



**SAN FRANCISCO REDEVELOPMENT AGENCY**

**Housing Development**  
**Request For Proposals**

To develop and operate affordable,  
family rental housing at:

**200 Sixth Street**

(Southwest corner of Howard and Sixth Streets,  
formerly the Hugo Hotel)

**Assessor's Parcel Number: Block 3731, Lot 001**

**South of Market Redevelopment Project Area**

**Deadline for Submission:**

**4 p.m., Thursday, July 29, 2010**

**Issued by:**

**San Francisco Redevelopment Agency  
One South Van Ness Avenue, Fifth Floor  
San Francisco, CA 94103**

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## **SECTION I. SUMMARY**

The Redevelopment Agency of the City and County of San Francisco (the “Agency” or “SFRA”) is seeking proposals from qualified applicants to develop, own, and operate affordable, family rental housing at 200 Sixth Street at Howard Street (the “Project”) in the South of Market Redevelopment Project Area (“Project Area”). The Agency seeks a Project that maximizes the number of housing units, maximizes the amount of ground floor commercial space, maximizes the Project’s financial feasibility, and provides excellent architectural design. An applicant (“Applicant”) is defined as a team comprised of only the following: a non-profit or for-profit developer (“Developer”), property manager, and an architect (all other consultants will be selected in accordance with the Agency’s Small Business Enterprise Program). The subject of this Request for Proposal (“RFP”) is 200-214 Sixth Street (Assessor’s Parcel Number 3731, Lot 001), located at the southwest corner of Howard Street and Sixth Street (the “Site”).

In order to ensure an expedited development process, the selected Applicant must possess the qualifications and experience to implement a financially sound development plan, incorporate sustainable building strategies, achieve a quality design with amenities that enhance unit livability, and construct and manage the housing units. This RFP describes the development opportunity, the proposal process, and the Applicant selection process in detail.

The Project will be affordable to households earning up to a maximum of 50% area median income (as defined by San Francisco Mayor’s Office of Housing). The Project should include one, two and three bedroom units. Community space and laundry facilities appropriate to a family rental development should be incorporated into the development. The ground floor of the development must include storefront space, residential lobby, on-grade off-street parking wrapped by active spaces that front Howard Street and Sixth Street, and a driveway to the parking. The storefront spaces should anticipate uses that activate the street, such as neighborhood serving retail, and that are in compliance with the Site’s zoning (see Section IV.F.)

Unique attributes of the Site should be given special consideration. The Site is located at a highly visible intersection and the Site’s redevelopment is a key component of the Agency’s efforts to revitalize the Project Area. The Site is 9,997 square feet of land area with an existing 32,408 square feet vacant, four-story building, formerly known as the Hugo Hotel (the “Hugo”). The building has been unoccupied and abandoned for more than 20 years. The Site was acquired in November 2009 by the Agency. The South of Market Project Area Committee (the “SOMPAC”) will be consulted at various times during the Applicant selection, design and construction process. This is the first RFP published for this Site.

The Site is within the proposed Sixth Street Lodginghouse District (“District”) survey area, which is expected to be adopted by the Historic Preservation Commission (“HPC”) in late Spring, 2010. The existing building will have to be evaluated through an environmental impact review process as a potential historic resource (please see Section III.A. and Section IV.A. and G. for further information on this issue).

A site-specific, temporary, sculptural mural known as Defenestration was installed on the building’s exterior in 1997. The Agency has a Permit to Enter Agreement with the artist to maintain and ensure the public safety of the installation. The agreement maintains the artwork as

property of the artist, and requires the removal of the installation prior to the Project's construction.

The Agency seeks designs that meet the following criteria:

- Maximizing the number of family rental units based on the unit mix described in Section IV.A.
- Maximizing building envelop pursuant to the form-based zoning applicable to the Site.
- Maximizing financial feasibility and economies of scale, including minimizing Agency subsidy per unit.
- Maximizing livability of the units, including maximizing light and air in the living spaces.

Projects that best achieve the Agency's criteria for the Site will be considered most favorably. Prior to construction of the new Project, the Developer must comply with the California Environmental Quality Act ("CEQA") guidelines in anticipation of the Site's redevelopment.

The Agency requires the incorporation of "green" elements in design and construction to maximize the overall sustainability and durability for the Project. Development concepts are to include, at a minimum, standards as specified in the City of San Francisco, Department of Building Inspection, Administrative Bulletin No. AB-093 (the "Bulletin"). In addition, the Agency also requires that all of the major building systems be "commissioned" by an approved third party commissioning agent upon completion of the construction phase of the project. The commissioning agent must also provide a follow-up report on actual building performance no earlier than the end of the first year of operation, but no later than 18 months after completion of the construction phase.

Agency staff will recommend an Applicant for the Agency Commission's consideration. Staff's recommendation will be based on the Applicant's proposed development concept as well as demonstrated successful experience on relevant and comparable projects. **The Agency may, in its sole discretion, disqualify any Developer and/or Architect or Other Personnel if they have any uncured defaults on any Agency agreement within the last five (5) years.**

Applicants are advised that the Agency is committed to vigorous equal opportunity employment and the payment of prevailing wages. Upon selection of an Applicant, the Agency will seek to enter into an exclusive negotiation agreement with the selected Developer that will lead to a long term ground lease for the Site and other related development documents.

## **SECTION II. IMPORTANT DATES & SUBMISSION PROCESS**

### **A. Important Dates**

Proposals are due by 4:00 p.m., Thursday, July 29, 2010

<b>1. ISSUE DATE: RFP available at the Agency<sup>1</sup> (\$50.00 registration fee required)</b>	<b>May 27, 2010</b>
<b>2. Pre-Submission Meeting at the Agency at 1 S. Van Ness Ave, 5<sup>th</sup> Floor</b>	<b>12:00 p.m. June 17, 2010</b>
<b>3. Deadline for written questions / requests for additional information</b>	<b>July 1, 2010</b>
<b>4. PROPOSAL SUBMISSION DEADLINE</b>	<b>4:00 p.m. July 29, 2010</b>
<b>5. Notification to Developer Teams who failed to meet minimum submission requirements</b>	<b>August 19, 2010</b>
<b>6. Developer Team interviews</b>	<b>August 26, 2010<sup>2</sup></b>
<b>7. Proposals Evaluated &amp; Ranked</b>	<b>Week of August 30, 2010<sup>2</sup></b>
<b>8. Presentation of Panel's Selection to South of Market Project Area Committee</b>	<b>September or October, 2010<sup>2</sup></b>
<b>9. Agency Commission consideration of Exclusive Negotiations Agreement and Predevelopment Loan</b>	<b>TBD<sup>2</sup></b>

### **B. Pre-Submission Meeting**

A pre-submission meeting will be held at the Agency, located at the 1 S. Van Ness Avenue, 5<sup>th</sup> Floor, on the date and time shown above, in Section II.A. The purpose of the meeting is to ensure that all teams understand the programmatic design and financing information that is

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<sup>1</sup> Packets are available for pickup as of this date.

<sup>2</sup> These dates and times are proposed, and are subject to change.

required. Professional services related contracting and employment goals will be discussed during the meeting. Although attendance is not mandatory, it is highly recommended.

**C. Questions and Requests for Additional Information**

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

**D. Registration and Fee for RFP Packet Required**

Responses to this RFP will be accepted only from those Applicants who have registered with the Agency by completing the RFP Registration Form and paid a non-refundable registration fee of **Fifty Dollars (\$50.00)** at the time the RFP is obtained. RFP packets will be available on and following the issue date listed in Section II.A., above, at the offices of the San Francisco Redevelopment Agency, One South Van Ness Avenue, Fifth Floor, San Francisco, CA 94103. The RFP may also be viewed and downloaded online in PDF format, **however, an RFP Registration Form and registration fee must be submitted prior to the Agency's acceptance of the RFP.**

**E. Submission Time, Place, Date, and Contact**

**One original plus six (6) copies of the proposal must be received by the Agency receptionist no later than:**

**Thursday, July 29, 2010 at 4:00 p.m.**

**San Francisco Redevelopment Agency  
One South Van Ness Avenue, Fifth Floor  
San Francisco, California 94103  
Attn: Jeff White**

**SECTION III. BACKGROUND**

**A. Project Overview**

South of Market Redevelopment Project Area

The Site for the proposed Project is located the South of Market Redevelopment Project Area. This Section III provides background information on the Project Area. Section IV provides detailed information on the development program components to be incorporated into the Project. The Agency's website at [www.sfredevelopment.org/index.aspx?page=63](http://www.sfredevelopment.org/index.aspx?page=63) provides direct

links to the following documents that should be reviewed and considered as Applicants prepare submissions:

- Boundary Map
- Redevelopment Plan
- South of Market Owner Participation Rules - Adopted on October 5, 2005
- South of Market Delegation Agreement
- Sixth Street Design Guidelines

The South of Market Redevelopment Project Area, created in 1990 as the South of Market Earthquake Recovery Redevelopment Project Area, was originally adopted to repair damage caused by the 1989 Loma Prieta Earthquake. The original Earthquake Recovery Redevelopment Plan was amended and converted into a full Redevelopment Plan in 2005. Since 1990, the Agency has been able to: 1) provide earthquake recovery assistance to residents and businesses; 2) improve housing opportunities by funding the construction or rehabilitation of more than 1,400 new affordable housing units; 3) fund the construction on Sixth Street of new, widened sidewalks with new street trees and street lights, which were completed in February 2006; 4) since 2002, provide façade and tenant improvement loans to property owners and neighborhood-serving businesses on Sixth Street and provide street cleaning services for Sixth Street; 5) support community nonprofits that provide health care and other services that contribute to the cultural identity of the area; and 6) implement Project Area-wide alleyway improvements to enhance livability along those spaces.

The Project Area is approximately 70 acres in size and located in the central city area of San Francisco. The Project Area is roughly bounded by Stevenson, Mission and Natoma Streets in the north, Fifth Street in the east, Harrison Street in the south and Seventh Street in the west. Its focus is the Sixth Street corridor, a mixed-use community located between Market and Harrison Streets and characterized by a prevalence of older residential and commercial buildings, including many single-room occupancy (SRO) hotels, several commercial and light industrial uses, and a large number of vacant ground-floor spaces. The remainder of the Project Area consists mainly of a combination of older residential and commercial buildings, as well as the new Bessie Carmichael School and the proposed location of the new Victoria Manalo Draves Park.

### Development Controls

The Site is subject to the Planning Code of the City and County of San Francisco, and pursuant to a Delegation Agreement dated July 3, 2006, the Agency is delegating to the Planning Department of City and County of San Francisco (the “Planning Department”) the administration of the Planning Code. The Site is located within a larger area of San Francisco known as the Eastern Neighborhoods. In 2008, the Planning Code was amended and zoning changes were adopted. The Planning Department will administer the Planning Code, and the administration of the CEQA mitigation requirements. See Section IV. F, Land Use Restrictions for further details.

### Project Area Committee

The SOMPAC advises the Agency on matters heard by the Agency Commission, including selection of an Applicant, Schematic Design proposals, and requests for Agency financing in the Project Area. Agency staff will arrange for the selected Applicant to present their RFP proposal for the Project to the SOMPAC prior to Commission action.

## California Environmental Quality Act

Pursuant to the Delegation Agreement, the Planning Department will administer the CEQA requirements. Prior to construction of the new Project, the Developer must comply with CEQA guidelines for completing environmental review of the proposed Project. This may include the completion and certification of an Environmental Impact Report (“EIR”). The EIR would be prepared in conformance with the *Consultant Guidelines for the Preparation of Environmental Review Documents* (Planning Department, September 11, 2008) under the direction of Planning Department and Agency environmental review staff. Following completion of an Initial Study, the scope of the EIR may be focused on select environmental effect topics, such as historical resources and transportation.

During the Project’s predevelopment phase, the selected Developer would be responsible for contracting with an environmental consultant and for incorporating the time necessary for completion and certification of the EIR into the development schedule. Environmental consultants shall be selected from the Planning Department’s list of pre-qualified environmental consultants. The environmental consultant will prepare an Environmental Evaluation (“EE”) application for the Planning Department. Following submission of the EE application to the Planning Department, the EIR consultant will prepare the Initial Study, then the EIR. The list of environmental consultants and the *Consultant Guidelines* can be found at <http://www.sf-planning.org/index.aspx?page=1886>. Although the Consultant Guidelines are draft, consultants are directed to use the guidelines in this form.

### **B. The Site**

The Site is located at the southwest corner of Howard and Sixth Streets. The Site is flat, rectangular shaped, and has approximately 125 feet of frontage along Sixth Street and 80 feet of frontage along Howard Street. Based on the City’s tax records, the Site is 9,997 square feet; however, this measurement is not based on a current survey. If the Site measures 10,000 square feet or more, a conditional use permit will be required for the Project. It is improved with a vacant mixed-use, four-story building and currently has the street addresses of 200-214 Sixth Street. The building improvements contain approximately 32,408 square feet (excluding basement). **Attachment #19** provides a site map.

The Agency owns a fee simple interest in the Site; it was acquired in November 2009 by the Agency through an eminent domain action. At the time construction commences, the Agency anticipates entering into a long term ground lease with the Developer or a Developer controlled partnership so that the Agency will retain fee simple interest in the land. The Site will be ground leased in “as-is” condition. The existing building on the Site was constructed in approximately 1909, and has been unoccupied and abandoned since 1987.

### **C. Soil Conditions**

Soil conditions at the Site are unknown. During the predevelopment phase, the Developer will need to contract for both Phase I and Phase II site assessments. The Agency does not have any reports available on soil conditions.

## **SECTION IV. DEVELOPMENT PROGRAM COMPONENTS**

### **A. Housing Development Concept**

As previously stated, the Agency's development goal for the Site is constructing the maximum number of rental units for very low- and low-income families in the Project, maximizing the amount of ground floor commercial space, maximizing the Project's financial feasibility, and providing excellent architectural design. Units will be affordable to households earning up to a maximum of 50% area median income (as defined by San Francisco Mayor's Office of Housing ("MOH")). The Project units should include a unit mix of one, two and three-bedroom units. Based on recent affordable housing demand in the South of Market area, the number of one-bedroom units must be approximately 30% of the total number units, the number of two-bedrooms must be approximately 40% of the total number of units, and the number of three-bedroom units must be approximately 30% of the total number of units.

The Agency seeks to create units that exceed the minimum unit sizes established by the State of California's Tax Credit Allocation Committee ("TCAC"); low income housing tax credits are expected to be a funding source for the Project. The TCAC minimums are: 500 square feet for a one-bedroom, 750 square feet for a two-bedroom, and 1,000 square feet for a three-bedroom. Proposals should exceed these minimums. The Agency is currently reviewing its policy on unit size and may require that the selected developer modify the size of the units at a future time. For the Project, Applicants' proposals should exceed the following unit size minimums:

- 550 square feet for one-bedroom units
- 800 square feet for two-bedroom units
- 1000 square feet for three-bedroom units

Given the size of the Project and its population, a 24-hour desk clerk coverage should not be incorporated and would not be financially feasible. Services should be designed to serve the prospective resident families. A multi-purpose community room with a kitchen should be included and will be utilized for both building-wide resident meetings as well as any resident programming, as needed. The community room should not be located in groundfloor space that fronts Sixth Street or Howard Street.

The ground floor of the development must include storefront space, residential lobby, parking at grade wrapped by the storefront space/residential lobby that front Howard Street and Sixth Street, and a driveway to the parking. The storefront spaces should anticipate uses that activate the street, such as neighborhood serving retail, and that are in compliance with the Site's zoning (see Section IV.F.) Neighborhood serving retail uses are preferred. Proposals should reflect the Applicant's thorough consideration of the storefront spaces of the Project to ensure the success of those spaces. Proposals should respond in sufficient detail regarding retail space design, marketing and leasing, tenant selection, property management, and be consistent with the Policy on the Inclusion and Funding of Commercial Space in MOH/SFRA-Funded Housing Developments (**Attachment #23**). As this Policy limits the use of Agency affordable housing funds for commercial tenant improvements, Applicants may assume in their proposals that Agency funding of \$400,000 of economic development grant/forgivable loan funds are available so that fully built-out retail tenant improvements are provided for tenants leasing the space.

Consistent with the applicable zoning, off-street parking for resident should be provided at a ratio of no more than .5 spaces per unit, and may be less. Parking should not be less than .25 spaces per unit. A car share pod should be considered but is not required.

In addition to design goals already stated, the Agency seeks designs that meet the following criteria:

- Maximizing the number of family rental units based on the unit mix described above.
- Maximizing building envelop pursuant to the form-based zoning applicable to the Site.
- Maximizing financial feasibility and economies of scale, including minimizing Agency subsidy per unit.
- Maximizing livability of the units, including maximizing light and air in the living spaces.

The Site is within the proposed Sixth Street Lodginghouse District (“District”) survey area. The survey area is expected to be adopted by the Historic Preservation Commission (“HPC”) in late Spring, 2010. The existing building will have to be evaluated through an environmental impact review process as a potential historic resource (see Section III.A. and Section IV.G. for further descriptions). The HPC will later make a finding of compatibility of the Project’s proposed design with this historic survey area. In determining whether or not the proposed Project is compatible with the contributory buildings of the District, many architectural styles may be considered compatible; the design does not necessarily need to replicate the design of the contributory buildings. Proposals that best meet the Agency’s criteria and goals mentioned above will be more favorably considered.

The Applicant should determine the optimal construction type for the Site to meet the programming and design requirements of this RFP.

The Agency may elect to include Housing Opportunities for People with AIDS (“HOPWA”) housing units during the development process. However, for the purposes of this RFP, proposals should assume there are no HOPWA units.

Please refer to Section IV.F. below for a summary of applicable land use restrictions. The Agency reserves the right to select a Applicant and require significant redesign. The Agency further reserves the right to change the scope of the development program and/or require changes to the building design and unit configuration as it deems appropriate.

## **B. Affordability Restrictions and Financing Plan**

The Agency’s goal is that 200 Sixth Street remains permanently affordable. To ensure this outcome, the Agency will transfer site control to the selected developer through a long-term ground lease (with an initial term of 75 years and an option to extend 24 years, for a total of 99 years). The Agency acquired the Site with tax exempt bond proceeds and the Developer may need to work with one of the Agency’s bond counsel to ensure compliance with the Tax Code.

Developers should submit, as further described in Section VI.A.2-6, a financial plan that demonstrates project feasibility. Limited Agency resources may be available to assist in the development of the Project; however, the Developer will be expected to aggressively pursue non-Agency sources of development financing. Proposals will be evaluated, in part, based on the

level of Agency subsidy required and the extent to which these funds are leveraged to obtain non-Agency sources. Developers must account for all costs of development, including environmental regulations compliance; utility connections and site work; demolition, grading and shoring; and all permitting and applicable City or other fees. To provide this information, Applicants should submit a detailed Sources & Uses budget that includes the following:

- Primary capital funding sources. Those sources could include: 4% low income housing tax credits with tax-exempt bonds, State housing programs funds as available (e.g. Multifamily Housing Program funds, Transit Oriented Development Program), Federal Home Loan Bank Affordable Housing Program funds, Agency subsidy, and any other funding Developers deem applicable.
- Rents set at the following affordability levels:  
100% of the units with rents set not to exceed 50% of the unadjusted Area Median Income (“AMI”) for the U.S. Department of Housing and Urban Development Metro Fair Market Rent Area (“HMFA”) that contains San Francisco as established by MOH. See **Attachment #21** for current applicable income limits. The income limits may also be found online at: [www.sfgov.org/site/moh\\_page.asp?id=62377](http://www.sfgov.org/site/moh_page.asp?id=62377). The 50% MOH AMI for 2009 is \$48,400 for a family of four. Depending on funding sources the Applicant proposes, rents may be tiered and be less than 50% AMI.
- An operating budget that includes all expenses necessary to properly operate and maintain the building with staffing and other assumptions noted.
- Construction type to be determined by the Applicant, and a construction commencement date of January 2013.
- A 75-year initial term ground lease agreement (with an option to extend to a total of 99 years) with the Agency for the Site. Applicants may assume a \$1 base land lease payment, and should be considered as and part of the Project’s “above the line” operating expenses.

All proposed financing will be subject to underwriting using the most current version of the Agency/City underwriting guidelines, as posted on the Mayor’s Office of Housing website [www.sfgov.org/site/moh\\_index.asp?id=101258](http://www.sfgov.org/site/moh_index.asp?id=101258). All Applicants should use these guidelines in preparing their financing plans.

### **C. Occupancy Preferences and Resident Selection**

During the development process the Agency will require a detailed Marketing Plan that will define occupancy preferences and resident selection. Consistent with Agency policy, the Developer will be required to give first preference in resident selection to “Agency Certificate of Preference Holders” (residents of redevelopment project areas who have been certified by the Agency to have been displaced by Agency action). Second preference will be given to residents of San Francisco. Applying preferences to a geographic area smaller than the City and County of San Francisco may limit funding sources for the Project because such preferences may favor certain groups, which may violate Fair Housing law.

The Developer’s established screening requirements must meet these preference requirements, and final selection will lie with the Developer. Any authorized residency preference shall be

permitted only to the extent that such preference: (a) does not have the purpose or effect of delaying or otherwise denying access to a housing development or unit based on race, color, ethnic origin, gender, religion, disability, age, sexual orientation, or other protected characteristic of any member of an applicant household; and (b) is not based on how long an applicant has resided or worked in the area. Agency staff will work with the selected developer teams to resolve potential occupancy conflicts and determine additional occupancy preferences and marketing requirements. Agency staff will work with the selected Developer to ensure adherence to Agency occupancy preferences and marketing requirements. If more applicants apply than the number of units available, the Developer shall conduct a lottery.

The Agency requires Developers to broadly advertise availability of new affordable units, as well as provide notice through public meetings and mailings. The Agency assists Developers in notifying holders of an Agency Certificate of Preference (Certificate Holders) and others on the Agency’s mailing list of those interested in rental opportunities.

**D. Resident Services**

Appropriate onsite services and associated service space should be incorporated into the development. Services should be designed to serve the prospective resident families. No separate subsidy will be made available for services; the cost of services should be incorporated into the operating budget and may include costs of up to one full-time employee.

**E. Property Management/Maintenance Oversight**

Applicants must provide information regarding proposed property management team’s experience – including previous work with family rental housing. Please see Submission Requirements, Section VI.E. below. The property management firm is expected to provide sound operational and building management, and willing to meet with residents, along with the Developer, at regularly scheduled tenant meetings.

**F. Land Use Restrictions**

The Site is subject to the land use controls of the Planning Code of the City and County of San Francisco and administered by the Planning Department of the City and County of San Francisco. Below is a summary of the Planning Code. However, **the Applicant should not rely on this summary and the Applicant should make its own independent review and interpretation of the Planning Code as it applies to the Site.**

	<b>Current Zoning per San Francisco Municipal Code</b>
<b>Use District</b>	<i>Applicable Zoning District:</i> SoMa NCT (Neighborhood Commercial Transit) District and the SoMa Youth and Family Special Use District.
<b>Permitted Uses</b>	SoMa NCT has a pattern of ground floor commercial and upper story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. Active, neighborhood-serving commercial development is required at the ground story, curb cuts are prohibited along Sixth Street at the Site, and ground floor transparency and fenestration adds to the activation of the ground story. A curb cut along Sixth Street at the Site would require a variance. (See Planning Code Section 735.1)  The SoMa Youth and Family Special Use District is intended to expand the provisions of affordable housing in the area. This zoning is intended to protect and enhance the health and environment of youth and families by adopting policies that focus on certain lower density areas of this District for the expansion of affordable housing opportunities.

	Nonresidential uses allowed: Permitted up to 3,999 sq. ft; Conditional 4,000 sq. ft. and above. The use area shall be measured as the gross floor area for each individual nonresidential use.
<b>Density</b>	No residential density limit by lot area. Density is restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes.  No less than 40 percent of the total number of dwelling units on site shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.
<b>FAR</b>	For Commercial uses: 2.5:1 (the above floor area ratio limits shall not apply to dwellings or to other residential uses)
<b>Height/ Bulk</b>	85-X (no Bulk controls)
<b>Rear Yards</b>	Rear yards shall be provided at the lowest story containing a dwelling unit, and at each succeeding level or story of the building (see Sect. 134.e.2 for further requirements for Corner Lots). 25% of lot area with a minimum 25 foot horizontal dimension
<b>Open space</b>	Generally, either 80 sq. ft. per unit, if private.  Where common usable open space is used to satisfy all or part of the requirement for a dwelling unit, such common usable open space shall be provided in an amount equal to 1.33 square feet for each one square foot of private usable open space specified (80 x 1.33).
<b>Off-Street Parking</b>	Residential parking is not required and generally limited. Permitted up to 0.5 for each dwelling unit; Conditional up to 0.75 per unit. Not permitted above 0.75 cars for each unit. (Subject to criteria of 151.1(f))  Commercial establishments are discouraged or prohibited from building accessory off-street parking. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on critical stretches of NC and transit streets. (See Section 151.1 for further non-residential off-street parking requirements).
<b>Off-Street Loading</b>	For Commercial: none required if gross floor area is less than 10,000 sq. ft.

The requirements include, but are not limited to, the following categories: density, open space, height/bulk, parking, off-street loading, bicycle parking, rear yards, setbacks, street trees, signage, and utilities. Developers are responsible for ensuring that their proposal complies with all applicable design development requirements, as described below.

## **G. Design and Construction**

The Agency seeks to maximize the number of residential units in the Project while maximizing the Project's financial feasibility. The Agency requires excellent architectural design and physical acknowledgement, through the highest design and construction standards, of the Site's location in a high density and mixed-use neighborhood. The design should maximize the livability of the residential units, including maximizing light and air in the living spaces. In addition, the design should provide for safe access to and from the Site for loading operations and off-street parking. As mentioned previously, the Project will serve as at a key intersection in the Project area along Sixth Street and is a key component of the Project Area goals to continue the revitalization of the retail and residential uses along the Sixth Street corridor.

The design of the Project should also be compatible with the contributory buildings of the proposed Sixth Street Lodginghouse District ("District") survey area. The survey area is expected to be adopted by the Historic Preservation Commission ("HPC") in late Spring, 2010. The HPC will later make a finding of compatibility of the Project's proposed design with this historic survey area. The resource evaluation document written by Anne Bloomfield is dated August 1, 1997, and surveys the Sixth Street Lodginghouse District (provided as **Attachment #6**). On the evaluation document, the Site is shown as "214 Sixth, Hayston Apartments". In

determining whether or not the proposed Project is compatible with the contributory buildings of the District, many architectural styles may be considered compatible; the design does not necessarily need to replicate the design of the contributory buildings.

*Ground Floor.* The ground floor of the development must include storefront space, a residential lobby, parking wrapped by the spaces that front Howard Street and Sixth Street, and a driveway to access the parking. The storefront spaces should anticipate uses that activate the street, such as neighborhood serving retail, and that are in compliance with uses allowed by the Site's zoning. The community room for the Project should not be located in the storefront space.

Proposals should reflect the Applicant's thorough consideration of the ground floor uses of the Project to ensure the success of those spaces. The design of the ground floor space should seek to maximize overall transparency through the use of transparent window materials at the street level. There should be no dark, mirrored glass, opaque window displays or other treatment that reduces visibility between the interior and the sidewalk. The design of the ground floor space should also be consistent with the Sixth Street Design Guidelines, at: [www.sfredevelopment.org/index.aspx?page=63#design](http://www.sfredevelopment.org/index.aspx?page=63#design). The overall objectives of the Guidelines are to enhance the visual environment, to improve pedestrian safety, to promote economic development and attract greater investment to the area, and to complement public streetscape improvements including new street lights and trees. Preference will be given to designs that wrap ground floor parking with active uses along Howard Street and Sixth Street so that parking is not visible from the street other than the garage driveway.

The design should be in compliance with applicable Land Use Regulations as described in Section IV. F.

The Agency has a collaborative design review process in which the Applicant should be prepared to work closely with Agency staff, the Planning Department staff, and the community to design a project that contributes significantly to the larger South of Market community.

The Agency encourages Developers coming in with a non-Small Business Enterprise ("SBE") architect to consider a joint venture with an Agency-certified SBE architect. In order for the SBE component of the joint venture to be recognized, the SBE must meet a 35 percent threshold for the architectural scope of work to be performed. Otherwise, the joint venture shall not be recognized as an SBE. Furthermore, and in the interest of increasing the variety of designs and expanding the number of architecture firms among Agency sponsored projects, the Agency strongly encourages Developers to consider experienced architecture firms that may have not worked directly on an Agency sponsored project in the past.

### **Green Design Guidelines:**

The Agency requires the incorporation of "green" elements in design and construction to maximize the overall sustainability and durability for the Project. Development concepts are to include, at a minimum, standards as specified in the City of San Francisco, Department of Building Inspection, Administrative Bulletin No. AB-093 (the "Bulletin"). Pursuant to this Bulletin, the Developer may use either the Green Point Rated Program ([www.builditgreen.org/greenpoint-rated](http://www.builditgreen.org/greenpoint-rated)) or the Leadership in Energy Efficient Design ("LEED") rating system. If the Developer chooses the Green Point Rated Program, the Agency requires a

Green Point score of at least 100 points. Developers are encouraged to apply for the Enterprise Foundation's Green Communities Grant. Information on this program can be found at: [www.greencommunitiesonline.org/tools/criteria/index.asp](http://www.greencommunitiesonline.org/tools/criteria/index.asp). If the Developer is awarded the Green Communities Grant, then the Developer will also need to comply with the Green Communities guidelines.

In addition, the Agency also requires that all of the major building systems be "commissioned" by an approved third party commissioning agent upon completion of the construction phase of the project. The commissioning agent must also provide a follow-up report on actual building performance no earlier than the end of the first year of operation, but no later than 18 months after completion of the construction phase.

## **H. Community Outreach**

It is critical to the success of the development program that the selected Developer conduct extensive community outreach and establish positive links with surrounding neighbors and the larger community. This RFP has been developed with the participation of the SOMPAC, an advisory body, comprised of residents, business owners, and community organizations in the Project Area, which advises the Redevelopment Agency on all matters which affect the Project Area. The SOMPAC advises the Agency on matters heard by the Agency Commission, including selection of an Applicant, Schematic Design proposal, and requests for Agency financing for the Project.

## **SECTION V. SELECTION PROCESS AND CRITERIA**

### **A. Selection Process**

1. Proposals will be accepted at the Agency's offices only until the date and time shown in Sections II.A. and E.
2. Proposals must be complete with an original plus six (6) hard copies to be considered. No submissions received by facsimile or electronic mail will be considered. The Applicant is solely responsible for ensuring that all information requested in Section VI, Submission Requirements, is submitted.
3. Agency staff will contact references.
4. Applicants who have provided Proposals that meet the requirements of this RFP will be interviewed. Interviews are scheduled to be held on the date(s) shown in Section II. A. These dates are subject to change. All Applicants should advise Agency staff of availability on these days. Interviews will be held at the San Francisco Redevelopment Agency located at One South Van Ness Avenue in San Francisco on the fifth floor.
5. Further information or written material regarding qualifications or proposals may be requested prior to or following interviews.

6. Agency staff will make a recommendation to the Agency Commission based on evaluation of the Proposals, interviews, and reference checks.
7. The Agency Commission will approve selection of the successful Applicant.

**B. Selection Criteria**

The selection of the Applicant will be based on the strength of the proposed development concept as well as the Applicant team members’ experience as described below:

<u>POINTS</u>		<u>CRITERIA</u>
<b>45</b>		<b>Proposed Development Concept</b>
	20	Proposed Massing Concept: strength and constructability of proposed massing concept, consistency with design criteria in this RFP, number of units, conformance with the Redevelopment Plan, compatibility with Sixth Street Lodginghouse District survey area.
	20	Financial Feasibility & Level of Agency Subsidy
	5	Proposed concept for ground floor uses
<b>55</b>		<b>Developer Team Experience and Capacity</b>
	15	Developer experience in developing affordable housing <i>comparable</i> to the housing proposed in this RFP, including performance on other Agency or MOH sponsored projects.
	5	Developer experience with government assisted affordable housing programs and financing sources and/or “green” housing, including performance on other Agency or MOH sponsored projects.
	5	Developer Workload Capacity
	20	Architect experience & capacity, including “green” housing.
	10	Property Manager experience & capacity
<b>100</b>	<b>100</b>	<b>Total Points</b>

**SECTION VI. SUBMISSION REQUIREMENTS**

The Applicant must submit **one original, plus six (6) copies** of the proposal containing the information requested in this RFP.

Applicants are encouraged to provide the requested information in the order indicated below, to include a table of contents, and to index the proposal.

The proposal should be submitted to the Agency, on or before the time, date and at the place shown above in Section II. E. **Hand delivery is advised.** Late, incomplete, emailed or faxed proposals will **not** be considered.

## **A. Development Concept and Financing Proposal**

Using standard estimating techniques, and clearly describing all important assumptions, provide the following documents:

1. **Narrative:**  
Submit a narrative of no more than three (3) pages describing the proposed project.
2. **Sources & Uses Pro-Forma:**  
Submit a construction and permanent sources and uses pro forma. The pro forma should be in approximately the same format as the California Tax Credit Allocation Committee's ("CTCAC") Development Budget. (See **Attachment #22** for reference purposes. Developers may add or delete line items to the CTCAC pro forma as necessary to provide the most complete and accurate financial information possible.) For purposes of evaluation and ranking of proposals, developers are asked to leave out any commercial space income or expense projections in the pro forma (See #6, below). The retail/commercial shell space may be included in the project cost, consistent with the Agency's Policy on the Inclusion and Funding of Commercial Space in MOH/SFRA-Funded Housing Developments, however Applicants should clearly note their assumptions on these costs.
3. **Financing Plan:**  
Submit a financing plan that is consistent with the Development Program Components as described in Section IV.
4. **Operating Budget:**  
Submit an operating budget with detailed income and expense projections which tie to the Cash Flow projection. Submit a detail narrative of all operating budget assumptions, including proposed staffing.
5. **Cash Flow:**  
Submit a 30-year cash flow projection.
6. **Commercial Pro-Forma:**  
Submit a separate commercial operating budget and cash flow analysis, and include a narrative of all lease-up and operating assumptions.
7. **Resident Services Plan:**  
Submit a description of planned resident services of no more than one (1) page that is consistent with the resident services as described in Section IV.D. Any resident services expenses should be incorporated to the operating budget as described in Section VI.A.4.
8. **Massing Concept**
  - a. *Narrative:* Provide a narrative description of the design concept including the Applicant's approach and the description of construction type, building materials, and green building strategies.

- b. Drawings: Provide the following drawings in black and white (color may be used only to differentiate program areas from one another and shall not be used to depict material finishes):
- i. Site Plan: at 1/32" = 1'-0" showing building massing and the relationship of buildings, open space, streets and parking areas. Indicate locations of community space, main residential entrance and lobby, housing layout, elevator, auto ingress/egress, etc.
  - ii. Sections: Two site sections at 1/32" = 1'-0", one longitudinal and one transverse, that best describe the massing concept.
  - iii. Floor Plans: Plans of all floors at 1/32" = 1'-0", showing proposed uses. Floor plans should indicate the number of bedrooms per unit, but not show unit layouts or detail layouts of any of the uses except for parking.
  - iv. Building Elevations: All Elevations at 1/32" = 1'-0'.
  - v. Building Perspectives: Three perspectives at 1/32" = 1'-0', at eye level:
    - i. from diagonally across the intersection of Sixth Street and Howard Street
    - ii. from Sixth Street, approach from the north, approximately from the middle of Sixth Street
    - iii. from Howard Street, approach from the west, approximately from the middle of Howard Street

➤ **NOTE**: The intent of the drawings is not to develop an architectural design for the Site, but to illustrate unit mix and the massing implications of the proposed development program. Applicants are required to submit only their proposed architecture massing concept in their proposal according to the criteria below.

**No other drawings, renderings, elevations, or models of any kind are required or will be accepted at the time of proposal. Proposals in excess of the required materials shall be returned and will not be eligible for any payments pursuant to Section IX.G.2. Furthermore, Applicants are prohibited from presenting any additional drawings, renderings, elevations or models in excess of the accepted submission at community meetings, interviews, or Commission meetings.**

## **B. Applicant Description**

### **1. Applicant Description Form:**

Complete Attachment #1, Applicant Description Form.

### **2. Résumés:**

Submit résumés for all persons identified on the Applicant Description Form.

3. **Organizational Documents:**

Submit a current copy of the following documents. NOTE: If Applicant is a joint venture or partnership of multiple Developer entities, EACH Developer entity must submit the following:

- a. Certificate of good standing from California Secretary of State. (Please note that the Certificate must bear the official State of California seal and that web screen prints from the Secretary of State of California website are not acceptable).
- b. Certification of 501(c)(3) status from the Internal Revenue Service (if applicable, for any nonprofit corporations).
- c. Certification of 501(c)(3) status from the California Franchise Tax Board (if applicable, for any nonprofit corporations).
- d. The latest two (2) years of either:
  - i. signed federal income tax returns (including schedules or attachments, if any);  
or
  - ii. audited financial statements (with management letters, if any).

C. **Developer Experience & Capacity**

1. **Developer's Experience in Comparable Projects**

- a. Project Details: Complete **Attachment #3**, the Comparable Projects Experience Form. Developers should use this chart to convey their experience in up to a maximum of three (3) projects completed within the past five (5) years by the Developer(s), preferably in San Francisco, that are *comparable* to the proposed project. For purposes of this RFP, a comparable project would be affordable family rental housing of similar construction type and density. Preferably those projects would have a comparable level of services. Photos of projects may be included, but are not required.
- b. Community Outreach Narrative: Provide a narrative of no more than three (3) pages describing how the Developer successfully conducted community outreach prior to construction commencement for the projects listed on **Attachment #3**, the Comparable Projects Experience Form.

2. **Developer's Experience in Other San Francisco Projects**

Complete **Attachment #4**, the San Francisco Projects Experience Form. Developers should use this chart to convey their experience in any other projects developed *within San Francisco only*. Photos of projects may be included, but are not required.

3. **Developer's Workload Capacity**

Complete **Attachment #2**, the Staffing Workload Form. All "Key Personnel" of the Developer must complete this form.

## **D. Architect's Experience & Capacity**

### **1. Architects Experience in Comparable Projects:**

- a. *Project Descriptions:* Describe at least one, but no more than three (3), completed comparable developments preferably in, but not limited to San Francisco, including dates completed and client contact information for each. For purposes of this RFP, a comparable project would be affordable family rental housing of similar construction type and density. Preferably those projects would have a comparable level of services. (If the Architect was not the sole architect, please describe the Architect's role in the project).
- b. *Photos:* Submit three (3) photos of the interiors and exteriors of the comparable projects listed above, to display architectural design features, relationships of buildings and relationships with adjacent uses (other developments, streets, etc).

### **2. Architect's "Green" Experience:**

Describe green building design experience and evidence of current Green Point Rated professionals, if any.

### **3. Architect's Project Experience Outside San Francisco:**

Describe experience with up to three (3) other relevant projects located outside San Francisco, if any.

### **4. Architect's Experience with Local Regulatory Agencies:**

Describe experience working with the San Francisco Mayor's Office on Disability and the Department of Building Inspection, if any.

### **5. Architect's Workload Capacity:**

Complete **Attachment #2**, the Staffing Workload Form.

## **E. Property Management Experience**

Complete **Attachment #5**, the Property Management Experience Form.

## **F. Resident Services Provider Experience**

Provide a written narrative (no more than one (1) page) describing how the Developer plans to meet residents needs of the target population.

## **G. Other Required Information**

### **1. Disclosure Questions**

Each Developer Entity, as defined in Section A of **Attachment #1**, Applicant Description Form, shall complete and submit **Attachment #7**, the Disclosure Questions. These questions are designed to identify any potential conflicts of interest and/or liability issues. A summary of Government Code Section 87103 containing the relevant portion of the Fair Political Practices Act is included as a footnote on the Disclosure Form for

reference. **\*Failure to include a complete, signed certification will disqualify the proposal.**

**2. Statement of Compliance with Agency Policies**

The Developer must agree to comply with all of the Agency's policies, including but not limited to, Nondiscrimination in Contracts and Benefits, Minimum Compensation Policy, Health Care Accountability Policy, SBE Policy, Construction Workforce requirements, and insurance indemnification requirements found in this RFP and shall execute a statement of compliance certifying the same, included as **Attachment #8**. **\*Failure to include a complete, signed certification will disqualify the proposal.**

**3. Offer to Negotiate Exclusively**

a. *Form:* The Applicant shall complete and submit **Attachment #9**, Offer to Negotiate Exclusively. The person signing this form must have the authority to bind the entire Applicant Team. **\*Failure to include a complete, signed Offer to Negotiate will disqualify the proposal.**

b. *Deposit:* The Applicant shall submit an "Offer to Negotiate Exclusively Deposit" in the amount of **One Thousand Dollars (\$1,000)** ("**Deposit**") made payable to the Agency as part of the proposal. This payment shall be refunded to all Applicants not selected by the Agency Commission to enter into exclusive negotiations. (It shall also be refunded in the event an Applicant selected by the Agency Commission does not obtain Agency Commission approval for development of the project.) **\*Failure to include a valid "Offer to Negotiate Exclusively Deposit" will disqualify the proposal.**

**4. Submission Checklist**

The Applicant must complete and submit **Attachment #10** Submission Checklist, certifying that all items on the Checklist are contained in the Proposal.

**THIS IS THE END OF THE SUBMISSION REQUIREMENTS SECTION.  
ALL INFORMATION REQUESTED ABOVE IN SECTION VI MUST BE SUBMITTED  
IN ORDER FOR A PROPOSAL TO BE DEEMED COMPLETE.  
APPLICANTS SCORES MAY BE NEGATIVELY IMPACTED BY ANY INCOMPLETE  
INFORMATION.**

## **SECTION VII. ADDITIONAL REQUIREMENTS** *(for Recommended Applicant Only)*

After the evaluation panel's interviews and presentation to the South of Market Project Area Committee, the recommended Applicant shall then be required to submit the following additional information *prior to Agency Commission consideration*.

### **DO NOT SUBMIT THESE FORMS WITH THE INITIAL PROPOSAL.**

#### **A. Nondiscrimination in Contracts and Benefits**

The Developer shall complete and submit **Attachment #11**, the Declaration of Nondiscrimination in Contracts and Benefits. The Agency has established a policy prohibiting discrimination in contracting, which includes a prohibition on discrimination in providing benefits between employees with spouses and employees with domestic partners. For further information, see instructions contained in **Attachment #11** or contact Kimberly Wilson with the Agency's Contract Compliance Department at 415-749-2425.

#### **B. Small Business Enterprise Program**

The Developer shall complete and submit **Attachment #12**, the Small Business Enterprise ("SBE") Agreement, to staff upon request after the interview process. The Agency requires the Developer to perform extensive good faith efforts to include Agency certified SBEs. The Agency has established a goal of 50% of all construction contracts and supplier agreements to be awarded to SBEs. The Agency has established a policy where first consideration will be given in awarding contracts in the following order: (1) Project and Survey Area SBEs, (2) Local SBEs (outside an Agency Project or Survey Area, but within San Francisco), and (3) all other SBEs (outside of San Francisco). Non-local SBEs should be used to satisfy participation goals only if Project and Survey Area SBEs or Local SBEs are not available, qualified, or if their bids or fees are significantly higher than those of non-local SBEs. For further information, see **Attachment #12** or contact Kimberly Wilson with the Agency's Contract Compliance Department at 415-749-2425.

#### **C. Construction Workforce Requirements**

The Developer agrees and will require each contractor and all subcontractors to use its good faith efforts to employ 50% of its construction workforce hires by trade and by hours from qualified SOM Project Area residents, then San Francisco residents with first consideration to other redevelopment project area residents. The Developer and contractors will be deemed in compliance with this Employment and Contracting Policy by meeting or exceeding the goal or by taking the following steps in good faith towards compliance. See **Attachment #13**.

#### **D. Permanent Workforce Policy**

The Developer agrees and will require each employer to use its good faith efforts to employ 50% of its permanent / temporary workforce from qualified SOM Project Area residents and then San Francisco residents with first consideration to other redevelopment project area residents. The Developer and employers will be deemed in compliance with this Employment and Contracting

Policy by meeting or exceeding the goal or by documenting the good faith efforts as set forth in the Agreement. See Attachment #14.

**E. Minimum Compensation Policy**

The Applicant (defined throughout this RFP as the Developer, the property manager, the architect, and the service provider) shall complete and submit Attachment #15, the Agency’s Minimum Compensation Policy (“MCP”) Declaration. The MCP requires the payment of a minimum level of compensation to employees for all consultants working on Agency funded projects.

**F. Health Care Accountability Policy**

The Applicant shall complete and submit Attachment #16, the Health Care Accountability Policy (“HCAP”) Declaration. The HCAP requires that contractors offer certain health plan benefits to their employees or participate in a health benefits program developed by the City’s Department of Public Health, or make a payment in lieu of such benefits to the City’s Department of Public Health.

**G. Prevailing Wages**

The successful Developer, General Contractor and their subcontractors will comply with the Agency’s Prevailing Wage Policy which includes payment of the State of California’s prevailing wages.

**H. Certification Regarding Insurance & Indemnification**

At the time of selection, the successful Developer team must procure and maintain insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work under the Agency contract by the Developer team members, the general and subcontractors, their agents, representatives, and employees. The Developer team must provide current certificates of insurance and required endorsements as evidence of coverage. Unless the insurance requirements are modified by the Agency’s Risk Manager in his/her sole discretion, the selected Developer team must procure and maintain insurance with insurers that have a current A.M. Best rating of A:VII with at least the following coverages and limits:

1. Commercial General Liability:	\$2,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this Project or the general aggregate limit shall be twice the required occurrence limit. Additional Insured endorsement required.
2. Automobile Liability:	\$1,000,000 combined single limit per accident for bodily injury and property damage. Additional Insured or Designated Insured endorsement required.
3. Workers' Compensation and Employer’s Liability:	Workers' Compensation as required by the State of California and Employer's Liability with limits of \$1,000,000 for bodily injury by accident and \$1,000,000 per person and in the annual

	aggregate for bodily injury by disease. Workers' Compensation Waiver of Subrogation required.
4. Professional Liability (Errors and Omissions):	\$1,000,000 each claim/\$2,000,000 policy aggregate covering all negligent acts, errors and omissions of Applicant's design team members, including all architects, engineers and surveyors. Each design team member of the Applicant must submit proof of Professional Liability Insurance of \$1,000,000/\$2,000,000 covering negligent acts, errors, and omissions. If the design and engineering consultants' professional liability insurance is "claims made" coverage, these minimum limits shall be maintained by the consultants for no less than ten years beyond the completion date of the construction.
5. Course of Construction (Builder's Risk):	Completed value of the project with no coinsurance penalty provisions.

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

**I. Other Information, Forms and Attachments**

Limitation on Contributions and Campaign Contribution Disclosure Form.

For the purposes of responding to this RFP, Applicant acknowledges that it is familiar with section 1.126 of the San Francisco Campaign and Governmental Conduct Code, which prohibits any person who contracts with the Agency for the rendition of personal services, for the furnishing of any material, supplies or equipment, for the sale or lease of any land or building, or for a grant, loan or loan guarantee, from making any campaign contribution to (1) the Mayor or members of the Board of Supervisors, (2) a candidate for Mayor or Board of Supervisors, or (3) a committee controlled by such office holder or candidate, at any time from the commencement of negotiations for the contract until the later of either the termination of negotiations for such contract or six months after the date the contract is approved. Applicant acknowledges that the foregoing restriction applies only if the contract or a combination or series of contracts approved by the same individual or board in a fiscal year have a total anticipated or actual value of \$50,000 or more. Applicant further acknowledges that the prohibition on contributions applies to each prospective party to the contract; each member of Applicant's board of directors; Applicant's chairperson, chief executive officer, chief financial officer and chief operating officer; any person with an ownership interest of more than 20 percent in Applicant; any subcontractor listed in the bid or contract; and any committee that is sponsored or controlled by Applicant. Additionally, Applicant acknowledges that Applicant must inform each of the persons described in the preceding sentence of the prohibitions contained in section 1.126. See **Attachment #18**.

Finally, Applicant agrees to provide to the Agency the names of each member of Applicant's board of directors; Applicant's chairperson, chief executive officer, chief financial officer and chief operating officer; any person with an ownership interest of more than 20 percent in

Applicant; any subcontractor listed in the bid or contract; and any committee that is sponsored or controlled by Applicant.

## **SECTION VIII. AGENCY PAYMENTS & FEES**

The selected Developer is responsible for any applicable payments, deposits and fees in connection with, but not limited to, the following:

### **A. RFP Fee & Offer Deposit**

An RFP registration fee of Fifty Dollars (\$50.00) is collected when the RFP is picked up. Offer to Negotiate Exclusively Deposit in the amount of One Thousand Dollars (\$1,000.00) made payable to the San Francisco Redevelopment Agency is due at the time of Proposal submission.

### **B. Performance Deposit (Selected Applicant Only)**

If the Agency Commission approves entering into a development contract with the Developer, then the Developer shall deposit with the Agency an additional Nine Thousand Dollars \$9,000.00 (“Additional Deposit”). The Additional Deposit shall be combined with the Deposit to form the performance deposit (“Performance Deposit”). The Performance Deposit shall be held by the Agency until completion of the development.

### **C. City Fees (Selected Applicant Only)**

The selected Applicant will be responsible for payment of all applicable City fees and relevant transactional costs, including but not limited to: environmental review fees, building permit fees, utility relocation and connection fees, subdivision fees, transfer taxes, and transit fees.

## **SECTION IX. ADDITIONAL TERMS AND CONDITIONS**

### **A. Selected Applicant Team’s Responsibility**

The selected Applicant will be solely responsible for construction of all improvements according to the Agency-approved construction documents, and in accordance with applicable City building codes. This includes, but is not limited to, all on-site improvements and any changes from existing conditions, including underground utilities, street lighting, curbs, gutters, street trees and sidewalks. The Developer Team will be solely responsible for all transactional costs and closing requirements, including, but not limited to, title insurance, escrow fees, parcel maps, etc.

### **B. Applicant’s Duty of Loyalty**

Applicant for itself and its Contractors agree to abide by the Agency’s duty of loyalty, which appears at (Prohibited Activities of Present and Former Employees, Commissioners and Consultants) of the Agency’s Personnel Policy and which states in part the following: “Unless

approved in advance in writing by the Agency, no present or former employee, Commissioner or consultant of the Agency shall knowingly act for anyone other than the Agency in connection with any particular matter in which the Agency is a party, or has a direct and substantial interest, and in which he or she participated personally and substantially as an Agency employee, Commissioner or consultant whether through decisions, recommendations, advice, investigation or otherwise. Violation of this section by a present employee, consultant or Commissioner may, in the case of an employee or consultant, be grounds for discharge or termination of the consultant contract, and in the case of a Commissioner, be considered misconduct in office pursuant of California Health and Safety Code Section 33115.”

**C. Agency Non-Responsibility**

The Agency has no obligation to demolish any improvements on the Site, remove, relocate or install utilities, complete on-site or off-site preparation work or improvements, or make any changes whatsoever to existing conditions.

**D. Geotechnical Investigations**

All geotechnical investigation must be conducted by a licensed geotechnical engineer, retained by the Applicant, to investigate and supervise excavation and recompaction efforts as necessary, which investigations may only occur upon the issuance of a permit to enter the Site by the Agency.

**E. Environmental Review Approvals**

The selected Applicant will be responsible for securing all environmental review approvals necessary to move forward with the development of the Site. In addition to CEQA review, these reviews may include the requirements of the National Environmental Protection Act (“NEPA”) and/or Section 106 of the National Historic Preservation Act (“NHPA”), as applicable.

**F. Accessibility Requirements**

The selected Applicant will be responsible for meeting all applicable accessibility standards related to publicly-funded multifamily housing development under Section 504 of the Rehabilitation Act of 1973, the Architectural Barriers Act, the Americans with Disabilities Act, the Fair Housing Amendments Act of 1991, and Title 24 of the California Code of Regulations. If selected, Applicants must submit the permit set of architectural plans for the Site to the Mayor’s Office on Disability for review and approval. Additionally, the Agency requires an architect’s certification at the completion of project design and construction that the improvements built are in accordance with all local, state and federal laws and regulations with respect to access for persons with disabilities.

**G. Applicant’s Expenses**

1. The Applicant responding to this RFP does so at its own expense. The Agency will not consider any costs related to preparing the Proposal or negotiating the development contract as reimbursable. The foregoing notwithstanding, the Agency will reimburse the cost for architectural massing drawings required by this RFP as set forth in Section IX.G.2 below.

2. The Agency is requiring the proposal of an architectural massing concept as part of this RFP. In order to mitigate some of these costs to the Developers submitting proposals, the Agency will reimburse those Developers whose principal office is located in San Francisco and whose Proposal, in the sole discretion of the Agency, has met each of the minimum qualifications described in Section VI, Submission Requirements of this RFP. The total aggregate payment for architectural reimbursables by the Agency shall not exceed \$50,000, and payments to Applicants who submit complete Proposals shall be prorated accordingly, in an amount not to exceed \$5,000 per Applicant. Qualifying Developers seeking architectural reimbursement payments must submit invoices from their architects.

## **H. Agency Right to Modify or Suspend RFP**

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

Firms wishing to contest the selection process or results will have five (5) business days from the date that the Applicant is notified that they were not selected to submit written complaints to Agency.

## **I. Claims Against the Agency**

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

## List of Attachments

### To be submitted with Submission Package:

Attachment #1:	Applicant Description Form
Attachment #2	Staffing Workload Form
Attachment #3	Comparable Projects Experience Form
Attachment #4	San Francisco Projects Experience Form
Attachment #5	Property Manager Experience Form
Attachment #6	Sixth Street Lodginghouse District DPR form 523 (evaluation dated 8/01/1997)
Attachment #7:	Disclosure Questions
Attachment #8:	Statement of Compliance with Agency Policies & Certification of Applicant
Attachment #9:	Offer to Negotiate Exclusively
Attachment #10:	Submission Checklist

### To be completed by recommended Developer only after evaluation and interviews.

Attachment #11:	Declaration of Nondiscrimination in Contracts and Benefits
Attachment #12:	Small Business Enterprise Agreement
Attachment #13:	Construction Workforce Requirements
Attachment #14:	Permanent Workforce Policy
Attachment #15:	Minimum Compensation Policy (MCP) Declaration
Attachment #16:	Health Care Accountability Policy (HCAP) Declaration
Attachment #17:	Prevailing Wage Provisions
Attachment #18:	Form SFEC 126: Notification of Contract Approval

### For information purposes only.

Attachment #19:	Site Map: 200-214 Sixth Street
Attachment #20:	Developer Fee Policy
Attachment #21:	Area Median Income (“AMI”) Levels for 2009
Attachment #22:	California Tax Credit Allocation Committee Development Budget example
Attachment #23:	Policy on the Inclusion and Funding of Commercial Space in MOH/SFRA-Funded Housing Developments (for reference only)