LEGACY SITE DEVELOPMENT REQUEST FOR QUALIFICATIONS FOR A MASTER DEVELOPER

A Public Private Partnership Development of a 54-acre Site

Distribution/Advertisement: February 14, 2020

Submittal Deadline: March 13, 2020, 11AM (local time)

Contact: Tawni Dalziel, P.E.
Public Works and Community Development Director
City of Maple Valley
22017 SE Wax Road, Suite 200, Maple Valley, WA 98038
Email: tawni.dalziel@maplevalleywa.gov

[THIS PAGE INTENTIONALLY LEFT BLANK]

Contents

1.0 Introduction & Overview 1
1.1 Purpose of Solicitation 1
1.2 City Objectives 2
1.3 Overview of Procurement Process 5
2.0 Solicitation Schedule, Instructions and Project Manager 7
2.1 Solicitation Schedule 7
2.2 Submission Instructions 7
2.3 City Contact 7
3.0 Description of Investment Opportunity 9
3.1 About Maple Valley 9
3.2 Site Description 10
3.3 Farmers Market 12
3.4 Zip Line Recreation Company 12
3.5 Planning 13
3.6 Design Guidelines 13
3.7 Developer Incentives 14
4.0 RFQ Submission Requirements, Pre-submission Conference, and Developer Responsibilities 15
4.1 Submission Requirements 15
4.2 Developer Responsibilities 16
5.0 Evaluation Criteria 19
6.0 Disclosures and Additional Information 21
6.1 City's Rights Pertinent to this Solicitation 21
6.2 Protest 21
6.3 Withdrawal of Solicitation 21
6.4 Public Disclosure 21
6.5 Confidential Solicitation Process 21
6.6 News Releases 22
6.7 Conflict of Interest/Financial Disclosure 22
6.8 Indemnification 22
6.9 Insurance Requirements 22
6.10 Examination of Solicitation 22
6.11 Equal Opportunity Program 23
6.12 Nondiscrimination Policy 23
6.13 Local Business and Employment 23

Appendix A – Site Specific Documents and Reports 25
Appendix A.1 – Vicinity Map
Appendix A.2 – Tree Survey and Topographic Map
Appendix A.3 – Legacy Site Trails and Contour Map
Appendix A.4 – Farmers Market SIte Plan
Appendix A.5 – UW Market Analysis 2018

1.0 Introduction & Overview

The City of Maple Valley is seeking qualifications via this Request for Qualifications (RFQ) from master developers interested in developing the Legacy Site, located in the heart of beautiful Maple Valley. The City's vision is to create a family-oriented town center with recreational opportunities within an active forest, public gathering spaces, and a year round public market with vibrant commercial and office spaces.

The forested 54-acre Legacy Site is located at 25719 Maple Valley-Black Diamond Road SE, Maple Valley WA 98038 (Tax Parcel Nos. 2722069159 and 4127000805) and fronts Washington State Route 169. The Legacy Site bridges residential neighborhoods to the north and commercial and town center zoning to the south. It lies to the west of *Rock Creek Elementary School* and to the east of Lake Wilderness, abutting the *King County Regional Cedar to Green River Trail*.

Figure 1. Legacy Site and adjacent land uses.

1.1 Purpose of Solicitation

Planning for the city-owned Legacy Site has been accomplished in a series of progressive efforts. From 2001 to 2005, a Citizen Advisory Committee was charged with researching and providing a vision for the

property to the City Council. Their vision, to ensure all elements on the Legacy Site interrelate effectively and complement existing uses, including the King County Regional Cedar to Green River Regional Trail, Lake Wilderness Lodge and Park, set the framework for future planning. They recommended that the Legacy Site contain significant tree preservation and environmental stewardship of the property.

More recently, from 2016 to 2018, a Legacy Site Task Force was established to research, study, and make recommendations for the future use of the Legacy Site. As part of their work, the Legacy Site Task Force was aided by University of Washington instructors and students who provided recommendations for uses, components, and design of the Legacy Site property. The work provided by the University of Washington included a market analysis of different uses on the site as well as options and cost estimates for "Main Street" road improvements.

Additionally, the Legacy Site Task Force sought guidance from the Urban Land Institute (ULI) Technical Assistance Panel (TAP). The ULI Northwest is a district council of the Urban Land Institute, a non-profit education and research organization founded in 1936. The TAP program provided expert, multidisciplinary, and non-partisan advice on development of the Legacy Site. The recommendations of the Legacy Site Task Force was presented to City Council on December 5, 2018.

In November 2019, the City Council refined the Legacy Site Task Force recommendations. The City is now preparing to move forward with development, beginning with a Request for Qualifications to master developers interested in a public private partnership.

The City intends to partner with a developer whose overall development experience and resources will achieve the City's vision and objectives for the Legacy Site, while maximizing the return on the City's investment in the site.

1.2 City Objectives

The Legacy Site parcels were originally purchased by the City through a bond initiative. The City anticipates paying the balance of the bond and bond interest by end of 2020. The City Council has expressed a strong desire to retain as much of the tree canopy as possible, while establishing a pedestrian-friendly town center for the City with recreational opportunities, public gathering spaces and vibrant commercial venues. The City also supports the development of a sustainable, green stormwater infrastructure (GSI) design for the site.

During the November 2, 2019 City Council Retreat, the City Council reviewed the Legacy Site Task Force recommendations and prioritized City objectives for public amenities in the following order:

1. Active Forest with unique outdoor recreation activities (e.g., zip lines, ropes course, beginner mountain biking circuit, pump track, disc golf, multiple connections to the abutting regional trail, retainage of significant tree canopy). See Figure 2 for examples.
2. A building that would house an indoor year-round Farmers/Public Market similar to the City of Olympia, Washington public market. Multi-purpose use of the market for indoor recreation and/or public gathering spaces is preferred.

3. Civic Green for public gatherings. See Figure 3 for examples.
4. Water Feature (e.g. spray park that would draw children to the site).
5. Indoor Recreation Center (Community Recreation Center). The City envisions a recreation center with basketball courts and other youth activities.

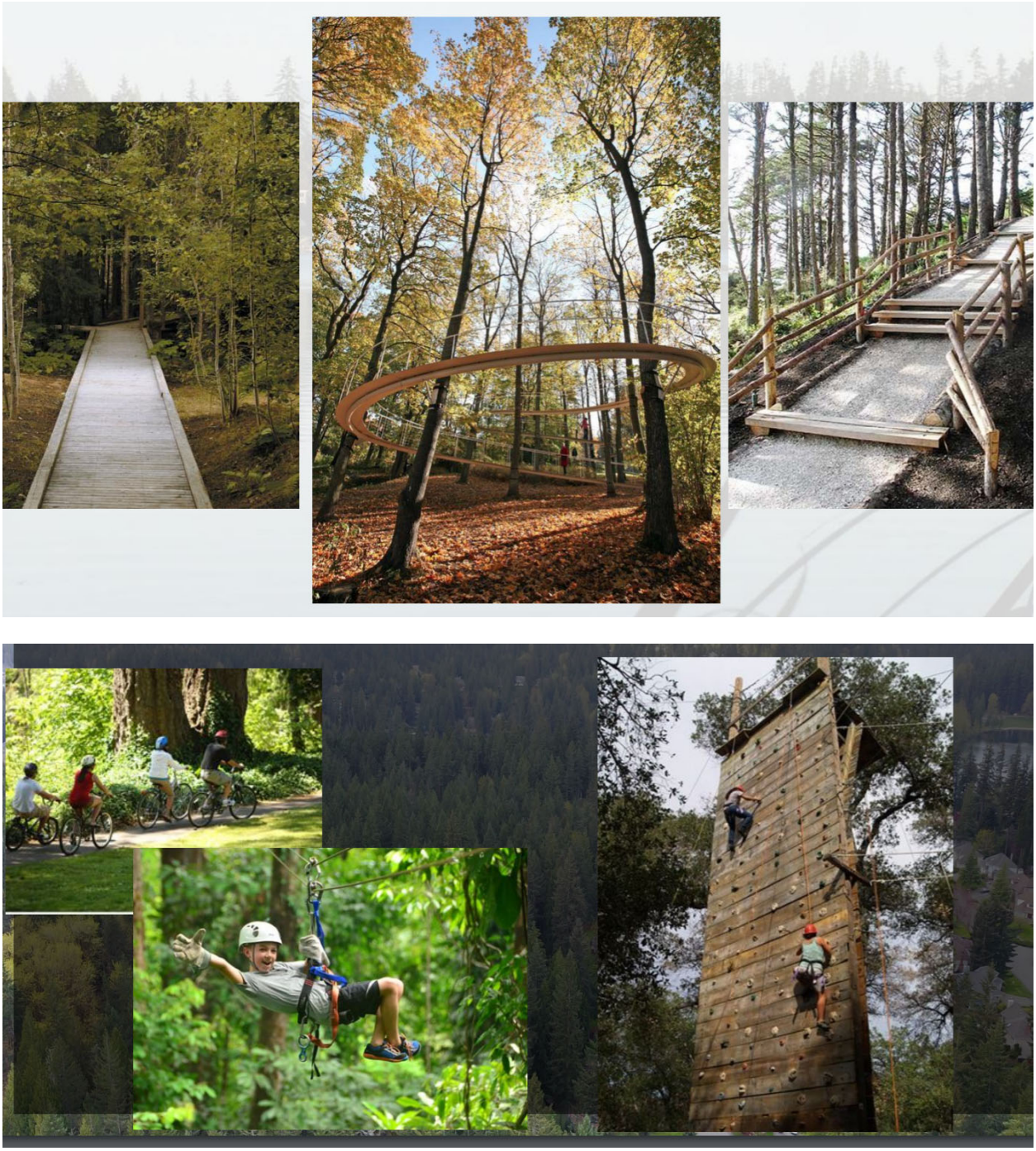

Figure 2. Active forest examples.

Figure 3. Civic Green example.

The City would allow the following for profit developments within the Legacy Site:

- Commercial spaces with unique retail establishments (no national chains)
- Destination "brew house" type restaurant
- Innovative offices and collaborative workspaces
- Small cabins for lodging
- Family-friendly entertainment businesses

The developer is expected to construct a main street through the Legacy Site connecting SR 169 to the 236th Avenue SE/SE 260th Street right-of-way intersection and frontage improvements along SE 260th Street. Development should include community gathering places, forest trails for walking and mountain biking, pedestrian and bicycle uses, wayfinding, and educational kiosks interconnected throughout the site. Development should provide a destination for fun, family interactions within the canopy of Douglas firs, Western red cedar groves, and ridge topped maple forest. All of the elements selected for the Legacy Site must interrelate effectively and complement neighboring uses, including Lake Wilderness, Lake Wilderness Lodge and Park, the King County Cedar to Green River Regional Trail, improvements to the City's infrastructure, and a high standard of environmental sustainability.

Proposers should refer to the following website documenting the City's planning stages of the Legacy Site:

https://www.maplevalleywa.gov/city-government/citizen-boards-commissions-and-committees/legacy-site-task-force-2016

Proposers should refer to the following website providing economic development information within Maple Valley.

https://www.maplevalleywa.gov/doing-business/economic-development

1.3 Overview of Procurement Process

The City intends to use a multi-stage procurement process to select a master developer to partner with in developing the Legacy Site. The City intends to share in the financing of the development primarily through a long term lease of the land on the Legacy Site, and available grants and low interest loans for development. The City intends to select a developer who will fully design, fully construct, and partially share in the maintenance and operation of the site with the City.

Stage One: Request for Qualifications (RFQ) will generate a short-list of master developers with whom the City would like to have more detailed conversations regarding the implementation of the City's vision and objectives. Three developers are anticipated to be selected.

Stage Two: Industry Review Process (IRP) will obtain input and comments from the shortlisted developers, including one-on-one meetings. This process will allow the City management to recommend an appropriate Comprehensive Plan designation and zoning of the site and later, to solicit competitive proposals from the short-listed developers.

Stage Three: Comprehensive Plan amendments, zoning, and a template developer agreement for the Legacy Site by the City will establish the best use of the 54-acre site. Zoning will help establish the market value of the property for shortlisted developers.

Stage Four: Request for Proposals (RFP) will result in the selection of a single master developer who will be able maximize the implementation of the City's objectives and its return on investment. The City reserves the right to engage in discussions with proposers and to request proposal revisions. The City also reserves the right to hold negotiations with the selected master developer prior to finalizing the development agreement.

The anticipated timeline for procurement is as follows:

February 2020:	Issue Request for Qualifications (RFQ)
April 2020:	Select shortlist of developers
April – May 2020:	Conduct Industry Review Process

April – July 2020:	Comprehensive Plan amendments, zoning, and development of a template agreement
July 2020:	Issue Request for Proposals (RFP)
September 2020:	Select Preferred Developer
Oct 2020 – Dec 2021:	Negotiate Terms and Award Developer Agreement

2.0 Solicitation Schedule, Instructions and Project Manager

2.1 Solicitation Schedule

The solicitation, receipt and evaluation of the RFQ responses and the process for selecting a shortlist of developers are anticipated to follow the time frame below. The City reserves the right to alter the dates below as needed. In the event of any change to the schedule below, appropriate and timely notification will be made to parties who have notified by email the Project Manager their interest in the project.

Issuance of the RFQ	February 14, 2020
Deadline for Submittal of Questions regarding the RFQ	March 9, 2020 5 pm (local time)
Submittal Due Date for RFQ	March 13, 2020 11 am (local time)
Selection of RFQ Shortlisted Developers	April 3, 2020

2.2 Submission Instructions

The respondent shall submit ten (10) hard paper copies and one "high quality" digital PDF file (on a flash drive) delivered no later than **March 13, 2020, 11 am (local time)** directly to:

Tawni Dalziel, P.E.
Public Works and Community Development Director
City of Maple Valley
22017 SE Wax Road, Suite 200, Maple Valley, WA 98038

Incomplete submittals, incorrect information, or late submittals may be cause for disqualification. Copies received by e-mail or fax shall not be accepted.

2.3 City Contact

Interested parties should direct inquiries and submit the RFQ response (Marked and Entitled "Submittal of Qualifications for Legacy Site Public Private Partnership Development") to:

Tawni Dalziel, P.E.
Public Works and Community Development Director
City of Maple Valley
22017 SE Wax Road, Suite 200, Maple Valley, WA 98038
Email: tawni.dalziel@maplevalleywa.gov

All questions and communications should be sent directly via email only to the Project Manager listed above. The City will not respond to phone calls or voice mails. No other communications with City officials or staff should take place during the selection process in an effort to influence the outcome. Any attempt to do so could result in the disqualification of the respondent's qualifications.

Specific questions regarding the RFQ contents should be sent via e-mail to ensure appropriate tracking and response. As a condition of submitting, the submitting party agrees not to submit a public records request for any documents relating to the procurement process until the city selects shortlisted developers.

3.0 Description of Investment Opportunity

The City desires to see the Legacy Site developed with certain uses and amenities that accomplish the City's objectives as detailed in Section 1.1 and Section 1.2. The proposed project should be in alignment with Maple Valley's various planning documents referenced in Section 3.6. Generally, the final product must be a high quality development that is aesthetically pleasing, and employs sustainable construction. It must create a sense of place and establish connection to adjacent parks, trails, schools, residential neighborhoods, and downtown to the south of the Legacy Site. It must provide a home for the City's growing and diverse workforce, and provide public gathering spaces.

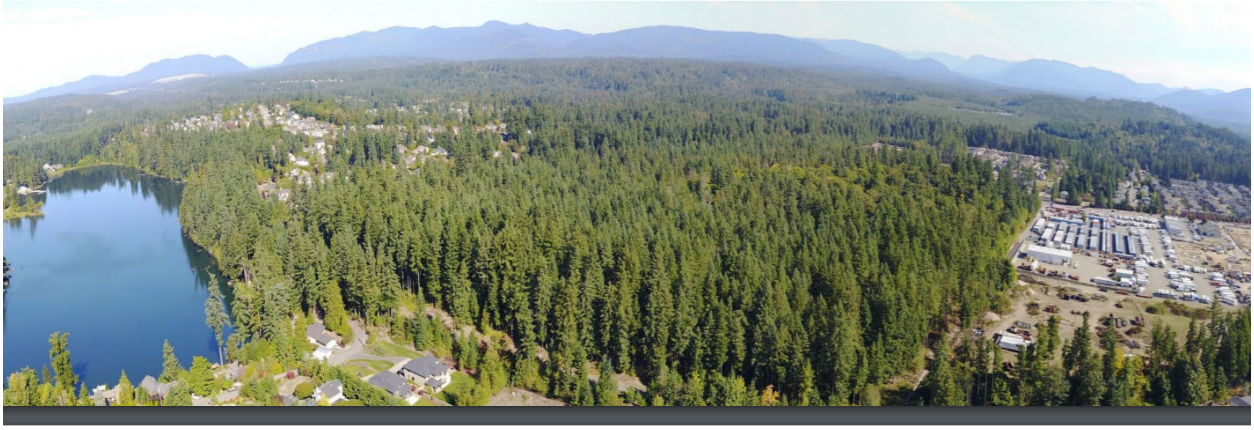

Figure 4. Aerial view of Legacy Site.

3.1 About Maple Valley

The City of Maple Valley resides in King County, Washington, incorporated August 31, 1997, and has a population of 27,114 (2018 Census). The City is 5.8 square miles and is located east of the cities of Kent and Covington, and north of Black Diamond. Maple Valley is located approximately 45 minutes east of Seattle and Tacoma, equidistant from the waters of Puget Sound and the peaks of the Cascade Mountains. Maple Valley offers an extraordinary location to enjoy all that our region has to offer.

Since the City of Maple Valley was formed, the population has more than doubled, however, the business community has grown at an even faster pace, with the square footage of commercial buildings more than tripling over the same period. Recent studies done by the City have indicated that there is a demand for even more commercial development.

The City has an Economic Development Committee that is constantly seeking ways to attract new employers to the City, encourage commercial development for local businesses (not national chains), and create "family wage" jobs that fit the vision of the city's residents.

The City of Maple Valley has been listed in community "Top Ten Lists" year after year including:

"Safest Cities in Washington 2018" *National Council for Home Safety and Security*

"One of the Safest Places in Washington" 2016 - *ValuePenguin*

"The 40 Safest Cities in Washington" 2015 - *SafeWise*
"One of the 10 Best Towns for Families" 2011 - *Family Circle Magazine*

"The Best Places to Raise Kids 2013" - *Businessweek Magazine*

"The Best Towns in Washington for Raising Kids" 2013 - *NerdWallet*

"Top 10 Hottest Suburbs in the U.S." 2013 - *CBS MoneyWatch*

"Top Booming Suburbs In America" 2013 - *Coldwell Banker*

"The 50 Safest Cities in Washington" 2014 - *SafeWise*

"Maple Valley is the #4 place in Washington for homeownership" 2014 - *NerdWallet*

Maple Valley is in the "Top 10 Safest Places in Washington" 2014 *MOVOTO Blog*

3.2 Site Description

The forested 54-acre Legacy Site (Tax Parcel Nos. 2722069159 and 4127000805) is located off of Washington State Route 169 and owned by the City of Maple Valley. The Legacy Site bridges residential neighborhoods to the north and commercial and town center zoning to the south. It lies to the west of Rock Creek Elementary School and to the east of Lake Wilderness and the King County Regional Cedar to Green River Trail. Topographically, the site lies in a series of elevated plateaus, providing views of Lake Wilderness, the commercial downtown district, and Mt. Rainier. There is currently no zoning uses designated for the Legacy Site parcels. The City intends to add a Farmers Market and associated parking lot as a zoning use for the temporarily relocated Farmers Market to be constructed in spring of 2020. Final zoning across the entirety of the Legacy Site is expected to occur following the Industry Review Process

and prior to issuance of the Request for Proposals.

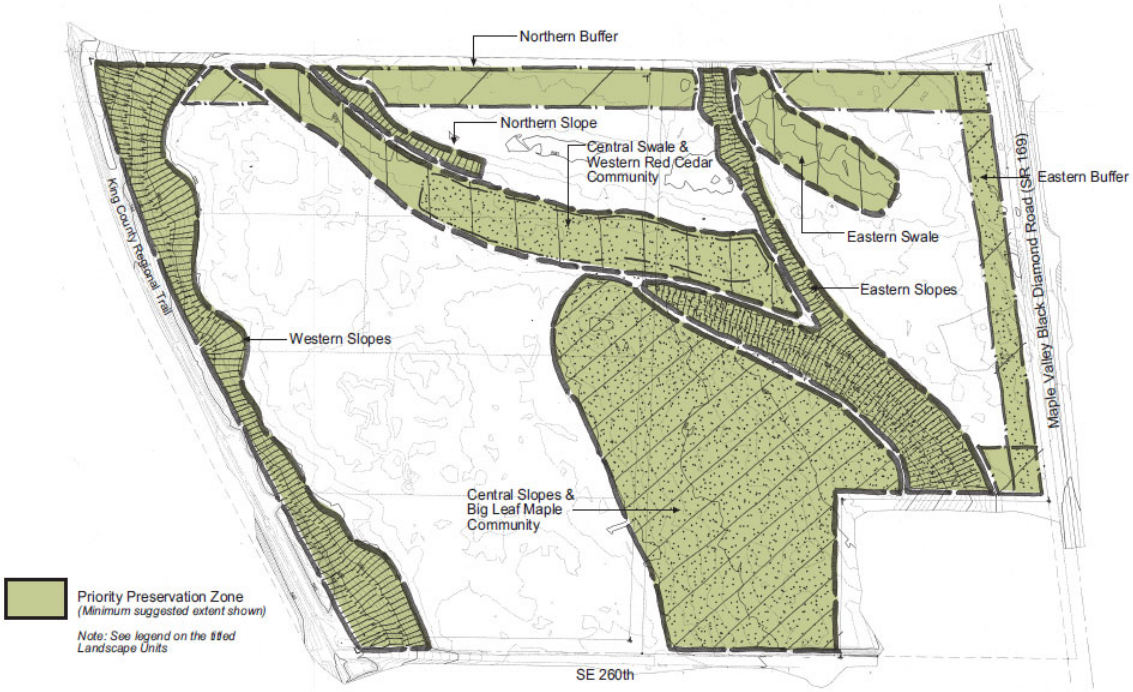

Figure 5. Priority Preservation Zones.

The site is unencumbered by critical areas with second growth Douglas firs and western red cedars surrounding a high point grove of maple trees. The Citizen Action Committee created the priority preservation zones as shown in Figure 5.

The Natural Resource Conservation Service (NRCS) Web Soil Survey maps soils on these parcels as EvC—Everett very gravelly sandy loam, 8 to 15 percent slopes, matching the high infiltration rates of most soils in Maple Valley. The site is an ideal location for green stormwater infrastructure (GSI) design as shown below:

Figure 6. Green Stormwater Infrastructure examples.

3.3 Farmers Market

By June 2020, the City anticipates the temporary relocation of the City of Maple Valley's Farmers Market to the Legacy Site. The Maple Valley Farmers Market is a vibrant community gathering place for the residents of the city. With its live music, food vendors, and special community events, the Maple Valley Farmers Market lives up to its program axiom, "the Saturday Place to be!" The Farmers Market currently resides at Rock Creek Elementary School on Saturdays from mid-June to late September.

The temporary market relocation will activate the site as a future Town Center and be located adjacent to SR 169 for maximum visibility. A natural sloped grade break will bound the site location to the west. A future "Main Street" access road will separate the farmers market from public parking. The Farmers Market is expected to include one acre of market space, a covered pavilion, and four acres of associated parking.

The City anticipates the permanent relocation of the Farmers Market to a year-round Maple Valley Public Market to be developed with the Legacy Site.

3.4 Zip Line Recreation Company

Additionally, the City is negotiating a portion of the property to be leased to a national zip line recreation company. The City has identified family and youth oriented recreation as a priority desire of the Maple Valley community. Location and size of the zip line recreation site encumbrance has not yet been determined.

3.5 Planning

The City of Maple Valley's Economic Development Plan was updated in 2019. It provides a comprehensive playbook of strategies for economic growth and articulates a clear, over-arching vision for the City's future. These strategies are coordinated with the vision, goals and objectives as detailed in the City's Comprehensive Plan and provides citywide policy direction for land use, zoning and public improvements.

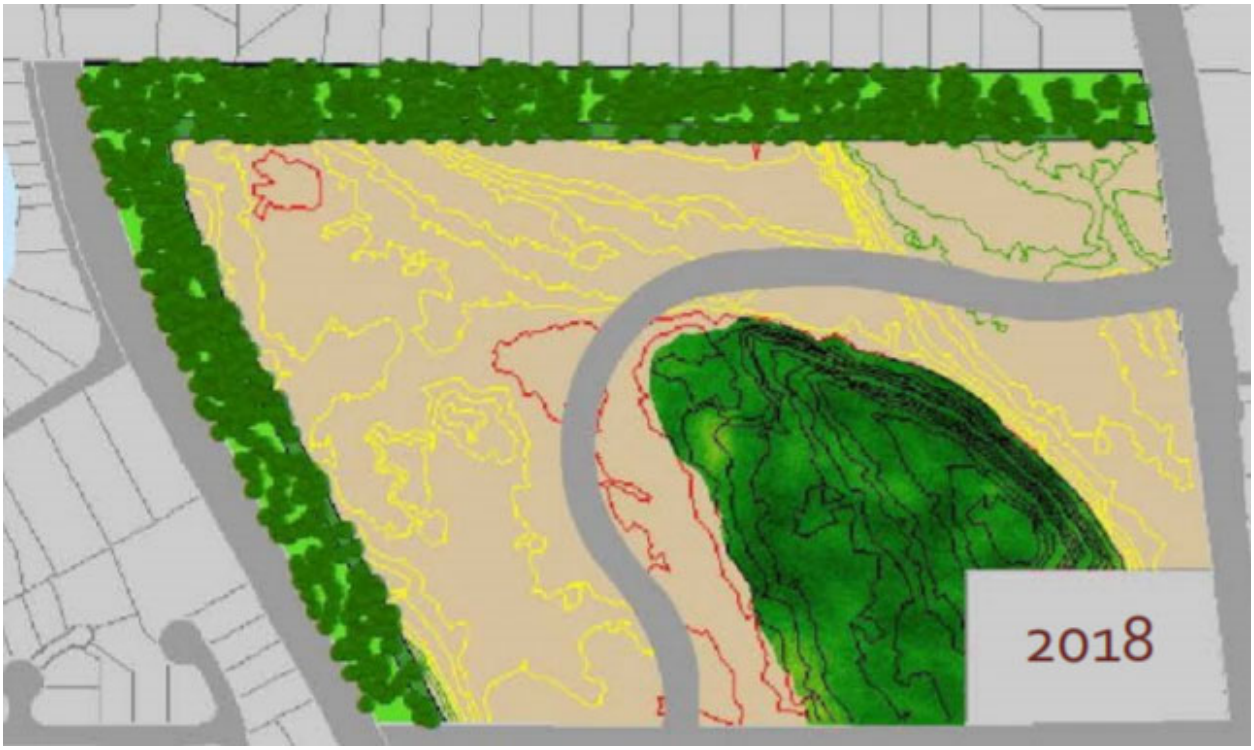

Figure 7. Legacy Site Task Force example of road alignment and active forests.

3.6 Design Guidelines

The City of Maple Valley's intent for the Legacy Site is to be a community gathering space with public amenities, including a year-round public market, commercial retail (local businesses preferred), office space, and an active forest (see City Objectives in Section 1.2). The development must be pedestrian-oriented and contain elements of the natural forested environment. The ideal development maximizes space usage, has community and private amenities, and promotes a sense of place. The following current City projects should be coordinated with the Legacy Site Development:

- Farmers Market Temporary Relocation Project (scheduled to be completed by June 2020)
- T-45 - SR 169 Widening Project from SE 253rd Place to SE 260th Street currently in design through 2021 and scheduled for construction 2022.
- Maple Valley Downtown Design Guidelines Proposal scheduled to be completed by July 2020.
- Maple Valley Branding Project.

3.7 Developer Incentives

The City offers the following incentives to the selected developer:

- Unencumbered, undeveloped, land to construct for profit development (see Section 1.2). City would negotiate cost free, long term lease.
- SR 169 widening and frontage improvements with Legacy Site grand entrance (anticipated 2022 construction).
- Grant and low interest loan opportunities for public infrastructure and public amenities.
- Local business interest in leasing offices and support of the Economic Development Commission and Maple Valley Chamber of Commerce.
- Community Engagement. The City will partner with the developer to assist with developer/City relations and public engagement and communication.
- The Farmers Market will be relocated to the Legacy Site with City construction of 300 stall parking lot, market area, and covered pavilion.
- Priority permitting. A priority permit review process will apply to the development for the Legacy Site Project.
- Recommendations of Downtown Design Standards and Guidelines (anticipated by July 2020).
- Results of City branding initiative.

The development of the Request for Proposals during the last stage of the procurement process will further refine these incentives based on economic viability of the development of the Legacy Site. The City anticipates zoning of the Legacy Site to its best use to meet as many of the City objectives for the site as possible.

The following financial feasibility plan will be vetted during the Industry Review Process with shortlisted developers. Note, the City plans to pursue grant and low interest loan opportunities for all public amenities.

Legacy Site Acreage: 54 acres
Site Preservation Estimated Area, includes areas for City amenities and roads: 27 acres (50%)
For Profit Commercial Development Area: 27 acres (50%)

Road Improvements:	$7.5M (3000 LF @ $2500/LF)
Public Market:	$1.5M
Other Public Amenities:	$2.0M
TOTAL Requested Public Amenity Investment	$11 M
Retail/Commercial/Office Development Value:	$15.3M (27 acres @ 13.5/SF)
TOTAL Development Opportunity:	**$4.3M**

4.0 RFQ Submission Requirements, Pre-submission Conference, and Developer Responsibilities

A complete, concise, and professional response to the RFQ will enable the City to identify the most qualified developers for shortlisting and will be indicative of the level of the respondent's experience and commitment to the proposed project. Respondents must demonstrate their experience in public private partnerships, town center developments, and possess the supporting financing plan necessary to successfully plan, design, and develop the Legacy Site Project.

The respondent should follow the format described below. The contents of the submittal must be clear, concise, and complete. The respondent shall submit ten (10) hard paper copies and one "high quality" digital PDF file on a flash drive.

4.1 Submission Requirements

1. Identify and describe the developer, including developer's name, corporation name (if applicable) or business name, addresses, telephone numbers, fax numbers, e-mail addresses, and the name of the primary project contact.

2. Describe the developer's and key team members' relevant project experience for up to three (3) projects. The City is most interested in local, current and recently completed projects. Projects described must illustrate experience with design and construction projects similar in scope and size to the proposed project. The City is interested in assessing the developer's experience in participating with public private partnerships. Submit photos or drawings and the following information for projects used to demonstrate experience:

    - Project name and location.
    - Description of project size and scope.
    - Total project cost and approach to project financing including sources of funds, amount of debt, equity and public participation, along with square footage costs for each component or use.
    - Date of project conception, date project started construction, and date construction completed.
    - Challenges and obstacles addressed during the development and construction process.
    - Name of the developer's project manager and contact information.
    - Name of the architect and contact information.
    - Name of the construction manager or general contractor and contact information.
    - Contact name and information of the primary public official who worked with the developer on the project.

3. Demonstrate financial capacity of developer and development partners, including guarantors.

Include information about the respondent's overall financial position, history of raising capital, and potential resources available to complete this project.

Respondent should provide a statement describing the respondent's approach to financing the Project, including identification of any perceived challenges to financing the Project and proposed innovations to meet these challenges. Include in the statement what respondent views as the most significant risks to the City and the Developer with respect to financing the Project and how those risks can be addressed, mitigated, or allocated. Within the statement, respondent should also include:

- What entity will be responsible for financing the Project?
- What are the sources of funding (i.e. private equity, bonds, commercial loan, bond financing, etc.)?
- What precautions will be taken to ensure no financial or credit risk to the City based upon the manner of financing the Project?

4. Finally, the City would like to understand where this particular project fits in with respondent's current projects under design and/or construction and/or in respondent's pipeline. Respondent must submit a listing of all projects that are currently being developed by the developer, as well as a listing of projects that are currently in the pipeline but have not yet begun. Information for each project shall include enough information to provide the City with scope and scale of project and the extent of the developer's commitment.

4.2 Developer Responsibilities

The shortlisted developers will be invited to respond to the City's Industry Review Process and Request for Proposals. The preferred respondent selected by the City as a result of the Request for Proposals will be invited to negotiate and enter into a Development Agreement with the City. The City anticipates that the general scope of the successful development team's responsibilities under the Development Agreement will be as follows:

a. **Project Planning & Design**: The development team will be responsible for all aspects of the pre-development planning and due diligence activities, environmental review, project refinement and project design. The selected development team will be responsible, at its cost, for obtaining all land use entitlements and other government approvals required for its proposed project, and the selected development team will be expected to pay all permits, processing, and any other applicable fees related to the development (e.g., traffic and /or transit impact fees), without credit.

b. **Construction**: The development team will be responsible for construction and commissioning of the project including obtaining all permits, fees, and approvals necessary for construction of the Project.

c. **Financing**: The development team will be responsible for providing funding for the Project, whether it be in the form of debt financing, equity, or a combination thereof. In

the event of debt financing, it is imperative that no financial or credit risk is imposed upon the City.

d. **Transfer and Development Costs**: The selected developer will be solely responsible for construction of all improvements. This includes all on-site and offsite improvements and any changes from existing conditions, including underground utilities, street lighting, curbs, gutters, street trees, and sidewalks.

   The City requires the selected developer to construct a "Main Street" connecting SR 169 to the intersection of 236th Avenue SE/SE 260th Street and frontage improvements on SE 260th Street. This also includes any and all impact fees assessed by any agency or government body. All title insurance and escrow costs, transfer taxes, parcel or subdivision maps, and any other transfer or development costs will be the sole responsibility of the selected developer team.

e. **Insurance**: The selected development team will obtain insurance as required by the City.

f. **Taxes and Fees** – The selected development team will be responsible for paying all taxes and fees, including any possessory interest taxes.

g. **Indemnification**: The selected development team will agree to defend, indemnify and hold harmless the City from any and all activities and liabilities associated with the project site.

h. **Government & Community Relations**: The development team will work collaboratively with the City to ensure appropriate outreach and engagement with the neighborhood, as well as with local government officials and agencies.

[THIS PAGE INTENTIONALLY LEFT BLANK]

5.0 Evaluation Criteria

Evaluation of RFQ responses will be based upon the following Developer Qualifications and Experience:

- Success in developing similar Town Center projects. Local projects are preferred.
- Quality of representative projects, including demonstrative success engaging with the community, City officials, and key stakeholders, and evaluation of any design awards or civic recognitions.
- Financial capacity.
- A track record of successful public-private development partnerships including interviews with jurisdictions that the Developer has worked with.
- Key team members experience with public-private partnerships and planning, design, and construction of community focused commercial properties.
- Meeting major project milestones on-schedule on similar projects.
- Matching the City's vision of the Legacy Site Development.

[THIS PAGE INTENTIONALLY LEFT BLANK]

6.0 Disclosures and Additional Information

6.1 City's Rights Pertinent to this Solicitation

The City reserves the right to reject all submittals without indicating the reason for the rejection.

The City reserves the right to amend this solicitation by addendum. The City is bound only by what is expressly stated in the solicitation and any authorized written addenda thereto. Addendums will be posted on the City's Legacy Site Development website. It will be the respondent's responsibility to check the website up to the final date of submittal for any possible addendums.

The City accepts no financial responsibility for any cost incurred by the respondent during any phase of the procurement process. All submittals become the property of the City and may be used in any way deemed appropriate.

6.2 Protest

The City is the legal owner of the property without any statutory restriction on its sale. As such, the City has the unrestricted ability to sell the property to the purchaser of its choice, including the right not to sell it at all. To that end, any aggrieved Respondent in the selection process, to the extent the Respondent believes it has a legal right to protest, should address those rights in the courts of this state as it deems appropriate.

6.3 Withdrawal of Solicitation

The City reserves the right to terminate this solicitation process at any time without prior notice and makes no representation that any agreement will be awarded to any respondent. Additionally, the City expressly reserves the right to postpone opening responses to this solicitation for its own convenience, and/or to waive any informality or irregularity in the responses received.

6.4 Public Disclosure

The respondent understands that as a general rule all documents received by the City are considered public records. Therefore all submittals may be subject to public inspection according to applicable disclosure rules and regulations. If a public records request is made for all or part of a Respondent's submittal, the city will provide notice of the request to the Respondent; if the respondent considers his or her submittal as proprietary and/or otherwise exempt from disclosure, the City will provide the Respondent no more than ten (10) days to seek an injunction or other legal remedy to stop the City's disclosure.

6.5 Confidential Solicitation Process

Disclosure of the information provided in each Respondents' submittals and the internal documentation exchanged among City and consultant staff prior to developer selection would threaten the integrity and successful completion of this selection process. Any person or entity that elects to participate in this selection process by submitting a response agrees, as a condition of participating in this process, that it

will not make any public records requests for any documents directly or indirectly related to this selection process until the City has selected the short list of developers. The City will not share the details of individual responses to this solicitation with competing respondents during the selection process. After the selection process ends and prior to legislative action on the contract, all solicitations may become public information.

Additionally, the respondents shall not attempt to influence the decision process by lobbying or otherwise influencing decision makers, be it elected officials, City Officials or staff, or any other member of the decision making body. By submitting a response to this RFQ, each team agrees to keep its response confidential and to refrain from any activity intended to influence the decision outside of the process outlined in the RFQ, as may be amended from time to time.

6.6 News Releases

The respondent agrees that, if selected, the City will review and approve all news releases and other public comment pertaining to this solicitation and/or subsequent agreement(s). All news releases will be submitted in writing to the City's project manager.

6.7 Conflict of Interest/Financial Disclosure

The respondent agrees, if selected, to comply with the City's Conflict of Interest Code. Principals and key personnel of each development team are required to make these disclosures.

6.8 Indemnification

The respondent agrees, if selected, to indemnify and hold harmless the City and all officers and employees of the City from any and all liability, claims, costs (including reasonable attorneys' fees), demands, damages, expenses, and causes of action.

6.9 Insurance Requirements

Respondent shall be required to maintain and provide proof of insurance of the types and in the amounts required by the City Risk Manager. Minimum general liability insurance will likely be in an amount of at least $10 million in the aggregate and $5 million per occurrence, with a firm authorized to do business in the State of Washington, as well as property coverage for all risks of direct physical loss or damage, including but not limited to boiler and machinery, flood, fire, pollution and accidental contamination. Respondent shall be required to maintain and provide proof of Worker's Compensation, Automobile Liability, and Professional Liability insurances with a firm or firms licensed to do business in the State of Washington.

Respondent shall provide a Certificate of Insurance and separate Additional Insured endorsement, naming the **CITY OF MAPLE VALLEY** as additionally insured parties.

6.10 Examination of Solicitation

The respondent understands that the information provided herein is intended solely to assist the respondent in submittal preparation. To the best of the City's knowledge, the information provided is

accurate. However, the City does not warrant such accuracy, and any errors or omissions subsequently will not invalidate this solicitation. Further, by submitting a response to this solicitation, the respondent represents that he or she has thoroughly examined and become familiar with work required in the solicitation and is capable of performing quality work to achieve the objectives of the City.

6.11 Equal Opportunity Program

The City is strongly committed to equal opportunity in solicitation of services. All eligible service providers including individuals, contractors, vendors, consultants, grantees, lessees, and banks, must comply with the City's Equal Opportunity Policy and Program.

6.12 Nondiscrimination Policy

The respondent shall not discriminate on the basis of race, gender, religion, national origin, ethnicity, sexual orientation, age, or disability in the solicitation, selection, hiring or treatment of sub consultants, subcontractors, vendors, or suppliers. The respondent shall provide equal opportunity for subcontractors and sub consultants to participate in subcontracting opportunities. The respondent understands and agrees that violation of this clause may be considered a material breach of the contract and may result in contract termination, debarment, or other sanctions.

6.13 Local Business and Employment

The respondent acknowledges that the City seeks to promote employment and business opportunities for local residents and firms on all City contracts. The respondent will, to the extent practical, solicit applications for employment and proposals for subcontract work associated with this project from local residents and firms as opportunities occur. The respondent agrees to hire qualified local residents and firms whenever feasible.

[THIS PAGE INTENTIONALLY LEFT BLANK]

Appendix A – Site Specific Documents and Reports

Appendix A contains site specific information. All documents and reports are available for download in the Maple Valley Legacy Site Development website. Following is a detailed list of appendices:

Appendix A.1 – Vicinity Map
Appendix A.2 – Tree Survey and Topographic Map
Appendix A.3 – Legacy Site Trails and Contour Map
Appendix A.4 – Farmers Market SIte Plan
Appendix A.5 – UW Market Analysis 2018