
Request for Qualification from Developers Residential Mixed-Use Project West Midway Project

Main Street Neighborhood, South of West Midway Avenue at Alameda Point



Issued:

August 6, 2018

Responses Due:

September 19, 2018

By

City of Alameda

Base Reuse Department

I. Executive Summary

The 878-acre former Naval Air Station Alameda, known as Alameda Point represents one of the most unique infill development opportunities in the country with amazing views of San Francisco, waterfront access and a new mixed-use community and an emerging technology center. Alameda Point encompasses the majority of the former Naval Air Station Alameda (NAS Alameda), generally located east of Main Street in the City of Alameda, California. The Oakland/Alameda Estuary defines the northern edge of the site and the San Francisco Bay defines its southern and western edges.



The City seeks a qualified developer to form a public/private partnership with the City for development of a 22.8-acre portion of Alameda Point (West Midway Project) (Exhibit 1), just north of the first phase of the \$1 billion mixed-use Site A development.

West Midway Project (Site) is entitled for a residential mixed-use project in the Main Street Neighborhood Plan (Main Street Plan)

zoning sub-district of Alameda Point. This development opportunity includes a maximum of 291 units which includes 260 market rate units and 31 deed-restricted moderate-income units and no pre-determined amount of commercial/light industrial development. Development must be consistent with the General Plan, Zoning Ordinance Amendment (ZA), Master Infrastructure Plan (MIP), Alameda Point Environmental Impact Report (AP EIR) and the Main Street Plan, all of which outlines the development regulations applicable to the Site, including building height, building type, permitted and conditionally permitted uses, parking requirements, etc. The City and the Alameda community expect a high-quality sustainable, mixed use, and mixed income, transit-oriented development with exceptional design aesthetic.

The City's selection of a qualified developer will be based on the developer's project understanding and approach; relevant experience and track record; organization structure and financial resources; management team and structure and willingness to comply with the terms of the form of Exclusive Negotiation Agreement (ENA).

All of the information regarding the Site discussed in this RFQ is available at the online Alameda Point RFQ Library. A list of documents currently available at the [Alameda Point RFQ Library](#) is provided in Exhibit 2.

II. Background

The City of Alameda is an island community with a population of approximately 80,000 people located in the heart of the Bay Area and is proud to have among the lowest crime rates of all East Bay cities.

The western portion of the City is comprised of the former NAS Alameda, which was decommissioned in 1997. The 878-acre portion of NAS Alameda, controlled by the City for future disposition and development, referred to as Alameda Point, represents a significant and unique development opportunity. Alameda Point and the City are strategically located in the center of the Bay Area, easily accessed by freeway, bus, Bay Area Rapid Transit, an existing and proposed ferry terminal within one mile of the Site, and the Oakland Airport within 10 miles from the property (Exhibit 3).

In 2014, major entitlements for the property were completed to facilitate new development. The community's vision for Alameda Point is a transit-oriented, sustainable mixed-use community, which includes 1,425 housing units, 5.5 million square feet of commercial development and over 250 acres of parks and open space, including over 10 miles of waterfront trails.

Alameda Point is currently home to over 1,000 employees in 1.8 million square feet of leased commercial space. Successful businesses currently investing in Alameda Point include Google, which occupies over 100,000 square feet of R&D space; Sairdron, an autonomous sea-faring drone manufacturer; and Wrightspeed, an electric vehicle retrofit designer. Spirits Alley is a major Bay Area destination, occupying close to 200,000 square feet of spirits and wine manufacturers, such as St. George Spirits, Faction Brewery, Hangar 1 Vodka, Admiral Maltings and The Rake eatery, Almanac Taproom, and Rock Wall Winery, whose tasting rooms draw thousands of visitors every week. Recreational facilities include Bladium, a regional sports center, soccer fields and a future sports complex.

III. What's New at Alameda Point

In the last year, there have been several exciting developments that are transforming the landscape of Alameda Point.

- **Sale and Start of Phase 1 Site A Construction** – a transformative 68-acre mixed-use transit oriented waterfront development at the gateway to Alameda Point. The first phase is underway and at buildout, Site A will consist of 800 housing units, 15 acres of parks and open space, 600,000 square feet of commercial development and major utility infrastructure benefitting all of Alameda Point. The first residences are projected to open in Q1 2020.



- **Seaplane Lagoon Ferry Terminal** –Design and permitting are underway for a new ferry terminal at Seaplane Lagoon at Alameda Point with a projected opening and ferry service to commence in early 2020. Currently anticipated to include a 450-space parking lot, bike facilities, bicycle and pedestrian connections and 15-minute service to Downtown San Francisco with at least three departures during commute hours.



- **\$16 million in new utility infrastructure** – design phase is underway for the Adaptive Reuse and Main Street areas offering growth opportunities for new and existing businesses and sustainable infrastructure for housing adjacent to the Site.

IV. Development Opportunity

The Site consists of 22.8 acres within the Main Street Neighborhood zoning Sub-district (Exhibit 1) which is a mixed-used residential area that must be developed consistent with the Main Street Plan. The City will allow a maximum of 291 units, including 260 market rate and 31 moderate-income and a minimum of 10% of the market rate units designated as “Workforce Housing” affordable to households with incomes in the range of 120-180% Area Median Income (AMI). Additional preference will be given to proposals that include more than 10% Workforce Housing. Commercial development is highly encouraged consistent with permitted and conditionally permitted land uses outlined in the Main Street Plan (e.g. light industrial, live/work, assisted living and retail). There is no pre-determined amount of commercial development, but preference will be given to submittals that include commercial development. Respondents can determine the amount of commercial development based on market potential consistent with the Main Street Plan. Respondents are also asked to explore options for targeting the housing for employees working at Alameda Point consistent with Fair Housing Laws.

Development of the Site is a critical piece of the initial phase of development of the Main Street Neighborhood as the Selected Developer of the Site will construct necessary backbone infrastructure for the

entire area south of West Midway Avenue, bounded by Main Street, West Tower Avenue and Pan Am Way, including for the approved supportive affordable housing on an adjacent 9.7 acre parcel (see Exhibit 1).

On May 15, 2018, a Disposition and Development Agreement (DDA) was approved for the Rebuilding Existing Supportive Housing at Alameda Point (RESHAP) project with the Collaborating Partners which consists of Alameda Point Collaborative, Building Futures with Women and Children, Operation Dignity and Mid Pen Housing. The project consists of consolidating existing supportive housing units in the Main Street Neighborhood currently spread across 34 acres onto a 9.7-acre parcel and building 267 new affordable housing units for its residents (RESHAP Site). The consolidation of the existing affordable housing opens up the development opportunity for the City to offer the 22.8-acre West Midway Project Site.

The RESHAP DDA, described above, contains proposed initial phasing for the infrastructure and development of the Site and RESHAP property (Exhibit 4). In exchange for the construction of all the backbone infrastructure for both the Site and RESHAP Site by the Selected Developer, RESHAP will construct the very low- and low-income housing units required under the City’s Inclusionary Housing Ordinance and the Renewed Hope Settlement Agreement, satisfying the 16% very-low and low-income inclusionary requirement for the Site. The Selected Developer will be responsible for constructing the required 9% moderate-income, deed-restricted units. Prospective developers must propose on, and have the ability to develop the entire 22.8 acres.

The RESHAP DDA, the City's Inclusionary Housing Ordinance and the Renewed Hope Settlement Agreement can be found at the online Alameda Point RFQ Library.

V. Site Conditions

The Site ownership, entitlements, conditions and requirements are outlined below:

A. Status of Ownership and Conveyance

The City currently owns the entire 22.8-acre Site. On the western edge of the property, the land is carved into several parcels with accompanying deeds and legal descriptions to account for differing environmental conditions on each parcel comprising the Site. (Exhibit 5).

B. Entitlements

As stated above, the major entitlements including the EIR, MIP, ZA, and Alameda Point Transportation Demand Management Plan (TDM) were already approved by the City Council in 2014 and the Main Street Plan was approved in 2017. The remaining City entitlements for the Site include a Development Plan, density bonus application, parcel maps, site improvement plans, design review, and building permits.

C. Environmental

The Site is cleared for unrestricted use with the exception of one 1.9-acre area yet to be fully closed without restrictions, called Corrective Action Area 7 (CAA-7). CAA-7 is situated within the southeast corner of the Site and intersects with the Site as shown in

Exhibit 6. The Navy has completed remediation of CAA-7's soil through excavation. Residual issues on CAA-7 involve hydrocarbon impacts in groundwater in a localized area that was recently treated in January 2018 with quarterly sampling planned through the end of 2018. If treatment is determined effective, closure of the site is estimated to be 2019. After cleanup, CAA-7 is expected to be available for unrestricted use. In the interim, most uses are permissible with the approval of the Regional Water Quality Control Board, which will likely require vapor-intrusion mitigation. The Navy's remaining work does not preclude development. All property will be required to comply with the Site Management Plan (SMP) prepared by the City and approved by the Navy and environmental regulator. The SMP is available in the online Alameda Point RFQ library.

All areas within the Main Street Neighborhood are within the Marsh Crust area that has semi-volatile organic compounds in the fill material in the top ten feet of soil used in the building of Alameda Naval Air Station (Exhibit 6). Excavation activities within the Marsh Crust area require a Department of Toxic Substance Control approved soil management plan and health and safety plan for excavations to any depth. More detailed information related to the Marsh Crust requirements are available in the online Alameda Point RFQ Library.

D. Geotechnical

The subsurface conditions of the Site include potentially liquefiable soils, Young Bay Mud (at 30-40-foot depths) and shallow groundwater (4 to 6 feet below existing grade), which are comparable to other waterfront sites throughout the Bay Area. The MIP and previous geotechnical studies provide more information on the geotechnical condition of the property and potential corrective measures. These documents can be found at the online Alameda Point RFQ Library

E. Flood Protection

FEMA has approved LOMR 15-09-1763X, dated Dec 11, 2015, defining the areas of existing 100-year flood zone within the entire Alameda Point property. Some areas within the Main Street Neighborhood will fall within the existing 100-year flood zone (Exhibit 7-100 year Flood Plan- Existing Conditions). As discussed in greater detail in the MIP, the elevation of the Main Street Neighborhood will need to be raised above the 100-year flood elevation plus 24 inches of sea-level rise. Once this occurs, an additional LOMR prepared by the Selected Developer will need to be approved by FEMA to avoid the need for flood insurance for the portions of the Site within the existing flood zone.

F. Infrastructure/Utilities

All of the utilities at Alameda Point and within the Site and RESHAP sites, including sewer, water, storm drain, dry utilities, and streets, are old and deteriorated and will need to be replaced. The Selected Developer will be required to construct specific backbone

infrastructure improvements to serve both the Site and RESHAP site consistent with the MIP. (Exhibit 8-Infrastructure Package). The Infrastructure Package for the Site and RESHAP site includes an initial proposed Phase 1 and Phase 2 for the demolition and grading, flood protection measures, backbone streets and utilities as envisioned in the Initial Phasing Plan in the RESHAP DDA. The initial 2-phase phasing plan is the City's preferred approach to phasing, however, other infrastructure phasing options will be considered.

Exhibit 8 also describes and illustrates the improvements to be included in the Infrastructure Package for both the Site and RESHAP site and a detailed cost estimate. Cost estimates are for informational purposes only and are not a guarantee of actual costs. Prospective developers should confirm their own costs. The new development will be required to finance new infrastructure. Possible funding sources include land sale proceeds, Community Facilities District financing and other private and public sources of funds.

The Selected Developer will receive a Development Impact Fee credit for the construction of MIP-consistent backbone infrastructure.

G. Leasehold

There are 5 existing leases within the Site (Exhibit 9) that are part of the 34 acres currently controlled by the Collaborating Partners and the City. The Collaborating Partner leases are Long-Term Binding Agreements (LBA) with two supportive housing organizations, Operation Dignity and Alameda Point

Collaborative. These leases will be released as described in the RESHAP DDA, *Section 7.14. Release of Existing Leases and Relocation of Residents* as part of the RESHAP development. The Release Agreement obligates each of the Collaborating Partners to release the leases, remove all encumbrances and relocate residents according to an approved Phasing Plan and Milestone Schedule. The RESHAP DDA is available in the online Alameda Point RFQ Library.

The remaining three leases (Buildings 35, 522 and 459) are owned by the City and have lease terms that are either month-to-month or have terms that will end prior to the commencement of development in West Midway. The leases are available in the online Alameda Point Library.

H. Historic Resources

Building 35 is a contributing structure to the NAS Alameda Historic District and any modifications must be consistent with the Guide to Preserving the Character of the Naval Air Station Alameda Historic District and Section 13-21 of the Alameda Municipal Code (Preservation of Historical and Cultural Resources). The historic preservation documents are available in the online Alameda Point Library.

I. Affordable Housing and Density Bonus

In 2001, the City entered into an agreement with affordable housing advocates, which requires 25 percent of newly constructed housing built at Alameda Point to be made affordable for low to moderate-income

households (9 percent moderate-, 10 percent low- and 6 percent very low-income).

The RESHAP project, as mentioned above, will include the very low- and low-income (16%) affordable housing units for the Site in exchange for the construction of the RESHAP site project backbone infrastructure. The Selected Developer of the Site is responsible for constructing the 9% moderate units on the Site or 26 units.

Additionally, a density bonus application pursuant to the City's Density Bonus Ordinance (Section 30-17 of the Alameda Municipal Code) will be required to facilitate multi-family housing development consistent with the Main Street Plan.

The settlement agreement, the City's inclusionary policy and density bonus ordinance can be found at the online Alameda Point RFQ Library.

J. Workforce Housing

In addition to the requirement that 9% of the total units be restricted for occupancy by moderate income, the Main Street Plan's Development Standards require at least 10% of market rate units be designed to be affordable to households with a household income between 120% and 180% Area Median Income (AMI), referred to in the Main Street Plan as workforce housing. Additional preference will be given to proposals that exceed the 10% requirement.

K. Biological

The California Least Tern, a federally listed endangered bird species, nests during April to August every year on the former runways of NAS Alameda, which will remain under federal ownership. The potential adverse effects of redevelopment of Alameda Point on the Least Tern were considered in a Biological Opinion issued by the United States Fish and Wildlife Service in August 2012 (2012 BO). All development at Alameda Point must adhere to the avoidance and minimization measures (AMMs) included in the BO pursuant to a Declaration of Restrictions (Declaration), which was recorded on the property by the Navy in 2013. The Declaration includes a map that shows which AMMs apply to the Site. The Site is in biological area U in the Declaration and includes the following requirements: 1) Implementation of a Predator Management Plan which was already completed by the City; 2) Prohibition against feral cat feeding stations and colonies and the feeding of any native and non-native wildlife species that are potential predators of least terns; 3) Restriction against fireworks displays from April 1 to August 15. The BO and Declaration can be found at the online Alameda Point RFQ Library.

Additional biological protection measures are discussed in the Mitigation and Monitoring Reporting Plan as part of the Alameda Point EIR, included in the online Alameda Point RFQ Library.

L. Fiscal Neutrality

The City approved a fiscal neutrality policy for Alameda Point, stating that the redevelopment of Alameda Point must mitigate any adverse fiscal impacts to the City's General Fund. The City has prepared a fiscal impact report for the development of Alameda Point, which will need to be updated and modified as individual phases of development occur. The fiscal neutrality policy and fiscal impact report can be found at the online Alameda Point RFQ Library.

M. Special Taxes

Prior to a transfer of property in Alameda Point by the City to a developer, and in order to offset future adverse economic impacts to the City's General Fund and to assist in payment of transportation services and programs associated with the Site as it may be developed, the Site must be included in a community facilities district created by the City (a "Services CFD"). The purpose of including the Site in a Services CFD is to offset adverse impacts to the City's General Fund and pay for transportation services and programs by means of annual special tax levies for the Services CFD to fund municipal services, including transportation operations, programs and other municipal services as outlined in the TDM Plan, as well as flood protection measures and maintenance.

In consultation with City Staff and consultants and as part of the negotiation of the DDA, the selected developer may consider: 1) annexing land into an existing Services CFD with established special tax rates; or 2) having the City alter an existing Services CFD to add a new tax zone with special tax rates based on land use and as otherwise

determined by the City in accordance with a public financing plan for the property approved by the City. Option #2 requires City Council approval and the conduct of proceedings by the City Council under the City's Special Tax Financing Improvement Code (the "Code").

The selected developer may also petition the City to form a community facilities district that includes the property in order to finance public infrastructure improvements authorized to be funded under the Code, if the City determines that the resulting total annual tax burden on the property, after taking in to account the special tax levies for the Services CFD in which the property is to be located, is not unduly burdensome.

The resolution for the approved Alameda Point CFD tax district and recorded map are located in the RFQ Library.

N. Project Stabilization Agreement and Local Hire Provisions

The City has an approved Project Stabilization Agreement (PSA) with the Building and Construction Trades Council of Alameda County (BTC) on its Public Works and Improvement Contracts. New development on the Site will be subject to the City's PLA policy or to a PLA negotiated directly with the Building Trades by the Selected Developer.

Additionally, the City entered into an agreement with the Alameda Point Collaborative (APC), a supportive housing provider at Alameda Point which states that the City will require

contracts with private employers to pursue a goal of hiring APC residents for 15 percent of the jobs created from new construction at Alameda Point.

The City's PSA and Local Hire Provisions are included in the Alameda Point RFQ Library.

VI. Transaction Process

The City will enter into an Exclusive Negotiation Agreement (ENA) with the Selected Developer. As demonstrated by the form of ENA in Exhibit 10, the ENA period shall be a 12-month period at the end of which City staff would expect to present to the City Council for its consideration a Disposition and Development Agreement (DDA) (i.e., price and terms of payment for the land and development obligations), and an approved Development Plan (i.e., detailed site plan, including backbone and in-tract street alignments and sections, building footprints and massing, landscape concepts, and a phasing plan) pursuant to Section 30-4.13 (j) of the Alameda Municipal Code. The form of ENA authorizes two three-month administrative extensions to be granted at the City Manager's sole and absolute discretion.

The form of ENA also prohibits any assignments or transfers of the rights under the ENA to another developer and limits the City's obligations to negotiating exclusively the terms of the DDA with the selected Developer and to considering approval of the Development Plan. There is no obligation by the City to approve the DDA or Development Plan or to convey the property.

An example of a recently approved Development Plan and DDA for the Site A project are provided at the online Alameda Point RFQ Library.

The form of ENA also requires that the developer provide \$150,000 to the City within five days of execution of the ENA for reimbursement of City expenses for negotiation of the DDA, which amount is non-refundable. Funding for the staff review and processing of a Development Plan application will be handled through the City's standard planning process.

While the response to the RFQ allows developers to suggest changes to the ENA (as described in greater detail below), it is the City's intention that the basic terms of the ENA remain consistent with the attached form of ENA. No changes to the form of the ENA will be considered that were not raised as part of the response to this RFQ.

VII. Role of Developer

The Selected Developer will maintain primary responsibility for the following aspects of development of the Site:

1. Establishing a fair, effective, and collaborative partnership with the City, Collaborating Partners and Alameda community.
2. Negotiating in good faith and obtaining approval of a DDA for the Site with the City during the ENA process.
3. Preparing and obtaining approval of a Development Plan for the Site during the ENA process.
4. Designing, permitting, and constructing infrastructure, landscape and buildings during the DDA process, including obtaining site improvement plan, design review, and building permit approval from the City and other relevant public agencies.

5. Obtaining financing for the predevelopment, infrastructure, and development process.

VIII. Role of City

The City will maintain primary responsibility for the following aspects of development of the Site

1. Negotiating the terms of the DDA for the Site exclusively and in good faith with the Selected Developer during the ENA process.
2. Processing the Development Plan application and any other entitlement applications.

IX. Content of Statement of Qualifications (SOQ)

The City welcomes a response to this RFQ in a format that the prospective developer believes best expresses the qualifications of the development team. It is requested, however, that the statement of qualifications (SOQ) submitted clearly include at a minimum, the elements described in this section.

1. Executive Summary. Brief synopsis of the development team's approach to development, public/private partnerships, key qualifications, and relevant experience.
2. Project Understanding and Approach. Discussion of the developer's (a) understanding of the City of Alameda, Alameda Point, and the Site and development opportunity; and (b) approach to meeting the City's goals and objectives expressed in this RFQ, the Main Street Plan and other entitlements approved by the City to date.
3. Description of Project Team. Description of the developer's structure, designated project manager, and project management team, including the role of each team member. Please also include contact

information, resumes, relevant experience, and references for each member of the project management team.

Developer teams must include architecture, urban design, civil engineering and landscape architecture firms that will participate in the planning and development process. Please submit complete qualifications for these firms relevant to this development opportunity. No other consultant team members are requested at this time.

4. Project Description. Summary of the developer's proposed project description for the Site by residential and commercial amount and product type consistent with Main Street Plan. Include the number of workforce units and an approach for targeting the developed housing to employees of Alameda Point employers, including addressing any Fair Housing issues. **No designs or architectural renderings or site plans of proposed development for the Site should be included at this stage of the selection process.**
5. Previous Experience. Description of the specific project experience of the development entity and key individual team members in entitlements and community outreach; major backbone infrastructure development and phasing; mixed-use residential/commercial development; stand-alone commercial development and or assisted living facilities; multi-family housing; affordable housing; sustainable design and development; large-scale multi-year, infill and brownfield redevelopment; public/private financing; aggressive transportation strategies and transportation demand management; and project labor agreements.

It is requested that the SOQ provide as much of the following information as possible for each referenced project: photos; site plans; completion date; developer structure/team; project management staff; costs and financing; lessons learned; and relevant elements to development at Alameda Point. For every project, please provide specific information on sources of predevelopment funds, construction financing, long-term financing, equity funding or financing, and other working capital.

Please also include references for at least five of the previous projects referenced in this section.

6. Financial Qualifications. Provision of clear evidence of financial resources to cover predevelopment, permitting and development of the Site at Alameda Point, as indicated by financial statements, and evidence of access to predevelopment, construction capital, and equity financing. Any confidential financial information shall be submitted in an envelope labeled "CONFIDENTIAL FINANCIAL INFORMATION" that will be provided to the City's economic consultant for review and evaluation.
7. Acceptance of Conditions. An acceptance of all rules and conditions specified in this RFQ, including the form of ENA, as evidenced by the respondent's completion of the attached certification form (Exhibit 10). If the respondent would like to request modifications to any aspect of the ENA, these changes must be clearly described in the space provided in Exhibit 10. All requested modifications to the ENA will be seriously considered and will not be grounds for disqualification. However, requesting changes, and the extent and nature of those changes, will be considered in evaluating the submittals. No changes to

the ENA will be considered that were not raised as part of the response to this RFQ.

X. Submittal Requirements

The City requests Respondents email a pdf copy to the Michelle Giles at mgiles@alamedaca.gov and 5 hard copies submitted by mail or in person by **2:00 PM PST on Wednesday, September 19, 2018** to:

Michelle Giles
Redevelopment Project Manager
City of Alameda
2263 Santa Clara Avenue, Room 130
Alameda, CA 94501

Submittals shall be clearly marked on the outside cover or envelop "Response to Request for Qualifications: Alameda Point West Midway Project".

XI. Selection Process

Pre-Submittal Meetings. The City will hold two pre-submittals meetings:

**Wednesday, August 22, 2018,
9:00 to 10:30 AM**

City Council Chambers, 3rd Floor
2263 Santa Clara Avenue,
Alameda, CA 94501

**Thursday, September 6, 2018,
2:00 to 3:30 PM**

City Council Chambers, 3rd Floor
2263 Santa Clara Avenue,
Alameda, CA 94501

City staff will be available to answer questions at both meetings. The City's environmental consultant will be available

to answer questions in person at both pre-submittal meetings. Attendance at one of these meetings is mandatory.

Tentative Schedule

- 1) **RFQs Due** September 19, 2018
- 2) **Staff completes review of submittals** – week of October 1, 2018
- 3) **Interview Selected Short List of Developers** – week of October 15, 2018
- 4) **Council Selection of up to Three Finalists** – November 27, 2018
- 5) **Community Open House** –January 2019
- 6) **City Council approval of Preferred Developer** – February 2019

XII. General conditions

Any material clarifications or modifications to the RFQ or the selection process will be made in writing and provided to all respondents who provide written confirmation of their intent to submit to Michelle Giles at the email address provided above. It is the responsibility of the developers, prior to submitting a response to the RFQ, to ascertain if any notices, clarifications, addenda, or other communications to responders have been issued by the City. Oral explanations or instructions from City staff, City officials, or consultants are non-binding on the City.

Developers' responsiveness to all items in this RFQ will be taken as evidence of the developer's interest and commitment to the project. A failure to respond completely will be interpreted as a lack of full interest and commitment or a deficiency on the developer's part.

The City reserves the right to:

- Modify or cancel the selection process or schedule at any time.
- Waive minor irregularities.

- Reject any and all responses to this RFQ and to seek new responses when it is in the best interest of the City to do so.
- Seek clarification or additional information from respondents as it deems necessary to the evaluation of the response.
- Request any additional information or evidence from individual respondents, including but not limited to evidence of the developer's financial status.
- Judge the developer's written or oral representations as to their veracity, substance and relevance to proposed development of the Site at Alameda Point, including seeking and evaluating independent information on any development team.
- Incorporate this RFQ and the selected team's response to this RFQ as a part of any formal agreement between the City and the developer.
- Modify the development opportunity available to potential developers.
- Negotiate a draft term sheet to attach to the ENA with the Finalists and use the terms as the basis for final selection.

All documents, conversations, correspondence, etc. between the City and developers are public information subject to the laws and regulations that govern the City, unless specifically identified otherwise.

All expenses related to any developer's response to this RFQ, or other expenses incurred during the period of time the selection process is under-way, are the sole obligation and responsibility of

that development team. The City will not, directly or indirectly, assume responsibility for these costs.

The respondent shall not offer any gratuities, favors, or anything of monetary value to any official, employee, or outside consultant associated with the development of the Site at Alameda Point for purposes of influencing consideration of a response to this RFQ.

The City makes no representations about the conditions of the site, including buildings, utilities, soils, or other surface or subsurface conditions. The respondent shall make its own conclusions concerning such conditions. Information provided in this RFQ made available on the website or by City staff, or consultants, is provided for the convenience of the responders only. The accuracy or completeness of this information is not warranted by the City.

XIII. Exhibits

The following provides a list of exhibits:

1. Map of the Site Overlaid on Zoning Map
2. List of Currently Available Documents at the Alameda Point RFQ Library
3. Map of Alameda Point within Bay Area
4. Initial Phasing of Backbone Infrastructure Phases 1 & 2 from RESHAP DDA
5. Map of the Site Overlaid on City Owned Parcels
6. Map of Site Overlaid with Marsh Crust & Open Petroleum Site
7. Map of 100-Year Flood Plain Existing Conditions
8. The Site Infrastructure Package Map with Phase 1 and Phase 2 and Detailed Cost Estimate
9. Map of Current Leases on Site

10. Form of ENA

11. Certification of Acceptance of Conditions