option 2: Long-term deferred loan - principal plus 2% accrued simple interest, payable upon sale, transfer, or change in the use of the Center. Repayment will be equal to the amount of the City Development Funding awarded plus 2% simple interest accrued over the life of the loan.

- A minimum of 85% of the City Development Funding offered in support of a project must be used for capital costs, as defined by the CDD, to include acquisition and construction-related costs. No more than 15% of the City Development Funding may be applied to developer fee or soft costs (e.g. closing costs, design, engineering costs). Finally, no more than 10% of the total City Development Funding can be applied towards a developer fee.
- Neighborhood centers assisted with a City loan for capital improvements must enter into an option to purchase agreement for the Center with the City or an agreement to identify another acceptable operator if performance standards are not met. These terms will be set forth in the Lease and Development Loan Agreement.

There is no City funding associated with this RFQ process beyond the \$2 million first approved in the City's 2018 Adopted Capital Budget for construction costs. The Owner/Operator will be required to finance any predevelopment costs that exceed the 15% that can be reimbursed for a developer fee or soft costs when the Development Loan Agreement is executed. Predevelopment work is to be completed within 12 months of selection of a Team and includes, but is not limited to, performing community engagement, finalizing design plans, raising private donations and finalizing an operating plan.

1.4 Contractor Bidding Process

Once the Team has completed all requirements in the MOU and developed specifications, based on community input, a detailed description of the project must be submitted to CDD. This description must be detailed enough to provide contractors with sufficient information to provide solid, uniform bids.

A competitive process to select the Prime Contractor must be approved by CDD and must include:

1. Appropriate goals for minority-owned, woman-owned and disadvantaged business enterprises, and a proposed process to achieve them, must be approved by the CDD in conjunction with the City of Madison Dept. of Civil Rights prior to public advertising;
2. Written specific selection criteria to be used to evaluate proposals (that address, e.g., price, schedule/capacity, construction/rehab experience, references, experience working with non-profits/federal funding, flexibility in sub-contractor selection, etc.). Price need not be the sole criteria but should be a significant consideration. The selection criteria require CDD approval;
3. A CDD- approved Request for Proposal (RFP) document prior to advertising. **The RFP document must address Davis-Bacon information and current federal prevailing wages;**
4. A plan to publicly advertise the proposal opportunity in the newspaper and on DemandStar or a similar electronic contracting source. The CDBG Office requires a three-week minimum process including electronic posting for at least two weeks with a third week to allow for submitting bids;
5. Prior to finalizing the selection of a Prime Contractor and all Sub-Contractors, the provision of a list of tentative selections and all Certification forms to CDD and City of Madison Dept. of Civil Rights for approval (check debarment lists, and if subject to Davis Bacon requirements, find out if the wage decision has changed before executing contract.)
6. Establishment of the required bid bond (5%), payment bond and performance bond (100%), unless it can be documented to the City's satisfaction, that the City's financial interest is protected by another method.
7. An executed written construction contract, which must address additional federal requirements and federal prevailing wages when applicable. Keep a copy of the construction contract in your files for CDD review.

The above contractor bidding process will be incorporated into the Development Loan Agreement.

1.5 Selection Criteria

Evaluation of responses to the RFQ will use the following criteria.

1. Real Estate Development 30%

- a) Team experience in designing and developing structures suitable for public use and/or that can accommodate multiple uses.
- b) Team experience in securing financing from multiple sources for use in financing developments.
- c) Team experience in successful private fund raising efforts.
- d) Team experience in implementing public/private partnerships.

2. Center Management and Operations 30%

- a) Team experience in effectively and efficiently managing a multi-use facility that exists primarily to serve neighborhood residents.
- b) Team experience in budgeting for and providing, or overseeing the delivery of culturally competent, family-oriented services and activities.
- c) Demonstrated commitment to the principles of racial equity and social justice.
- d) Team experience in budgeting and financial/performance outcomes reporting.
- e) Experience in providing consistent programming for youth and adults.

3. Community Relations 30%

- a) Experience in engaging diverse populations in conversations designed to solicit input around specific topics.
- b) Experience in building effective relationships with community partners and stakeholders.
- c) Experience in articulating and attracting community support for organizational goals.
- d) Experience in building consensus around stated goals and objectives.

4. Team Capacity 10%

- a) Ability of team to provide a broad range of services
- b) Financial strength of team
- c) Local preference

SECTION 2: GENERAL CRITERIA AND REQUIREMENTS

The CDD will require projects to meet these national, state and local regulatory requirements, where applicable:

1. Serve low- and moderate-income (LMI) persons.
2. Take affirmative steps to contract with minority, women, and disadvantaged business enterprises (M/W/DBEs).
3. Comply with the goals and requirements of the City's Section 3 Program, which seeks to extend employment, training and contracting opportunities to low- and moderate-income people and businesses.
4. Promote affirmative action, non-discrimination and equal opportunity for all citizens.
5. Comply with physical accessibility standards.
6. Minimize negative environmental impacts, and comply with environmental review requirements.
7. Comply with Federal Fair Labor Standards (e.g., Davis-Bacon Prevailing Wages).
8. Reduce lead paint hazards using certified inspectors, supervisors, workers and companies, as well as established lead safe work practices when required.
9. Reduce hazards caused by asbestos and asbestos-containing materials, and/or remove asbestos and asbestos-containing materials, using a certified asbestos abatement supervisor and a certified asbestos worker.
10. Minimize both the direct and indirect displacement of persons and/or businesses. Where appropriate, the CDD will adhere to the State and Uniform Relocation Act procedures.
11. Design program operations to safeguard vulnerable populations, including, but not limited to, young children, youth, elderly, and people with disabilities.
12. **Notice regarding lobbying ordinance:** If you are seeking approval of a development that has over 40,000 gross square feet of non-residential space, or a residential development of over 10 dwelling units, or if you are seeking assistance from the City with a value of over \$10,000 (this includes grants, loans, TIF, or similar assistance), then you likely are subject to Madison's lobbying ordinance, MGO sec. 2.40. You are required to register and report your lobbying. Please consult the City Clerk for more information. Failure to comply with the lobbying ordinance may result in fines of \$1,000 to \$5,000. Applicants may find more information on registering on the [City Clerk's website](#).
13. Adhere to the constitutional and regulatory provisions of separation of church and state, and avoidance of public funding of inherently religious activities.

More information on the above requirements can be found in the attached sample contracts and exhibits.

SECTION 3: PROPOSAL SUBMISSION REQUIREMENTS

3.1 Response Format

1. Proposals and all required additional documentation must be submitted electronically to CDDapplications@cityofmadison.com utilizing the Application Form in Microsoft Word, the budget in the Excel Workbook, and/or PDFs.
2. The response to the RFQ should be complete and comprehensive, but succinct. Attachments or documents not specifically required should not be submitted.
3. Each Team that submits qualifications will receive a written acknowledgement of its receipt. The City will not reimburse applicants for any expense associated with the submission of qualifications or participation in this process.

3.2 Required Information and Content of Proposals

Proposals must include the documents listed below in order to be considered complete and eligible for consideration, including all additional requested documentation. Please include only the required submittals. Application forms are available at Community Development Division Funding Opportunities Website **(TO BE UPLOADED ONCE POSTED)**:

- Application
- Agency Budget
- Agency Financial Statements

SECTION 4: GENERAL RFQ ADMINISTRATIVE INFORMATION

4.1 Point of Contact

The RFQ contact identified below is the sole point of contact regarding this RFQ from the date of its release until selection of the successful applicants.

Jim O'Keefe

City of Madison Community Development Division

Phone: 608-266-7851

Email: jokeefe@cityofmadison.com

All communications relating to this RFQ must be directed to the designated contact for this RFQ. All bidders, proposers, protestors, or individuals acting on their behalf are hereby prohibited from attempting to persuade or influence any City agents, employees or any member of the relevant selection team, for or against a specific cause related to a pending solicitation, unless otherwise directed by the RFQ contact.

4.2 Inquiries and Clarification of Specifications

Proposers shall carefully examine the RFQ and contract documents, correlate their observations with the RFQ specifications, and exercise their own judgments as to the nature and scope of the work required. If applicable, visit the CDD's website-CDD Funding Opportunities. Consider federal, state, and local laws and regulations that may affect cost, progress, performance or furnishing of the work.

Proposers shall immediately notify the RFQ contact of any questions, exceptions, clarification of any ambiguity, error, conflict, discrepancy omission or other deficiency or additions they have concerning the RFQ document. Failure to do so will be at proposer's own risk.

This RFQ will serve as the basis for or will become part of the resulting agreements described herein. No plea of ignorance of conditions or difficulties that exist or may hereafter arise in the execution of the work under this contract as a result of failure to make necessary examinations and investigations, shall be accepted as an excuse for any failure or omission on the part of the applicant to fulfill the requirements of a resultant contract.

4.3 General Contracting Agency

Any agreements resulting from this RFQ shall be administered by staff in the City of Madison Community Development Division.

4.4 Addenda / Official Communication

During the solicitation process for this RFQ, all official communication between the City and proposers will be made via the Community Development Division Funding Opportunities Website. The City will post such notices, which will include, but not be limited to, addenda for any modifications to administrative or performance requirements, clarifications to requirements, and the announcement of the apparent winning proposer(s). It shall be the responsibility of the proposers to regularly monitor this website for any such postings. Failure to retrieve such addenda and include their appropriate provisions in your response, may result in your proposal being disqualified.

4.5 Oral Presentations / Site Visits / Pre-Application or Pre-Award Meetings

Proposers may be asked to attend pre-application and/or pre-award meetings, make oral presentations, or make the site and/or properties available for a site visit as part of this request for proposal process. Such presentations, meetings, or site visits will be at the proposer's expense.

4.6 Acceptance/Rejection of Proposals

1. The City reserves the right to accept or reject any or all proposals submitted, in whole or in part, and to waive any informalities or technicalities, which at the City's discretion is determined to be in the best interests of the City. Further, the City makes no representations that a contract will be awarded to any proposer responding to this request. The City expressly reserves the right to reject any and all proposals responding to this invitation without indicating any reasons for such rejection(s).
2. The City reserves the right to postpone due dates and deadlines for its own convenience and to withdraw this solicitation at any time without prior notice.

4.7 Incurring Costs

This request for qualifications does not commit the City to award a contract, pay any costs incurred in preparation of responses, or to procure or contract for services or equipment.

4.8 Proposer Qualifications

The City of Madison may make such investigations as it deems necessary to determine the ability of the proposer to perform the work, and the proposer shall furnish to the City all such information and data for this purpose, as the City may request. The City reserves the right to reject any proposal if the evidence submitted by, or investigated of, such proposer fails to satisfy the City that the proposer understands the full scope of work and is properly qualified to carry out the obligations of the contract and to complete the work contemplated herein.

4.9 Proposal Content

The evaluation and selection of an applicant and the contract will be based on the information submitted in the proposal plus any additional information required. Additional information may include references, on-site visits, or oral presentations. Failure to respond to each of the requirements in the RFQ may be the basis for rejecting a response.

Elaborate proposals (e.g. expensive artwork, news stories, or letters of support) beyond information required to present a complete and effective proposal, are not necessary or desired. Information provided by the applicant in addition to the required proposal may not be considered in the evaluation of the proposal.

4.10 Withdrawal or Revision of Proposals

1. A proposer may, without prejudice, withdraw a proposal submitted at any point in the process by requesting such withdrawal in writing (email is sufficient) to the RFQ contact.
2. Proposals may not be modified or altered after the deadline, except with express approval by the City.

4.11 Designation of Proprietary Information

Proposers are hereby notified that all information submitted in response to this RFQ may be accessible to the public through the Community Development Division website and/or made available for public inspection according to public records laws of the State of Wisconsin or other applicable public record laws. Therefore, proposers are encouraged to refrain from submitting information that cannot be open for public

inspection. However, if proposers must include information deemed confidential and proprietary by the proposer, proposer must comply with these instructions:

1. All restrictions on the use or inspection of data contained within a proposal shall be requested prior to submission of the proposal itself. Written requests for confidentiality shall be submitted to the RFQ contact by the proposer prior to the proposal submission date.

2. Requests shall use the following process:

- SECTION 1 – Email or phone the RFQ contact to discuss your concern.
- SECTION 2 – Any information to be considered confidential or proprietary must clearly be stated on the attached “Designation of Confidential and Proprietary Information” form. (RFQ Attachment D).
- SECTION 3 – Any information to be considered confidential or proprietary must be separated from the rest of the proposal. Co-mingling of confidential/proprietary and other information is not acceptable.
- SECTION 4 – Applicants may be asked to submit a written request for information to be considered confidential or proprietary. Provide specific information related to the claim for confidential and proprietary information including RFQ section, page number, topic, and specific concern that supports claim.

3. Funding requests always become public information through the committee review process. Information usually cannot be kept confidential unless it involves a trade secret as defined in S.134.90(1)(c), Wis. Stats. Any information that will be included in any resulting contract cannot be considered confidential. A proposal, in its entirety, will not be considered confidential and/or proprietary.

4. Proprietary information submitted in a proposal, or in response to the RFQ, will be handled in accordance with the applicable Wisconsin State Statute(s). However, the City cannot ensure that the information will not be subject to release if a request is made under applicable public records laws. The City will not provide advance notice to a proposer prior to release of any requested record.

5. The Applicant agrees to hold the City harmless for any damages arising out of the release of any material unless they are specifically identified. In the event the designation of confidentiality of this information is challenged, the Applicant also agrees to provide legal counsel or other necessary assistance to defend the designation of confidentiality and, further, agrees to hold the City harmless from any penalties,

costs, damages, and fees, including attorney's fees, awarded to the requestor and ordered to be paid by the City, in any such legal action.

6. To the extent permitted by law, it is the intention of the City to withhold the contents of the proposal from public view until such times as competitive or bargaining reasons no longer require non-disclosure, in the opinion of the City. At that time, all proposals will be available for review in accordance with the Wisconsin Open Records Law.

4.12 Sample Development Loan Agreement

Proposers are responsible for reviewing this information on the CDD Funding Process website prior to submitting their proposals. The sample Development Loan Agreement shall serve as the basis of the contract resulting from this RFQ, subject to revision at the City's discretion, following the proposer's demonstration that it has met any identified contingencies. By submitting a proposal, proposers affirm their willingness to enter into an Agreement containing these terms. **WILL UPLOAD LINK TO LOAN AGREEMENT TO WEBSITE**

4.13 Proposal Evaluation and Award

1. PRELIMINARY EVALUATION

Submitted proposals will be reviewed for completeness and compliance with RFQ guidelines. All incomplete RFQ submissions may be determined nonresponsive and removed from further consideration. To be considered complete, RFQs shall include all required submittals and shall be signed and dated. In the event that no submissions meet all of the RFQ requirements, the City of Madison reserves the right to continue the evaluation of the proposals that most closely meet the requirements.

2. PROPOSAL EVALUATIONS, INTERVIEWS AND/OR SITE VISITS

The City's designated RFQ Review Committee will make the final selection and recommendation following the evaluation of the proposals, which may include presentations, Site visits, and interviews, if deemed necessary, with some or all of the proposers. However, the City may make preliminary selection(s) on the basis of the original proposals only, without negotiation, interviews, and/or site visits with any proposers. If presentations, interviews, and/or site visits are conducted, the Selection Committee may choose to assign additional points for these processes or re-evaluate, re-rate, and/or re-rank the finalists' proposals based upon the written documents

submitted and any clarifications offered in the interviews. The RFQ Review Committee will consist of City staff and the City alderperson.

3. CLARIFICATION OF PROPOSALS

During the evaluation of proposals, the City reserves the right to contact any or all proposers to request additional information for purposes of clarification of RFQ responses, reject proposals which contain errors, or at its sole discretion, waive disqualifying errors or gain clarification of error or information.

4. NEGOTIATION

The City reserves the right to negotiate final project and financial details with applicants.

5. PROCESS

At any phase, the City reserves the right to terminate, suspend, or modify this process; reject any or all submittals; and waive any informalities, irregularities or omissions in submittals, all as deemed in the best interests of the City.

6. COMMUNICATION WITH REVIEW COMMITTEE

Proposers may not contact members of the Selection Committee at any time during the evaluation process, except at the City of Madison CDD request, or as instructed in Section 4.1 above.

7. RIGHT TO REJECT PROPOSALS AND NEGOTIATE CONTRACT TERMS

The City reserves the right to reject any and all proposals and to negotiate the terms of any contracts, including the award amounts, with applicants.

ATTACHMENT B RFQ RESOURCES

Relevant Links:

[Neighborhood Indicators \(City Resource\)](#): To learn more about the Bridge Lake Point Waunona Way Neighborhood please visit the Neighborhood Indicators project.

[24 CFR Part 570 \(Federal Resource\)](#): Electronic Code of Federal Regulations for the Community Development Block Grants program.

[2 CFR Part 200.302 \(Financial Management\)](#) (Federal Resource): Part of the Electronic Code of Federal Regulations, it details uniform administrative requirements, cost principles and audit requirements for federal awards.

[2 CFR Part 200.303 \(Internal Controls\)](#) (Federal Resource): Part of the Electronic Code of Federal Regulations, it details uniform administrative requirements, cost principals and audit requirements for federal awards.

ATTACHMENT C

DESIGNATION OF CONFIDENTIAL AND PROPRIETARY INFORMATION

Proposers are hereby notified that all information submitted in response to this RFQ may be made available for public inspection according to public records laws of the State of Wisconsin or other applicable public record laws. Therefore, proposers are encouraged to refrain from submitting information that cannot be open for public inspection. However, if proposers must include information deemed confidential and proprietary by the proposer, proposer must comply with these instructions:

- Requests for confidentiality must be submitted prior to the proposal submission date to the City of Madison Purchasing Office.
- Requests for confidentiality must use this designated form. Failure to include this form in the bid/proposal response may mean that all information provided as part of the bid/proposal response will be open to examination and copying. The City considers other markings of confidential in the bid/proposal document to be insufficient.
- Any information to be considered confidential or proprietary must be separated and packaged from the rest of the proposal. Co-mingling of confidential/proprietary and other information is not acceptable.

Prices always become public information when bids/proposals are opened or when negotiations have been completed and the contract has been awarded. Other information usually cannot be kept confidential unless it involves a trade secret as defined in S.134.90(1)(c), Wis. Stats. Any information that will be included in any resulting contract cannot be considered confidential. A proposal, in its entirety, will not be considered confidential and/or proprietary.

Other information cannot be kept confidential unless it is a trade secret. Trade secret is defined in s. 134.90(1)(c), Wis. Stats. as follows: "Trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process to which all of the following apply:

1. The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use.
2. The information is the subject of efforts to maintain its secrecy that are reasonable under the circumstances.

In the event the designation of confidentiality of this information is challenged, the undersigned hereby agrees to provide legal counsel or other necessary assistance to defend the designation of confidentiality and agrees to hold the City of Madison harmless for any costs or damages arising out of the City's agreeing to withhold the materials.

The attached material submitted in response to Bid/Proposal # _____ includes proprietary and confidential information which qualifies as a trade secret, as provided in s. 19.36(5), Wis. Stats., or is otherwise material that can be kept confidential under the Wisconsin Open Records Law. As such, we ask that certain pages, as indicated below, of this bid/proposal response be treated as confidential material and not be released:

Section	Page No.	Topic	Specific law that supports confidentiality of information

Company Name _____

Enter Name: _____

By entering your initials in the box, You are electronically signing your name and agreeing to the terms above.

Date: _____