



UNIVERSITY DISTRICT

University District Public Development
Authority (UDPDA)



invitation to propose.

SOUTH UNIVERSITY DISTRICT 400-BLOCK CATALYTIC DEVELOPMENT PROJECT

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SUBMISSION DEADLINE

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invitation.



Juliet Sinisterra
CEO, UDDA

The University District Public Development Authority (UDPDA) invites proposals from individuals and/or entities for the South University District 400-Block Catalytic Development project (“Project”) to include developing a public parking structure, a mix of lower-level commercial and retail uses, and mixed-income housing. The Project will be located on the Property at the 400-Block of East Sprague Avenue in Spokane, WA.

The UDPDA is seeking a highly experienced Development Team or Developer (“Developer”) with a visionary but practical approach for transforming the 400-Block in a manner that improves the University District south sub-area’s overall urban experience; that brings vibrancy to the center of the south sub-area through uses that can activate the potential development of a city-owned urban pocket park and festival street; that builds on the District’s emerging life sciences, innovation and eco-district; that attracts additional private redevelopment; and that furthers the District’s mobility initiatives with an emphasis on pedestrian, transit, and bicycle traffic.

The UDPDA desires a Developer with a proven track record in some or all of these areas:

- expertise in developing parking structures and capacity to develop a structure that delivers parking revenue;
- mixed-use projects;
- producing aspirational architecture and high-quality results;
- strong public engagement skills and follow-through; and
- public-private partnership financial acumen.

This Invitation encompasses a two-phase process. Phase One seeks to identify a qualified Developer with the most compelling conceptual and financial approach for the development of the Property. Upon approval and acceptance of the proposed approach developed in Phase One, the selected Developer and the UDPDA would have 90 days in Phase Two to negotiate a development program and financial relationship for the development of the Property.

Please review this 400-Block Invitation carefully. The UDPDA appreciates your interest in meeting the needs of the University District and the public in this catalytic project.



BACKGROUND

spokane's university district is completely unique.



ABOUT

Spokane's University District is completely unique: A live/learn/work/play confluence of innovation, discovery, entrepreneurship, scholarship, and neighborhood revitalization. The University District offers opportunities to promote economic development, smart urban growth, environmental restoration, historic preservation, arts and culture, recreation, and state-of-the-art transportation.

The University District is centrally located between the large medical/hospital complex on Spokane's South Hill and five major universities (Eastern Washington University, Gonzaga University, University of Washington, Washington State University Health Sciences Spokane, and Whitworth University), two medical schools, and Spokane's community colleges.

It also is home to a nationally recognized smart-city test bed and a burgeoning life sciences ecosystem. As such, the University District is an idea-generating and innovation-focused community to its core. The District acts as an urban laboratory for the creation of new knowledge and applied, community-engaged research, resulting in increased regional prosperity and improved quality of life.

The University District Public Development Authority (UDPDA) is a quasi-municipal corporation organized pursuant to the laws of the State of Washington, RCW 35.21.730 through RCW 35.21.757, and established by City of Spokane Ordinance C34933 in 2012.

BACKGROUND

The purpose of the UDPDA is to advance economic development and infrastructure improvements that serve a public benefit within the University District Revitalization Area (UDRA). The UDPDA can assist development projects with reimbursement for improvements that are dedicated to and for the benefit of the public.

In November 2019, City of Spokane Ordinance C35828 approved an interlocal agreement between the City of Spokane and Spokane County regarding the reformation of the UDPDA board and amended the charter and bylaws of the organization. The UDPDA follows the purchasing and procurement policies of the City of Spokane as it relates to public works contracts.

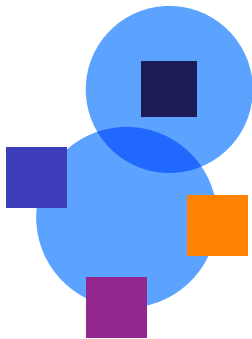
Specific restrictions apply to contracting with current or former City officers and employees pursuant to the City's Code of Ethics in chapter 1.04 of the Spokane Municipal Code. Proposers should familiarize themselves with the requirements before submitting a proposal that includes current or former City officers or employees.

PURPOSE STATEMENT

The UDPDA seeks a Developer to construct and own/partially own a mixed-use project in Spokane's South University District sub-area. The Project, at a minimum, would contain a 400+ stall structured public parking garage. Following are other potential desirable uses:

- Mixed-Income Housing
- Ground and Second-Floor Commercial Uses
- Entrepreneurial Incubation Center that Supports a Diversity of University Programs and Business Start-Ups
- Rooftop Activation via Publicly Accessed Uses

The Project would be on the Property—located in the 400-Block of East Sprague Avenue—and controlled by the UDPDA. The UDPDA invites proposals from Developers for:



SALE - The outright purchase of the Property on a fee simple basis for development consistent with the vision of the UDPDA.

JOINT VENTURE - The UDPDA understands that a mixed-use project anchored by a parking structure at this location may require public support to be economically viable. The UDPDA is open to considering a wide range of financial inducements such as land contribution, condominium ownership, parking stall lease commitments, and the like. The quid pro quo for such financial support would be a joint venture interest in the Project. The UDPDA will leave it to the Proposer to detail what financial incentives if any, it may require, as well as the proposed terms for a joint venture with the UDPDA.

BACKGROUND

PROJECT CONTEXT AND SITE INFORMATION

The UDPDA has a purchase option for the Property which is approximately 49,223 SF and is bounded by North Grant Street on the west, East Sprague Avenue on the south, East Riverside Avenue on the north, and North Sherman Street on the east. The purchase price, including site work performed by Avista Development Corp., is approximately \$4,000,000. It is anticipated that the UDPDA will assign this purchase option to the Developer.



The Property can be accessed from the latter three streets. The current Property owner, Avista Development Corp., is demolishing existing structures and completing environmental remediation. The Property should be development ready in late 2022. Arrangements are being made to relocate the Verizon cell tower which is currently located on the 420 E. Riverside Avenue parcel.

The Property is located immediately south of the University District Gateway Bridge (bike/pedestrian bridge) which straddles the BNSF rail line and connects the north and south University District. It also is close to the Catalyst Building and the Scott Morris Center for Energy Innovation building as well as the newly completed Boxcar Apartment complex. The City of Spokane, the UDPDA, Avista Development, and others have invested more than \$40 million in infrastructure in the South University District

BACKGROUND

which directly benefits the Property. In short, the 400-Block is a highly desirable location in the University District with the necessary infrastructure in place or scheduled for completion.

The proposed development site has two outparcels (see site map titled "Parcel Ownership, March 14, 2022"). To the east, Cuatro De Mayo, LLC owns tax parcel numbers 35173.1214, 35173.1215, and 35173.1219, which are 9,583 SF. These parcels are improved with a small office building and a surface parking lot. On the southwest corner, B&C Investments owns tax parcel number 35173.1210, which is 5,227 SF. This parcel is improved with a small building. Both of these owners have indicated an interest in having their property included in the development of the block. These outparcels are currently leased to third parties, but the owners have confirmed the leases contain demolition clauses. In both cases, the owners' primary interest is in joint venture participation. The UDPDA has not attempted to negotiate the terms of such participation.

The Property is zoned DTU by the City of Spokane. The DTU zone supports the mix of uses contemplated for the Project. The addresses and tax parcel numbers for the Property are listed below. A copy of the Preliminary Title Report for the Property is available on request.

<u>411 E. Sprague Avenue</u>	35173.1208
<u>415 E. Sprague Avenue</u>	35173.1211
<u>415 E. Sprague Avenue - parcel directly north</u>	35173.1207
<u>419 E. Sprague Avenue</u>	35173.1212
<u>425 E. Sprague Avenue</u>	35173.1213
<u>420 E. Riverside Avenue</u>	35173.1220
<u>12 N. Grant Street</u>	35173.1209

BACKGROUND

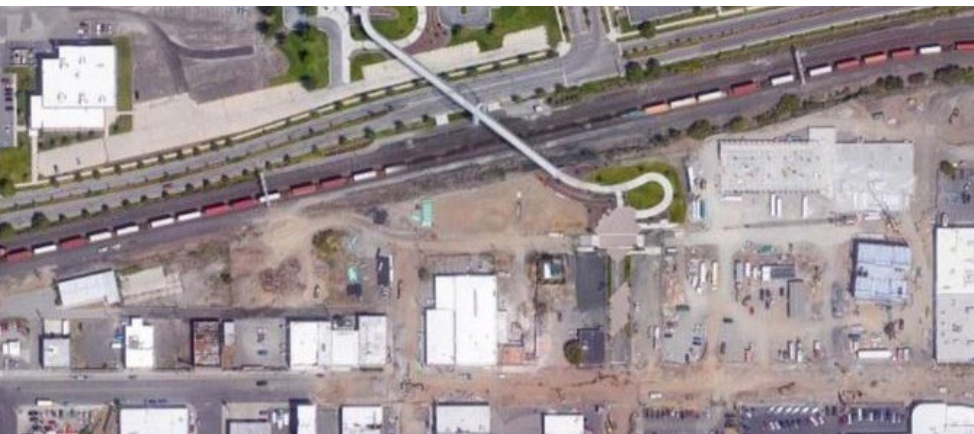
PROJECT VISION

The UDPDA envisions a mixed-use development of the Property, anchored by a structured parking garage, that not only will provide critically needed parking but also will enliven and complement other developments in the neighborhood. The UDPDA's concept for the Project is illustrated in the [Site Analysis Technical Memorandum](#) by Desman Design Management (December 13, 2022). In viewing the options presented in the Desman report for the Property (Site A), it must be noted that the development may or may not include the outparcels.

The UDPDA is keenly interested in a mix of uses for the Project. While a 400+ stall parking structure with ground-floor activation is a given, the size, uses, and ownership of the other components have not been determined. Prospective developers are encouraged to provide their vision of Project uses in their submissions.

By way of background, developers may want to review these University District past vision- and planning-related documents:

- [Transit Oriented Development \(TOD\) Study Presentation by Center-Based Planning \(2022\)](#)
- [City of Spokane South University District Subarea Plan \(2020\)](#)
- [University District Strategic Master Plan Update \(2019\)](#)



Aerial view of the South Landing of the University District Gateway Bridge and the 400-Block Property before demolition

UDPDA FINANCIAL PARTICIPATION

The UDPDA is prepared to make a meaningful financial contribution to the Project. This contribution could take a number of different forms such as:

- Rent guarantee on parking stalls
- Condominium ownership of a portion of the parking stalls or other improvements
- Participation in the land acquisition cost
- Contribution toward public infrastructure requirements

BACKGROUND

The quid pro quo for such a financial commitment would be a joint venture interest in the Project. The Proposer should detail the type and amount of any financial assistance it may require as well as outline the proposed terms of a joint venture with the UDPDA.

The UDPDA also brings strong working relationships and support for its initiatives from both local City and County governments, including elected officials, and City economic development and planning staff.

PARKING DEMAND

The need for additional parking in the South University District, now and in the future, is well documented. The UDPDA retained the Desman firm to complete a shared parking analysis in 2020. The study concluded, in almost every scenario, a deficit in excess of 400 stalls. By way of background, here are some helpful links:

- **[Desman “Technical Memorandum - UD Site Analysis” \(December 2021\)](#)**
- **[Desman “Shared Parking Analysis for the UDPDA” Final Report \(August 2020\)](#)**
- **[City of Spokane “University District Parking Study - Phase I Final Report”, Nelson Nygaard \(August 2018\)](#)**

In Spring 2022, the UDPDA canvassed several owners of existing and/or contemplated development projects in the South University District for their off-site or shared parking requirements. While not exhaustive, these owners identified a need for at least 485 additional stalls to make their projects viable. These included:

- **McKinstry (Catalyst plus the undeveloped Lot C) - 235**
- **Boxcar Apartments - 50**
- **de Chase Miksis Development (Apartments) - 100**
- **Craven Company (Apartments) - 100**

The message from each of these owners and/or developers is that land values, construction costs, and rents in the South University District simply do not support the development of below-grade or structured parking on individual development sites. The key to having these projects move forward is the development of market-rate, shared neighborhood parking. This same need is also crucial to the success of the South University District.

The UDPDA contemplates that developments such as those referenced above will be in a position to commit to minimum numbers of parking stalls to meet their City and pro forma requirements.

ENVIRONMENTAL CONSIDERATIONS

Avista Development Corp. owns the Property and they will demolish existing structures and complete environmental remediation in 2022. The Phase I Environmental Site Assessment and remediation reports are available on request.

BACKGROUND

live— learn— work— play

NEIGHBORHOOD

The South University District is a live/learn/work/play confluence of innovation, discovery, entrepreneurship, scholarship, and neighborhood revitalization. The 400-Block Project is at the center of this vibrant revitalization. Several projects and infrastructure improvements in the area are complete and more are in the pipeline.

INFRASTRUCTURE

The private and public sectors have invested in excess of \$40 million in South University District infrastructure. This includes the University District Gateway Bridge straddling the BNSF rail line and linking the north and south University District, as well as street, utility, and landscaping improvements.



Catalyst Building: This is a 159,000 SF five (5) story building completed in 2020 (see below). It is one of the largest zero-carbon buildings in North America and a model for sustainable development. Catalyst, which is a block east of the 400-Block Property, is anchored by Eastern Washington University (EWU), Avista, McKinstry, and other tenants. It is home to more than 1,000 EWU students.



Boxcar Apartments: This is a seven (7) story mixed-use building with 136 market-rate apartment units and ground-floor retail. The project is located immediately northwest of the 400-Block Project and was completed in 2022.

BACKGROUND



Scott Morris Center for Energy Innovation:

This is a 40,000 SF four (4) story building that also opened in 2020 and is immediately south of the Catalyst Building. It is a state-of-the-art structure housing a central energy plant to power itself and the Catalyst Building as well as having office and retail uses.

OTHER PROSPECTIVE PROJECTS:

Several projects are in the planning or permitting stage in the South University District close to the 400-Block Property. These include McKinstry's Lot C, a 66,000 SF parcel marketed for office uses, and apartment projects to the immediate south by both de Chase Miksis Development and Craven Company.

MAPS AND PHOTOS OF THE 400-BLOCK

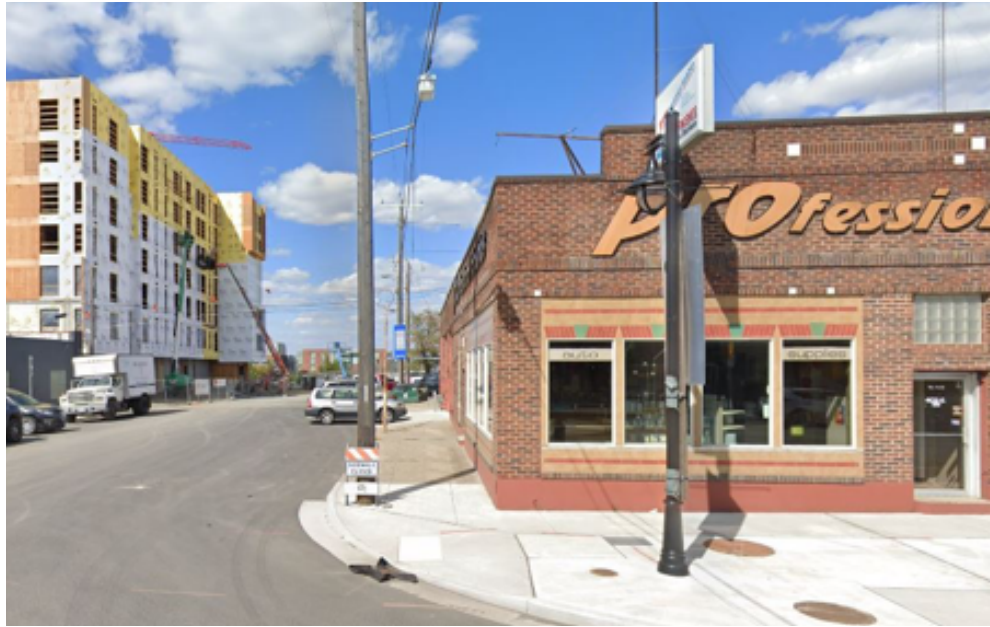
South University District

Aerial view of the 400-Block Property before demolition (right)

Transit Oriented Development (TOD) Study illustration by Center-Based Planning of the South University District showing a hypothetical mixed-use parking structure building on the 400-Block (below)



MAPS AND PHOTOS



SUBMISSION PROCESS

Registration is not required to submit a proposal. If you are interested in receiving email updates from the UDPDA when additional information about the Invitation is made available, please provide additional email addresses to the Coordinator.

COORDINATOR

All communication between the Proposer and the UDPDA upon receipt of this Invitation shall be with:

NAME: Juliet Sinisterra, CEO, University District

ADDRESS: 120 N Pine St, Suite 292, Spokane WA 99202

DIRECT PHONE/EMAIL: 509-710-5249 jsinisterra@spokaneudistrict.org

INFORMATIONAL ONLINE CONFERENCE AND SITE TOUR

A Zoom conference and an in-person informational tour are scheduled per below. The UDPDA recommends that all prospective Proposers attend one informational event; however, attendance is not mandatory. The Zoom conference will be recorded and accessible to Proposers. In addition, an on-site tour is scheduled for prospective Proposers and while recommended, is not mandatory.

SUBMISSION PROCESS

Additional questions may be submitted in writing via email to the Coordinator in advance of the conference and/or tour, and/or before the deadline below. A written copy of the answers to questions posed via email will be sent to potential Proposers on the distribution list. Individuals who pose written questions will not be identified in the responses. The UDPDA shall be bound only to written and recorded answers to questions.

Please note that the UDPDA is not responsible for any costs incurred by the Proposer in the preparation of a proposal, in attending the informational conference or tour, or in any other activities related to responding to the Invitation.

SCHEDULE (all times are Pacific, the UDPDA reserves the right to revise the schedule)

PUBLISH INVITATION AND PROMOTE	Monday, September 12, 2022
ONLINE ZOOM CONFERENCE Contact the Coordinator or info@spokaneudistrict.org for the Zoom link	Thursday, September 22, 2022; 9-10 AM
ON-SITE TOUR Meet at the South Landing of the University District Gateway Bridge	Tuesday, September 27, 2022; 1-2 PM
DEADLINE FOR QUESTIONS Questions are accepted via email only	Tuesday, October 11, 2022; 5 PM
PROPOSALS DUE	Monday, October 24, 2022; 4 PM
PROPOSAL EVALUATION	October 25-November 4, 2022
PHASE ONE DEVELOPER SELECTED	November 9, 2022
(POSSIBLE) ANE 90-DAY WINDOW	December 5, 2022-March 6, 2023
(POSSIBLE) DDA NEGOTIATION BEGINS	March 6, 2023

PROPOSAL SUBMITTAL INSTRUCTIONS

Please follow these instructions for submitting a proposal.

- Use a commonly available file-share service such as Dropbox, WeTransfer, or Google Drive. No proposals will be accepted via fax, email, or in person.
- Send the link to the folder containing the required documents by email to the Coordinator by the proposal deadline.
- Be sure to properly title all required documents.

SUBMISSION PROCESS

REQUIRED DOCUMENTS

The following required documents (some of which must be signed and dated) must be created as separate PDF files for *each* of the numbered sections below. Name each PDF file with the unique number and name for that section. EXAMPLE: the first file should be named "1 Cover Sheet.pdf". The next file "2 Acknowledgement and Release.pdf", and so on. Please use 8.5 x 11 letter size paper.

- 1. Cover Sheet** – Appendix 1, sign and date
- 2. Acknowledgment and Release** – Appendix 2, sign and date
- 3. Project Approach Narrative.** The Narrative should explain the proposed Project approach. Describe how it accomplishes the Invitation’s needs and how your Development Team would work with the UDPDA to arrive at a viable, fiscally responsible, and mutually supported development. The Narrative should include an outline of a joint venture, if applicable, specifying the financial undertaking expected of the UDPDA. The Narrative may include conceptual images, diagrams, and tables. It also should discuss anticipated adherence to or variance from the City of Spokane planning and zoning regulations and standards.
- 4. Developer Team (not to exceed four, double-sided pages total for a-d)**
 - a. Provide the name, title, organization, phone number, and email address of all parties on the Developer Team and with whom the contract would be written.
 - b. Provide a Developer Team organization chart that describes the legal status of the Authorized Proposer (sole proprietorship, corporation, partnership, etc.).
 - c. Provide three professional references for work similar to this Project within the last five years.
 - d. Include financial statements proving the Developer’s financial capacity to deliver the proposed Project approach. A “letter of creditworthiness” from a financial institution that describes the prior lending history and confirms the entity is not in default is acceptable instead of, or in addition to, another form of a financial statement.
- 5. Relevant Project Portfolio/Resume (not to exceed one, double-sided page).** List and briefly describe any relevant projects that the Development Team, together, has completed within the past 10 years and/or has underway.
- 6. Potential Financial Return to the UDPDA (not to exceed two, double-sided pages).** Please describe the potential projected return on investment for the UDPDA subsidy if a public/private, joint venture partnership is proposed.
- 7. Development Timeline (not to exceed one, double-sided page).** Provide a preliminary development timeline for the proposed approach including major milestones for the Project feasibility and analysis.



SUBMISSION PROCESS

ADMINISTRATIVE REQUIREMENTS/PROPRIETARY INFORMATION/PUBLIC DISCLOSURE

The UDPDA shall not, under any circumstances, be responsible for any costs or expenses associated with the proposal submitted including, but not limited to, research, investigation, development, preparation, duplication, production, collation, packaging, delivery, transmittal, or presentation of the proposal or any other related information, data, documentation, and material. All costs and expenses incurred by the Proposer in connection with the proposal submitted shall be the sole responsibility of (borne solely by) the Proposer.

Materials submitted in response to this Invitation shall become the property of the UDPDA which is subject to the Open Public Records Act. All received proposals shall remain confidential until announcing the successful Proposer. Thereafter, the proposals shall be deemed public records as defined in RCW 42.56.

Any information in the proposal that the Proposer desires to claim as proprietary and thus exempt from disclosure under the provisions of existing state law, shall be clearly designated. Each page claimed to be exempt from disclosure must be clearly identified by the word "Confidential" printed on it. Marking the entire proposal exempt from disclosure will not be honored. If a proposal does not clearly identify the confidential portions, the UDPDA will not notify the Proposer that its proposal will be made available for inspection and copying.

If a request is made for disclosure of material or any portion marked "Confidential" by the Proposer, the UDPDA will determine whether the material should be made available under the law. If it determines that the material is not exempt and may be disclosed, the UDPDA will notify the Proposer and allow the Proposer ten (10) business days to take appropriate action pursuant to RCW 42.56.540. If the Proposer fails or neglects to take such action within said period, the UDPDA may release the portions of the proposal deemed subject to disclosure.

To the extent that the UDPDA withholds from disclosure all or any portion of Proposer's documents at Proposer's request, Proposer shall agree to fully indemnify, defend and hold harmless the UDPDA, its Board, the City, and County of Spokane, their elected officials, agents, and employees from all damages, penalties, attorneys' fees, and costs related to withholding information from public disclosure.

By submitting a proposal, the Proposer consents to the process outlined in this Invitation and shall have no claim against the UDPDA because of actions taken.

The successful Proposer must not be debarred, suspended, or otherwise ineligible to contract with the UDPDA.



SUBMISSION PROCESS

All Proposers will be afforded the full opportunity to submit proposals in response to this Invitation. The UDPDA is an Equal Employment Opportunity (EEO) organization that does not discriminate based on race, religion, color, sex, age, national origin, sexual orientation, or presence of any sensory, mental, or physical disability in the consideration of award or subsequent agreement.

Proposer shall comply with all UDPDA, local, state, and federal directives, regulations, orders, policies, and laws as applicable to this Invitation or subsequent agreement.

The successful Proposer will hold harmless the UDPDA, the City, and County of Spokane, and their elected and appointed officials, agents, and employees from and against all suits, claims, demands, damages, actions, and/or causes of action of any kind or nature in any way arising from Proposer's performance under this Invitation or a subsequent agreement and will pay all expenses in defending any claims made against the UDPDA, the City, and the County of Spokane, their elected and appointed officials, agents and employees as a result.

DISQUALIFICATION OF PROPOSER AND/OR REJECTION OF WRITTEN PROPOSALS

A Proposer may be disqualified and/or a written proposal may be rejected by the UDPDA for any of the following reasons:

- Submission of more than one (1) written proposal by an individual, firm, or corporation under the same or different names will not be considered.
- Reasonable grounds for believing that a Proposer is submitting more than one proposal will cause the rejection of all proposals in which the Proposer is involved. Those proposals will be rejected if there is a reason for believing that collusion exists among Proposers, and no participant in such collusion will be considered in any future proposals for the next six months following the date of the proposal submission.
- Proposer (or the proposed operation), for any reason, does not fully meet the qualifications and requirements and the standards of this Invitation established by the UDPDA.
- Proposer's proposed activities and/or improvements will create a safety hazard at, on, or in the vicinity of (or could be detrimental to) the Property.
- The acceptance of the written proposal will require that the UDPDA expend funds and/or supply labor and/or materials in connection with the proposed activities and/or improvements that the UDPDA is unwilling and/or unable to spend and/or will result in a financial loss or hardship to the UDPDA.
- The Proposer has intentionally or unintentionally provided inaccurate or false information, data, documentation, or material or misrepresented or failed to disclose (omitted) any material fact in the written proposal and/or in supporting information, data, documentation, or material.



SUBMISSION PROCESS

- The Proposer has not demonstrated that it possesses adequate financial responsibility or that it is reasonably capable of undertaking the proposed activity and/or improvements.
- The Proposer cannot demonstrate its ability to obtain insurance (in the type and amounts) required by the UDPDA for the proposed activity and/or improvements.
- The Proposer (or an officer or director of the Proposer) has been convicted of a felony or a crime involving moral turpitude.
- The Proposer seeks terms and conditions which are inconsistent with the Invitation and/or the policies and practices of the UDPDA.
- The subject Property is not appropriate or not adequate for the proposed activity.
- The Proposer has lobbied, either on an individual or collective basis, the UDPDA (its Board, members of the Selection Committee, associated City or County employees, or outside advisors) or any federal, state, or local elected or public official or staff (support) personnel regarding this Invitation or its written proposal.

PROPOSAL EVALUATION AND SELECTION

MINIMUM QUALIFICATIONS

For a proposal to be considered, the Developer must be able to become licensed to do business in Washington state, if not already. The Developer must have a successful track record and demonstrated knowledge and experience around mixed-use, development projects. Experience with structured parking facilities is a plus. To accomplish the work, the Developer must have expertise in:

- Real Estate Development
- Complex Project Management
- Financial Feasibility and Highest-Best Use Analysis
- Public and Private Financing Alternatives
- Benefits Case and Impact Analysis
- Stakeholder Engagement
- Visioning and Thought Leadership

EVALUATION PROCEDURE

Responsive proposals will be evaluated per the requirements stated in this Invitation and any addenda issued. The UDPDA, at its sole discretion, may elect to select the top-scoring Developer(s) as finalists for an oral presentation and evaluation. The Coordinator may contact the Developer for clarification of any portion of the proposal.

PROPOSAL EVALUATION AND SELECTION

EVALUATION SCORING

The evaluation criteria in this section represent the UDPDA's priorities and will be used as a basis for the selection of the strongest proposal. A total of 400 points are possible. Proposals will be evaluated as follows:

PROJECT APPROACH Development, Concept, and Business Terms	100 points
DEVELOPER TEAM	100 points
RELEVANT PROJECT PORTFOLIO/RESUME	50 points
FINANCIAL RETURN TO THE UDPDA	100 points
DEVELOPMENT TIMELINE	50 points
TOTAL POINTS	400 points

SELECTION PROCESS

The UDPDA envisions the following process for the South University District 400-Block Catalytic Development Project.

- 1. Invitation Published** – The Invitation is released and advertised on the University District's website, locally, and noticed to known and interested parties.
- 2. Evaluation of Proposals** – Proposals received before the submission deadline will be reviewed to confirm they meet the submittal requirements. Failure to comply with any part of the Invitation requirements may result in the rejection of the proposal as non-responsive. The Proposer will be notified via email if the proposal is deemed non-responsive and no further review will occur. At its discretion, the UDPDA may choose to establish a Selection Committee. Proposers may be asked to present to the Selection Committee and/or the full UDPDA Board at a public meeting.

PROPOSAL EVALUATION AND SELECTION

Proposals will be judged based on the written submittal, presentations, and requested supplemental information, as applicable. The UDPDA Board/Selection Committee reserve the prerogative to interview or not interview Proposers and the right to conduct its fact-finding, evaluation, and deliberation period as necessary. At a public meeting, the UDPDA Board will select a proposal to advance to the next step, and if applicable, to determine the final ranking of other qualified proposals.

- 3. Agreement to Negotiate Exclusively (ANE)** – The next step is for the UDPDA to enter into an ANE with the selected Developer. The UDPDA Board has sole authority to approve an ANE but is not obligated to consider or approve an ANE under this Invitation. The ANE process allows 90-days’ time for the Project design and details to be refined; for additional work to be done to determine the financial feasibility of the Project; for a commercial appraisal to be conducted; for a fair market value to be determined for purposes of an initial purchase price for disposition of the Property; for a reuse appraisal to protect the public’s investment in the land should the Project fail to be completed; and for additional diligence as necessary.
- 4. Disposition and Development Agreement (DDA)** – If an ANE was entered into with a selected Developer, the UDPDA and the Developer may then negotiate a DDA that describes in detail the requirements and conditions precedent to the transfer of the Project site to the development entity. Upon satisfaction of all requirements and conditions, the negotiated DDA returns to the UDPDA Board for its final approval. The UDPDA Board has sole authority to approve a DDA but is not obligated to consider or approve a DDA under this Invitation.

AWARD OF CONTRACT

This Invitation does not obligate the UDPDA to award a contract. The UDPDA reserves the option of awarding a contract in any manner most advantageous for the UDPDA and without further discussion of the submitted proposal. The UDPDA also reserves the right, at its sole discretion, to waive minor irregularities, reject all proposals received without penalty, and not issue a contract from this Invitation. More than one contract may be awarded. Contract negotiations may incorporate some or all of the proposal. Standard UDPDA contract Terms and Conditions are available upon request.

Award of contract, when and if made, will be to the Proposer whose proposal is the most favorable to the UDPDA including consideration of the evaluation criteria.



APPENDIX 1
COVER SHEET
REQUIRED WITH SUBMITTAL

Please provide the following required Authorized Proposer contact information.

Development Firm

Authorized Proposer Name

Title

Role in Development Firm

Address

Phone

Email Address

By signing this required Cover Sheet, the Authorized Proposer indicates that the information in the Invitation, including any clarifying information as contained in the Appendices, has been considered in the preparation of this proposal.

Signature of Authorized Proposer

Date

Print or Type Name

APPENDIX 2

ACKNOWLEDGMENT AND RELEASE

REQUIRED WITH SUBMITTAL

The undersigned authorized (“Proposer”), on behalf of all participants and parties included or subsequently added in/to Proposer’s Development Team, has read and fully accepts the University District Public Development Authority’s (“UDPDA”) discretion and non-liability as stipulated herein, expressly for, but not limited to, the UDPDA’s decision to proceed with a selection process by issuing the Invitation to Propose for the development of the 400-Block Property (the “Invitation”).

Proposer accepts and agrees to the terms and conditions as described in this Invitation or as may be modified as well as the following:

1. UDPDA reserves the right in its sole discretion and judgment, for whatever reasons it deems appropriate and at any time:
 - a. To suspend or modify any part of the selection process or terminate the Invitation at any time for any reason with no financial or other obligation to Proposer;
 - b. To obtain further information from any person, entity, or group, including, but not limited to, any person, entity, or group responding to the Invitation, and to ascertain the depth of the Proposer’s capability and desire to develop the Property;
 - c. To waive any formalities or defects as to form, procedure, or content with respect to its Invitation and any submission by any Proposer;
 - d. To accept or reject any submission or part thereof received in response to the Invitation including any statement submitted by the undersigned, or select any one submission over another;
 - e. To accept or reject all or any part of any materials, plans, proposals, or statements included in a submission, including but not limited to, the nature and type of submission.
2. UDPDA is a public authority organized pursuant to the laws of the State of Washington, RCW 35.21.730 through RCW 35.21.757. RCW 35.21.750 provides as follows: [A]ll liabilities incurred by such public corporation, commission, or authority shall be satisfied exclusively from the assets and properties of such public corporation, commission, or authority and no creditor or other person shall have any right of action against the city, town, or county creating such corporation, commission or authority on account of any debts, obligations, or liabilities of such public corporation, commission, or authority.
3. Other city, state, and federal regulations may apply, and Proposer acknowledges that the Invitation selection process and any assistance in the development of the Property from UDPDA must conform to all applicable laws, rules, and regulations.
4. UDPDA may, at its discretion, conduct public hearings during the Invitation selection process that would require disclosure of the Proposer’s proposed project and related details to the public and the media.
5. UDPDA may accept or reject any proposal or statement and/or information received in response to the Invitation, including any proposal, statement, or information submitted by the undersigned, or select one developer over another.



APPENDIX 2
ACKNOWLEDGMENT AND RELEASE
REQUIRED WITH SUBMITTAL

6. Proposer understands that by responding to the Invitation, its proposed project may be subject to review and comment by UDPDA-organized staff, stakeholders, and consultants.
7. Proposer agrees to waive any formalities or defects as to form, procedure, or content with respect to the Invitation and any responses by any Proposer thereto.
8. Proposer consents to the acquisition of information by UDPDA in conjunction with this Invitation, and waives all claims, and releases UDPDA from any liability in the acquisition of this information and use of this information.
9. Proposer agrees that UDPDA, its officers, staff, or board shall have no liability whatsoever of any kind or character, directly or indirectly, by reason of all or any decisions made at the discretion of UDPDA with respect to the Invitation.
10. Non-liability of UDPDA. Proposer agrees the UDPDA shall not have any liability whatsoever of any kind or character, directly or indirectly, by reason of all or any decisions made at the discretion of UDPDA as identified above.
11. Proposer, including all team members, have carefully and thoroughly reviewed the Invitation and have found the Invitation and all attachments and appendices thereto to be complete and free from ambiguities and sufficient for their intended purpose.
12. Proposer participates in the Invitation process at its own risk.

Authorized Proposer's Signature

Date

Print Name

Print Title

Firm Name