

# REQUEST FOR QUALIFICATIONS

Public-Private-Partnership to Design, Build, and Finance the New Civic Center Public Safety Building, Park, and Parking Structure



civic center  
revitalization  
project



RFQ S-1314

ISSUED: JULY 31, 2023

SOQS DUE: AUGUST 28, 2023



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# CONTENTS

1. Introduction	4
2. Background	5
3. Scope of Services	6
4. Instructions to Proposers	7
Schedule	7
Submission Requirements	8
Submission Instructions	9
Representations and Certifications	9
Communication and Conflicts of Interest	9
Ownership and Disclosure	9
5. Evaluation and Selection Process	10
6. Protest Procedure	11
7. Claims Against the City	12
8. Definitions	12
9. Background Documents	12
Attachment A – Map of the Site	13
Attachment B – Exclusive Negotiating Agreement	14
Attachment C – Draft Project Specifications	15
Attachment D – Draft Design Build Contract/Design Build Contract	16
Attachment E – Required Form of ENA Period Budget	17
Attachment F – Resolution No. 9400-16 – Organizational Conflict of Interest Policy for Design-Build Projects	18
Attachment G – Required Questionnaire	19



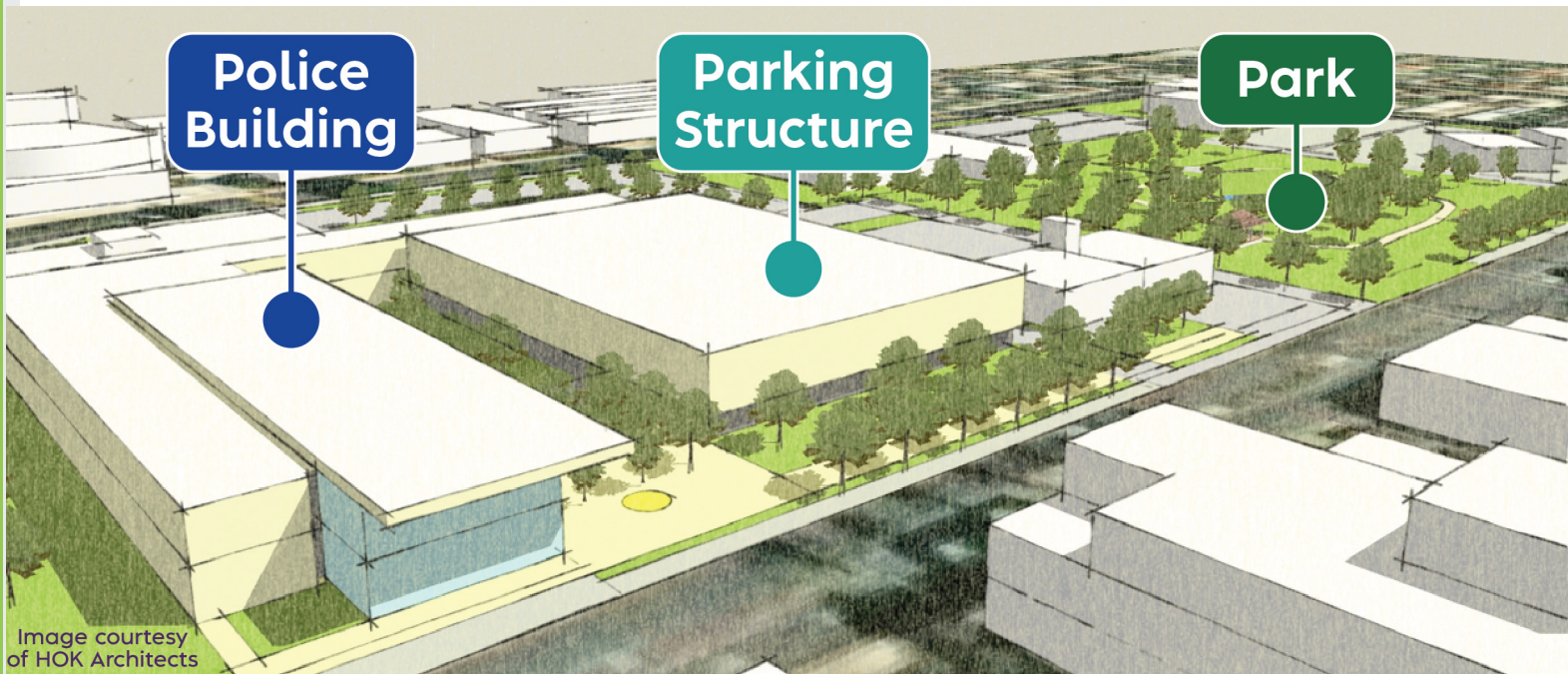


# 1. INTRODUCTION

The City of Garden Grove, California (“the City”), is seeking Statements of Qualification from development teams that have specific and demonstrable experience in delivering design-build-finance (“DBF”) projects similar to the City’s planned Civic Center Revitalization Project (“the Project”) on the existing City Civic Center campus (*Attachment A*).

## THE PROJECT CONSISTS OF:

- A new 90,000+ square foot Public Safety facility (“PSF”)
- A new re-envisioned and reconfigured Civic Center Park
- A new 450+/- space parking structure
- Demolition of the existing police headquarters building following construction completion of the new PSF and parking structure



In accordance with the provisions of the California Public Contract Code § 20164 and Garden Grove Municipal Code (“GGMC”) § 2.52.020, through the evaluation process described in Section 5, the City intends to select a single development team (“Developer”) to enter exclusive negotiations with the City for a period of 6 months. During this 6-month period, it is intended that the Developer will advance a design and that the parties will agree on terms for the Developer to design, construct, and finance the Project. The exclusive negotiation period is intended to culminate in a single development contract (“the Design Build Contract”).

Using a DBF delivery approach and best value<sup>1</sup> selection method, the City expects to secure substantial public benefits. These benefits include risk management, cost savings, expedited project design and construction scheduling, and capitalizing on Developer knowledge about lifecycle cost management to deliver predictable long-term operational and maintenance costs.

<sup>1</sup>GGMC 2.52.020(B) and PCC 22161(b) list “experience and past performance” as two nonexclusive factors that can be used to evaluate proposals.

## 2. BACKGROUND



The City is located in north-central Orange County about 25 miles southeast of Los Angeles and encompasses approximately 18 square miles. The City is a municipal corporation organized pursuant to the general laws of the State of California pursuant to California Constitution Article XI, Section 2. It was incorporated on June 18, 1956 and features a council/manager form of government.

Garden Grove has a population of 171,949 people based on the 2020 Census and is the fifth most populous city in Orange County. It has a culturally diverse resident population with 37.5% Asians, 36.9% Hispanics, 22.6% whites, and 3% other. Its diverse demographics include areas of the Little Saigon district, Orange County's original Koreatown, and the largest mosque in Orange County.

This Request for Qualifications ("RFQ") is the culmination of several years of data collection, analysis, and research. These past efforts have firmly established and described the need to replace existing facilities, create more pedestrian-friendly public spaces with improved amenities, foster safe and clean neighborhoods, and provide high-quality public safety services (see Section 9 of this RFQ). Therefore, in addition to facilitating the functional needs of Garden Grove's police department, the Project is also intended to provide attractive improvements to the Civic Center block and establish an architectural standard for future development in the Civic Center area.

The community of Garden Grove enjoys a strong, supportive, and collaborative relationship with its police department. On November 6, 2018, Garden Grove voters approved Measure O, a one cent local sales tax to support annual funding for public safety and vital city services. Voters approved Measure O in large part to support police recruitment, maintain 911 response times, and to modernize/replace existing Police Department public safety facilities.

In June 2022, the City launched a community outreach plan to gather feedback and insight from the public regarding potential improvements to the Civic Center Area. The City continues to work closely with Garden Grove residents to discuss future improvements to public amenities in and around the Civic Center. This includes the Police Department, Park and other facilities that support current and future residents.

Government Code Section 37350 authorizes the City to purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of it for the common benefit. General law cities like Garden Grove have authority to enter into contracts to carry out necessary functions, including those expressly granted and those implied by necessity (*Carruth v. City of Madera*, 233 Cal. App. 2d 688 (1965)). For the construction of public buildings and parks, Public Contract Code Sections 22160-22178 specifically authorize the City to let contracts using a design-build method of procurement leading to a final selection of a contractor utilizing a best value method. In January 2023, City Council unanimously supported advancing the planned Civic Center Revitalization project, exploring project delivery opportunities via a Design-Build or Design-Build-Finance structure.



### 3. SCOPE OF SERVICES

The new PSF will replace the existing police facility and include additional capacity to support anticipated expansion to 2039 projected staffing levels. It will consolidate the following functions: Police Administration and Administrative Services, Records, Evidence and Property, Communications, Investigations, Community Policing, SWAT, memorials for fallen officers, shared training amenities, and a larger temporary holding area. The new facility will be an “Essential Services” building providing 911 dispatch and other important public safety services, along with an Emergency Operations Center and modern server room. The new building shall exemplify the values of the Garden Grove Police Department by creating an environment that is welcoming and supportive of the community, fiscally responsible, and purpose-driven in its mission to protect and serve the residents of Garden Grove. The City has a minimum sustainability objective of LEED Silver.

The parking structure is intended to accommodate secured police fleet vehicle parking, staff personal vehicles, and public parking. It is anticipated it will need to be large enough to accommodate 450 vehicles, with the distribution of secure and non-secure parking to be determined during the design process.

The re-visioned park is expected to provide activated, safe, and welcoming green space that is suitable for a wide range of uses and community amenities. It is anticipated that the majority of the park improvements will happen after the construction of the new PSF, parking structure, and demolition of the current police facilities.

The draft specifications for each of these Project elements are included in **Attachment C**.

Proposers should be aware that the development team will be required to enter into a Project Labor Agreement with the local Building Trades Organization and must provide an enforceable commitment that the proposer and its subcontractors will use a skilled and trained workforce to perform all work on the contract that falls within an apprenticeable occupation in the building and construction trades. The winning developer will also be required to provide 100% performance and payment bonds for the Project. The lead proposer is encouraged to include local firms and disadvantaged firms on their development teams.

A draft of the Exclusive Negotiating Agreement (“ENA”) that will govern the initial design development process is provided as **Attachment B**. At the City’s discretion, the selected Developer will arrange and facilitate the financing necessary to fund the Project’s capital cost. The City is expecting to utilize grants and other funds to offset some of the Project’s capital cost. Depending on the types of funds utilized, and regardless of the financing strategy, the City may obligate the Developer to comply with certain federal grant requirements.

The City anticipates total Project costs (including financing) will be within the range of \$100-\$150 million. It plans to utilize a combination of cash-on-hand and financing to pay for the Project. Debt service will occur over a 30-year amortization period following construction completion, and the City is open to paying interest during construction. The City is planning for debt service payments to not exceed \$8-\$9 million per year. General Fund monies will be used to make these payments and annual payment requirements will be included in the City’s biennial budget approval process. The City’s lease revenue obligations are currently rated AA by Standard & Poor’s. The City has the capacity and willingness to issue debt should the Developer’s proposed financing prove too costly.

The City’s advisory team will advise on the procurement process, provide technical and financial subject matter expertise to the City’s evaluation committee as non-voting members, and provide design, cost estimating, technical, financial, and legal oversight through the project development process during the exclusive negotiation period. The City’s advisory team consists of the following firms who are precluded from participating on any bidder teams:

- Financial/commercial: Project Finance Advisory Limited
- Design and Architecture: HOK
- Technical/Operational: Altus Group
- Cost Control and Estimating: Dharam Consulting
- Park Development and Programming: HR&A
- Legal: Stradling Yocca Carlson and Rauth

## 4. INSTRUCTIONS TO PROPOSERS

<b>SCHEDULE</b>	The selection of the preferred bidder and development process will occur according to the following schedule:
JULY 31, 2023	RFQ Posted to PlanetBids
AUGUST 7, 2023	Mandatory Pre-Bid Meeting via Zoom – (details to be provided to registered bidders on PlanetBids)
AUGUST 9, 2023 AT 3:00 PM (PACIFIC)	Deadline to Submit Questions or Requests for Clarification via PlanetBids. The City may request proposal hardcopies following bid submission.
AUGUST 16, 2023	Responses to Questions and Requests Posted
AUGUST 28, 2023 AT 10:00 AM (PACIFIC)	Statements of Qualification due via PlanetBids
SEPTEMBER 6, 2023	Shortlisted respondents invited to interview
SEPTEMBER 12-13, 2023	Interviews with shortlisted respondents
SEPTEMBER 26, 2023	Developer Team selection, recommendation to City Council
OCTOBER 2, 2023	Execute Exclusive Negotiation Agreement
OCTOBER 5, 2023	Kick-Off Meeting with City & Development Team (In-Person)
NOVEMBER 7, 2023	Completion of Design Concepts
NOVEMBER 14, 2023	Presentation of Design Concepts to City Council
JANUARY 2024	Completion of 50% Design + Project Pricing Update
FEBRUARY 2024	Expected completion of CEQA process by the City
MARCH 2024	Completion of 100% Design + 50% Structural/Foundation + Project Pricing Update
APRIL 2024	Recommendations to City Council for Approval of Project Design Build Contract
MAY 2024	Financial Close

# SUBMISSION REQUIREMENTS

Proposers will prepare a statement of qualifications package that must contain, at a minimum, the following items and requirements that reflect the individual team members' qualifications (rather than just firm experience):

## 1) Introduction Letter

A signed Introduction/Cover Letter including the name and contact information of the person authorized to bind the bidder team

## 2) Project and Team Experience

a) Firm Profiles and Team Organization b) Experience of Key Personnel within the last 5 years,

b) Experience of Key Personnel within the last 5 years, describing the relevant duties and responsibilities for each individual as it relates to:

i) Delivering projects with a capital value of over \$100 million of similar scope for municipal governments or other public agencies

ii) Delivering projects using an open-book pricing process

iii) Delivering projects using Design-Build or Design-Build-Finance structure

iv) Delivering projects under a Guaranteed Maximum Price Contract

v) Introducing value-added concepts that have saved your clients time and/or money or provided a meaningful community benefit

vi) Stakeholder and Community Engagement Experience

c) One relevant reference for each Key Person

## 3) Approach

a) Development and Management Plan for meeting the ENA milestones.

b) Construction Management Plan and General Approach to achieving project completion on time and within budget

c) Design Approach, specifically addressing how information about operations and maintenance will be shared throughout the design process to inform City decisions. Proposers are encouraged to provide representations of rendered and completed public safety facilities, parking structures, and parks that reflect the designers' aesthetic values

d) Construction Approach and experience working under a Project Labor Agreement

e) Financing Approach, how the developer or its financing partner will determine the best financing options for different projects and what might work best for the proposed Project.

4) Budget for the ENA period in the form of **Attachment E**, broken down by month and including Developer Fee, Prime Contractor Profit Commitment, and any fees and costs associated with the financing offered by the developer or its financing partner for this Project

## 5) Required Questionnaire – **Attachment G**

Per Public Contract Code 22164 (b), all respondents must meet the minimum criteria specified in the Required Questionnaire. Firms that do not meet the criteria specified in the Questionnaire will not be considered.



# SUBMISSION INSTRUCTIONS

All statements of qualification shall be submitted via the PlanetBids Portal:  
<https://pbsystem.planetbids.com/portal/15118/portal-home>

Should it become necessary, clarifications or changes to the RFQ, if any, prior to the submission due date will be disseminated to all interested parties via PlanetBids. No request for modification of a statement of qualifications shall be considered after its submission on the grounds that Proposer was not fully informed to any fact or condition. The City shall not be responsible for, nor be bound by, any oral instructions, interpretations or explanations issued by the City or its representatives.

## REPRESENTATIONS AND CERTIFICATIONS

### SUBMITTED STATEMENTS OF QUALIFICATION SHALL BE DEEMED A REPRESENTATION AND CERTIFICATION BY THE PROPOSER THAT THEY:

- Have carefully read and fully understood the information that was provided by the City to serve as the basis for submission of this statement of qualifications.
- Have the capability to successfully undertake and complete the responsibilities and obligations of the statement of qualifications being submitted.
- Represent that all information contained in the statement of qualifications is true and correct.
- Did not, in any way, collude; conspire to agree, directly or indirectly, with any person, firm, corporation or other proposer regarding the amount, terms or conditions of this statement of qualifications.
- Acknowledge that the City has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by Proposer, and Proposer hereby grants the City permission to make these inquiries, and to provide all related documentation in a timely manner.

## COMMUNICATION AND CONFLICTS OF INTEREST

Please note that prospective proposers, proposers, members of proposing teams, and the selected developer are prohibited from contacting or having communications with City elected officials or staff members aside from that which is described in this RFQ. In addition, proposers must comply with the organizational conflict of interest policy of the City adopted pursuant to Resolution No. 9400-16 provided in Attachment F. Proposers are further reminded that effective January 1, 2023, SB 1439 amended Government Code § 84308 to prohibit proposers from making campaign contributions in excess of \$250 to any officer or elected official of an agency during the pendency of proceedings by the agency to award a contract and for 12 months following the date a final decision is rendered.

## OWNERSHIP AND DISCLOSURE

Responses to this RFQ become the exclusive property of the City and subject to the California Public Records Act. Those elements in each statement of qualifications which are trade secrets as that term is defined in Civil Code section 3426.1(d) or otherwise exempt by law from disclosure and which are prominently marked as "TRADE SECRET", "CONFIDENTIAL", or "PROPRIETARY" may not be subject to disclosure. The City shall not in any way be liable or responsible for the disclosure of any such records including, without limitation, those so marked if disclosure is deemed to be required by law or by an order of the Court. Proposers that indiscriminately identify all or most of their statement of qualifications as exempt from disclosure without justification may be deemed non-responsive.

The proprietary or confidential data shall be readily separable from the Required Questionnaire to facilitate eventual public inspection of the non-confidential portion of the Required Questionnaire. The City assumes no responsibility for disclosure or use of unmarked data for any purpose.

In the event the City is required to defend an action on a Public Records Act request for any of the contents of a statement of qualifications marked “confidential”, “proprietary”, or “trade secret”, Proposer agrees, upon submission of its statement of qualifications for City’s consideration, to defend and indemnify the City from all costs and expenses, including attorney’s fees, in any action or liability arising under the Public Records Act.

## 5. EVALUATION AND SELECTION PROCESS

Statements of Qualification in response to this RFQ will be evaluated to determine the firm best qualified to deliver the Project for the City. The following provides an outline of elements the City places the greatest value on when evaluating development team responses.

<b>EVALUATION CRITERIA</b>	<b>POINTS</b>
A. Development Management Experience and Approach: Demonstrated ability, qualifications, and approach of the Project Manager and Key Personnel to successfully deliver the Scope of Services. Demonstrated understanding of the Project requirements. Experience with open-book pricing processes. Organization plan showing a sufficient number of qualified personnel (internal or contracted) to accomplish required tasks.	<b>20</b>
B. Architecture and Design Experience and Approach: experience with progressive design-build; successful track record of incorporating operations and maintenance considerations in to designs to optimize lifecycle costs; coordinating with clients for progressive delivery of projects; experience providing innovation, value and cost efficiency to clients; stakeholder engagement track record.	<b>25</b>
C. Construction Experience: track record of delivering similar projects on time and on budget under a DBF, PLA, and guaranteed maximum price; successful track record of incorporating operations and maintenance considerations in to design and construction program to optimize lifecycle costs; track record of providing innovation, value and cost efficiency to clients; history of superior safety records; plan for inclusion of union labor, and track record delivering buildings free of latent defects; plan for open-book pricing and subcontractor engagement with a focus on retaining local and disadvantaged business.	<b>30</b>
D. Financing Experience and Approach: track record in successfully financing vertical projects with a capital cost of over \$100 million using innovative and traditional methodologies and proposed strategy for financing the Project to provide best value to the City.	<b>15</b>
E. Lowest contractor profit, developer fee, logic of ENA budget, and (if applicable) expected costs associated with arranging the financing.	<b>10</b>
<b>F. Required Questionnaire</b>	<b>Pass/Fail</b>
<b>TOTAL</b>	<b>100</b>

The response to the RFQ shall be clear, concise, and detailed enough to enable the evaluation committee to make a thorough evaluation and arrive at a sound determination as to whether the response to the RFQ meets the City's requirements.

The City reserves the right to accept or reject any and all Statements of Qualification, to waive any irregularities in any procurement process, and to make an award of contract in any manner in which the City, acting in the sole and exclusive exercise of its discretion, deems to be in the City's best interest.

The City reserves the right to interpret or change any provision of this RFQ at any time prior to the submission date. Such interpretations shall be in the form of an addendum and will be made available on the City's website. Verbal explanations will not be binding. The City, in its sole discretion, may determine that a time extension is required for submission of Statements of Qualification in response to the RFQ. In such a case an addendum will detail the new statement of qualifications submission deadline.

The City shall be the sole judge of the acceptability of a respondent's written or oral representation. Any response to the RFQ that modifies or fails to conform to the essential requirements or specifications of the RFQ will be considered non-responsive and unacceptable. The City may require whatever evidence is necessary relative to the proposer's financial stability. The City also reserves the right to request further information from the authorized representative of a proposer, either orally or in writing. A written request for additional information will be addressed to the authorized representative of the proposer.

False, incomplete, or non-responsive statements will be cause for rejection of the response to the RFQ. The evaluation and determination of the fulfillment of the above requirements will be the City's responsibility and its judgment will be final.

Information disclosed in the response to the RFQ and attendant submissions will become the property of the City of Garden Grove. There will be no public opening of Statements of Qualification. Price and other compensation information will not be made public until the successful contract is presented to the City Council for award. The City of Garden Grove shall retain all Statements of Qualification submitted in response to this RFQ for as long as the City is required to do so under the law.

## 6. PROTEST PROCEDURE

Any protest resulting from this qualification process is to be processed as prescribed below:

### **OBJECTIONS:**

Any objections as to the structure, content or distribution of this RFQ must be submitted in writing to the City designee not later than August 9, 2023. Objections must be as specific as possible, and identify the RFQ section number and title, as well as a description and rationale for the objection.

### **PROTESTS:**

If an unsuccessful proposer to the RFQ wishes to protest the results, the unsuccessful proposer must submit the protest in writing to the City's designee no later than seven (7) calendar days after announcement of the results. Protests must detail the grounds, factual basis and provide all supporting information. Protests will not be considered for disputes of RFQ requirements, which must be addressed in accordance with the "OBJECTIONS" requirements above.

The protest should be sent to:  
City of Garden Grove - Attention: Craig Beck,  
craigb@ggcity.org.



## 7. CLAIMS AGAINST THE CITY

Proposers and their representatives shall have no claims whatsoever against the City or any of its respective officials, agents, or employees arising out of or relating to this RFQ or these procedures (other than those arising under a contract with the DBF entity and its representatives in accordance with the terms thereof).

## 8. DEFINITIONS

City	City of Garden Grove
DBF	Design Build Finance
Design Build Contract	The single contract under which the development team will design, build, and finance the Project
ENA	Exclusive Negotiating Agreement
Project	Civic Center Revitalization Project, consisting of a new [87,000] square foot Public Safety facility ("PSF") [including an emergency operations center], a 2-acre re-envisioned park, a ±450 space parking structure, and demolition of the existing police headquarters building following construction completion
PSF	Public Safety Facility
RFQ	Request for Qualifications

## 9. BACKGROUND DOCUMENTS

Background documents can be found here: <https://ggcity.org/civic-center>

## Attachment A – Map of the Site

## Attachment B – Exclusive Negotiating Agreement



## Attachment C – Draft Project Specifications

### INCLUDES:

- Technical Specifications (*Attachment C.1*)
- Operational Program (*Attachment C.2*)
- Adjacency Diagrams (*Attachment C.3*)
- Room Data Sheets (*Attachment C.4*)
- Emergency Power Matrix (*Attachment C.5*)

**Attachment D – Draft Design Build Contract/  
Design Build Contract**

## Attachment E – Required Form of ENA Period Budget



**Attachment F – Resolution No. 9400-16**  
**– Organizational Conflict of Interest Policy**  
**for Design-Build Projects**

## Attachment G – Required Questionnaire

Please answer each question below and submit it with your statement of qualifications. Evidence of your affirmative response to question (I) must be provided with your response to this Questionnaire. For all other questions, the City may request evidence to support your responses during the evaluation process. Such evidence must be provided to the City within 48 hours of the request.

- (A) Please indicate if the proposer’s design-build entity is or is intended to be a privately held corporation, limited liability company, partnership, or joint venture.
- (B) Please list the design-build entity’s current or intended shareholders, partners, or members.
- (C) Does the proposer’s construction firm have sufficient bonding capacity for 100% of the potential project value (assume up to \$175 million. (yes/no)
- (D) Does the proposer (including all personnel and subcontractors included in this statement of qualifications) have the licenses and registrations required to design and construct the project? (yes/no)
- (E) Have the licenses or registrations of any of the entities considered in the response to question D above been revoked or suspended at any time? (yes/no)
- (F) Does the proposer’s construction firm have liability insurance (commercial general liability of \$2 million per occurrence and professional liability insurance of at least \$2 million per occurrence) with a Best’s Guide A-, Class VII or better insurer? (yes/no)
- (G) Do all of the firms included in the statement of qualifications have workers’ compensation insurance? (yes/no)
- (H) Does the proposer’s construction firm have a workers’ safety program in place? (yes/no)
- (I) Does the proposer’s construction firm have an average experience modification rate of 1.00 or less in the most recent three-year period? (yes/no, **provide evidence of an affirmative response**)

The responses to the questionnaire must be signed by a representative of the proposer who has authority to contractually bind the Developer team.

I certify under penalty of perjury that the information provided in the foregoing is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name

\_\_\_\_\_  
Company

\_\_\_\_\_  
Date