REQUEST FOR QUALIFICATIONS (RFQ)

PROPOSAL GUIDELINES

for the

Purchase, Redevelopment and Operation of 4400 Lincoln Street and Parking Lot at 4401 Sherman Street
SECTION A. GENERAL INFORMATION

A.1 Executive Summary

The City and County of Denver’s Department of Finance and the Office of Economic Development (OED), are looking for a non-profit partner(s) to purchase, redevelop and operate the City-owned structure located at 4400 Lincoln Street, which includes a parking lot across the alley, as a viable neighborhood amenity for Globeville residents. Preferred use for the redeveloped parcel is a multi-purpose community center; however, the City will entertain other reasonable proposals for a public facility that will have a positive impact on the neighborhood. The successful proposer must show that it has identified resources to redevelop and operate a facility for the benefit of neighborhood residents for a minimum of 10 years.

The building is located on the northeast corner of Lincoln Street and 44th Avenue in the Globeville neighborhood. Redevelopment of the property must take into account the neighborhood character and the wishes of neighborhood residents. Preference will be given to proposals that incorporate some of or all the original building design. Consideration must also be given to the impact of the redeveloped property on neighborhood traffic patterns and logistics such as parking.

The most significant challenge associated with this project is the current poor condition of the building, which requires substantial health and safety repairs. After the complete renovation, the 4400 Lincoln property could become a highly valued community asset with consistent hours of operation, multiple uses, and active participation from residents of all ages. The project is meant to primarily serve residents of Globeville, Elyria-Swansea and surrounding neighborhoods.

Additional information on the building and property may be shared with the selected finalists of this project.

A.2 Background

OED is dedicated to advancing economic prosperity for the City, its businesses, neighborhoods, and residents. Among numerous other functions, OED oversees the City’s investments in the development and preservation of neighborhood assets. OED invests in catalytic projects in changing neighborhoods and makes available to non-profit providers, on a competitive basis, a limited amount of funds for public service activities and public facilities and infrastructure projects for neighborhood-serving amenities.

Through this RFQ, the City is soliciting proposals to redevelop the vacant building and property located at 4400 Lincoln Street, including the parking lot across the alley to the east at 4401 Sherman Street into a multi-use neighborhood-serving facility.

Over the next decade, several projects within the Globeville and Elyria-Swansea neighborhoods will have a significant impact on the area, including the Central I-70 project, the National Western Complex, the 38th and Blake Station area and improvements to Brighton Boulevard, which runs through Elyria-Swansea. These changes will bring opportunities to residents and to local businesses; however, there is a concern that long-time residents, particularly renters, could be negatively impacted as the
neighborhood changes. Rent increases in the last several years have already caused Garden Place
Academy, a Denver Public Schools elementary school located across the 4400 Lincoln property, to lose
students as families are displaced.

Services offered in a neighborhood facility could include assistance to families that want to stay in place,
such as career and financial counseling, home ownership information sessions, child care,
entrepreneurial classes, and referrals to other services to help families increase their household income
or reduce expenses.

A.3 Imagining Globeville’s Future: Collaborative Workshop, June 25, 2016

In 2016, the City and County of Denver initiated a planning process to identify, evaluate, and
recommend to voters a series of infrastructure investments to go to the public for approval in the
November 2017 election. The public engagement phase of the process resulted in over 4,000 comments
and ideas from the community. There were multiple competing projects and priorities from Denver
residents, City departments, and neighborhood advocates.

OED presented a request to the General Obligation Bond Committee of $2.4 million to rehabilitate the
4400 Lincoln property and parking lot. Unfortunately, the project did not receive approval to become
part of the Bond package, mostly due to the high cost of rehabilitating the property and uncertainty as
to the sustainability of the project. This does not suggest that the proposed project needs to cost $2.4
million, as that was the preliminary cost for a specific vision of the project. Proposers will need to
estimate costs of their own visions for the project, including the costs of sustaining programs and
services over the long term. On June 25th of the same year, OED and the University of Denver hosted
the Globeville Community Collaborative Workshop to discuss future opportunities for 4400 Lincoln.

As illustrated by the chart below, participants were most interested in having the property become a
multi-purpose community center and/or a youth education facility, although several other potential
uses also received high marks: adult education/technology; adult education/ESL, GED; art and culture;
health and fitness; senior center; small business/markets.
Additionally, the community wanted to see the parking lot at 4401 Sherman developed as a community market, with parking, open space/landscape, and “multi-purpose” also having strong support.

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**A.4 Schedule of Milestones**

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notification of upcoming RFQ and pre-bid meeting</td>
<td>Thursday, February 6, 2019</td>
<td>11:00 a.m. MST</td>
</tr>
<tr>
<td>RFQ release</td>
<td>Monday, February 25, 2019</td>
<td>4:00 p.m. MST</td>
</tr>
<tr>
<td>Pre-bid meeting, tour of property and facilitated discussion with the community</td>
<td>Monday, February 25, 2019</td>
<td>3:30 p.m. MST</td>
</tr>
<tr>
<td>RFQ questions deadline</td>
<td>Monday, March 11, 2019</td>
<td>4:00 p.m. MST</td>
</tr>
<tr>
<td>Addendum with Q&amp;A published</td>
<td>Monday, March 18, 2019</td>
<td>4:00 p.m. MST</td>
</tr>
<tr>
<td>Completed RFQ submission deadline</td>
<td>Monday, April 8, 2019</td>
<td>4:00 p.m. MST</td>
</tr>
</tbody>
</table>

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**A.5 Submission of Responses and Supplementary Reference Documents**

OED utilizes the grant management system *Wizehive* for RFQ and RFP application processes. The online application (available here [https://app.Wizehive.com/apps/4400Lincoln](https://app.Wizehive.com/apps/4400Lincoln)) allows respondents to input general data and information as well as to upload all materials required to respond to this RFQ. Joint responses will be accepted for requirements of this RFQ. *All uploads must be in .pdf format.*

Application requirements are listed in Section C of these Guidelines.
The following documents have been created to assist respondents in the application process. OED assumes respondents have reviewed all of the following documents while preparing their responses. All of these documents are available on the OED Funding Opportunities website.

- This document, the **Proposal Guidelines**, provides background and instructions about the RFQ.
  - **Appendix: Post-Selection Requirements** outlines additional materials that will be required and expected timelines to finalize the assignment of OED’s option and the award of any OED financing to the selected partner.
- **The application, which must be submitted online through Wizehive, by 4:00 p.m., Monday, April 8, 2019.** ([https://app.Wizehive.com/apps/4400Lincoln](https://app.Wizehive.com/apps/4400Lincoln))
- The **Application Checklist** itemizes the documents to be entered as part of the online application and those to be uploaded as attachments.
- The **Wizehive Guide** provides detailed instructions for how to use the Wizehive online application system.

Please note that the proposal must be comprehensive and respond to all questions. Respondents will be allowed to submit up to three (3) different Project Visions for the property within a single application. The additional visions need only include Part 2, 2.1 Project Vision. If, however, implementation of any of these additional visions will require material changes to Part I, Previous Experience; Part 2.2, Project Financing; Part 2.3 Services and Program; Part 2.4, Implementation Strategy; or Part 2.5, Community Engagement Strategy; those sections will also need to be completed for each vision.

### A.6 Questions from Respondents

Questions regarding the RFQ must be submitted in writing via email to: **OED_Neighborhoods.Proposals@denvergov.org** by Monday, March 11, 2019. Answers to all questions received will be published in an addendum and posted to the OED Funding Opportunities website on Monday, March 18, 2019. Technical questions about the use of the Online RFQ Application will be accepted throughout the application period, and again must be submitted in writing by email to **OED_Neighborhoods.Proposals@denvergov.org**.

### SECTION B. RFQ OBJECTIVE

#### B.1 The Property

The 4400 Lincoln Street building, located in the Globeville neighborhood, was originally constructed in the 1920s as a church. The building consists of three floors: basement, main floor, and an attic/loft space. The main floor contains an entryway, kitchen, restrooms, and a large common room. The basement consists of storage, a common room, kitchen, elevator room, boiler room, and restrooms. The third story attic/loft space contains the air handler room on one end of the building while the other end contains an old church choir loft area that has been used as a storage room.

The building has areas and systems that vary in overall condition. The main floor common room is in
good condition while the basement and remainder of the rooms upstairs are in fair to poor condition. Certain HVAC components have been replaced while others are nearing the end of their useful life.

Since the church relocated in the 1970s, the City has owned the property, as well as the parking lot across the alley. For several years, the building was given to different nonprofits to use as a community center; however, the City reacquired it in 2015, and it has remained vacant ever since. It is located across the street from Garden Place Academy, a K-12 Denver Public School.

Following is information on the neighborhood:

_Globeville is located along the western bank of the South Platte River in North Central Denver. In addition to the river, major physical landmarks in the neighborhood include I-25 and I-70. Historically, the neighborhood was home to large industry, especially smelting and meat packing. In Globeville’s early years, immigrants settled in the area and worked in the local industries. As time passed and the economic structure of Denver evolved, the industries in the neighborhood changed. Although the smelters are now gone and the meatpacking industry is much diminished, a strong industrial presence remains today, as does an established residential community. (Globeville Neighborhood Plan, amended in 2016, Community Planning and Development, Denver.)_

The City’s goal for the conveyance and redevelopment of the property is for the site to provide benefit to the residents of Globeville, Elyria-Swansea and surrounding neighborhoods, as a stand-alone multi-purpose community center or other neighborhood-serving amenity.
### DESCRIPTION

<table>
<thead>
<tr>
<th>Building Description:</th>
<th>Originally constructed in the 1920s as a church, the building contains meeting rooms, offices and a large community room.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>4400 Lincoln Street, Denver, CO 80216</td>
</tr>
<tr>
<td>Current Owner:</td>
<td>City and County of Denver</td>
</tr>
<tr>
<td>Building:</td>
<td>8,059 square feet</td>
</tr>
<tr>
<td>Building Lot:</td>
<td>8,440 square feet</td>
</tr>
<tr>
<td>Legal Description:</td>
<td>L 45 &amp; S ½ OF L 44 &amp; VAC UNNAMED ST ADJ; BLK 14 GARDEN PL &amp; L 21 TO 24 INC BLK 8 TACOMA HTS EXC N 45FT THEREOF</td>
</tr>
<tr>
<td>Parking Lot:</td>
<td>6,250 square feet</td>
</tr>
<tr>
<td>Address:</td>
<td>4401 Sherman Street, Denver, CO 80216</td>
</tr>
<tr>
<td>Parcel Number:</td>
<td>0222132032000</td>
</tr>
<tr>
<td>Legal Description:</td>
<td>GARDEN PLACE B14 L1 &amp; 2 &amp; TACOMA HEIGHTS B8 UNOFFICIAL L25 DIF BOOK 113245</td>
</tr>
</tbody>
</table>
| Terms of Sale:        | • Property will be sold on an “as is,” “where is” basis.  
• Buyer will have a 60-day inspection period from date of fully executed purchase and sale agreement.  
• Buyer will be responsible for its own due diligence costs including, but not limited to, survey, environmental studies, zoning verifications, title insurance (City will not furnish an abstract or any other evidence of the marketability of title), market studies, etc.  
• Contract subject to approval by the Mayor and City Council  
• City reserves the right to accept or reject any and all submitted proposals.  
• Consideration for the “winning” offer will include, but not be limited to, benefit to Globeville, Elyria-Swansea, surrounding neighborhoods, and the community and any adverse impact it may have on the neighborhood.  
• The property will be conveyed with a deed restriction or restrictive use covenant for 10 years (with related reporting requirements and right of re-entry for condition broken), depending on the proposed re-use. |
| Type of Deed:         | Quit Claim                                                                                                    |
| Real Estate Broker:   | Buyer will be responsible for its own real estate broker’s fees                                               |
| Closing Costs:        | To be paid by Buyer                                                                                           |
| Utilities:            | Water and Sewer - Denver Water; Gas and Electricity - Xcel Energy                                            |
| Easements:            | Buyer will be responsible for reviewing title for any easements or other encumbrances affecting title.        |
| Current Zoning:       | E-SU-B; 2010 Denver Zoning Code                                                                               |
| Contact:              | Lisa Lumley | Assistant Director  
Division of Real Estate | City and County of Denver  
720.913.1515 Phone | 720-865-7585 Fax  
lisa.lumley@denvergov.org |
Map of the Property and Surrounding Streets

B.2 Public Meeting

The pre-bid meeting will take place on Monday, February 25, 2019, at 3:30 p.m. MST, at Garden Place Academy, located at 4425 Lincoln Street, Denver, CO 80216. Attendance at the pre-bid meeting is encouraged but not mandatory. The pre-bid meeting materials will be made available on the OED Funding Opportunities website after the meeting.

A tour of the property will be the first order of business at the pre-bid meeting, followed by a facilitated community discussion and the presentation on the RFQ. Any questions on the building must be
submitted in writing before the RFQ questions deadline (March 11, 2019). All answers to questions will be published in the Addendum on March 18, 2019.

SECTION C. RESPONSE REQUIREMENTS AND EVALUATION

C.1 Evaluation Team

All applications will be reviewed by an evaluation team comprised of staff members from the Department of Finance, OED, and other City agencies. Evaluators will submit scores through the Wizehive system and recommendations from the team will be provided to the Directors of Finance and OED, who have the final approval of the recommendations. The City reserves the right to select an alternate proposal as a contingency, in case the top-rated applicant withdraws after selection.

Contracts with the selected proposer are subject to Denver Mayor and City Council approval.

C.2 Required Application Materials

Applications should be comprehensive, accurate, and concise presentations of all the requested information. To facilitate the review of applications, all applications must follow the schedule, format and content requirements as detailed herein in order to be considered responsive to this RFQ.

All respondents must submit all required materials listed in both Part 1 and Part 2 of this section C.2, as well as the materials listed in Section D, “Additional Contract Requirements.” Please submit all narrative required materials as part of a single document with numbered and titled sections matching the lists below. All data and information from respondents must be submitted through the online Wizehive application system, as described in Section A.4 above. No additional information, documents or inquiries pertaining to the application, including email and phone calls, will be considered during the selection process. The Wizehive application is available here: https://app.Wizehive.com/apps/4400Lincoln.

Please refer to the Wizehive application for more detailed information on how to format and upload your response to the following items. For items that request a description of the respondent’s experience, if the respondent team includes more than one organization, responses may refer to the experience of any of the partner organizations. As described in more detail in the Wizehive application, your response to several of the items below should be included in a single PDF document. In drafting your response, please adhere to the maximum word counts below.

Part 1 – Previous Experience

1.1 Demonstrated experience and success developing and operating community facilities (1000 words) – Please submit a narrative, including examples, of the respondent’s experience developing neighborhood facilities and operating community-based programs.
1.2 **Demonstrated experience and success raising funds, leveraging public financing and/or working with public sector partners (500 words)** – Please submit a narrative, including examples, of the respondent’s experience leveraging financing from public agencies and negotiating successfully with public sector partners.

1.3 **Project team experience** – Please submit resumes of the individuals in your proposed team who will oversee the project.
- Preference will be given to respondent teams that include, or reflect consultation with, a contractor and an architect.
- If the respondent includes two or more organizations, please describe the partnership, including which organization will be responsible for which aspects of the project.

1.4 **Respondent financial capacity/access to capital (500 words)** – Please submit a brief description of the respondent’s capacity to finance a project of this magnitude, including a description of sources of equity available to the respondent—Include as an attachment financial statements for all partners and contractors for the three most recent years.

**Part 2 – Project Approach**

2.1 **Project Vision (1000 words)** – Please submit a narrative describing the respondent’s development concept for the site.
- Describe how the vision will meet the community’s identified needs, as stated in the aggregate group recommendations, and how these needs will drive the design for programs and services.
  - If the vision is for keeping the current building design, upgrading systems and making improvements to bring the building up to code, please describe how the different floors would be redesigned.
  - If the vision is for complete rehabilitation and redesign, please explain how the redesign would take into account the community’s needs and the character of the neighborhood.
- Describe whether and how the project will meet sustainable design benchmarks (for example, Enterprise Green Communities, LEED, etc.) and/or include features to advance the City’s sustainability goals as outlined in [Executive Order 123](#) [pdf].
- Respondents may choose to include one or more (if submitting more than one vision) architectural site plans and/or architectural drawings, but architectural work is not required of respondents with this application. Architectural plans will be required at a later date, prior to a contract being executed.

2.2 **Project Financing (500 words)** – Please submit a narrative describing intended sources of debt and equity financing for the proposed project.
- Describe the amount and terms for any preliminary or contingent funding for the project.
- List any additional sources of funding to complete the required level of funding for the project; including source, amount, and proposed terms.

2.3 **Services and Programs (500 words)** – Please submit a narrative describing the services and programs which you envision providing at 4400 Lincoln and the parking lot area.
• Are these programs and services new or are they existing and will be replicated or transferred to this location?
• How do these programs and services align with the community’s needs?
• Describe partnerships that you are exploring to be able to provide these programs and services.
• Describe the type of funding you will need to carry out these programs and services, and how you intend to finance their sustainability.

(Please note: OED funds public services, based on the availability of Community Development Block Grant program funds; however, the process is competitive, and OED makes no guarantees that services will be funded for this project. Additionally, this source of funds cannot be expected to be provided to any one entity over the long term, as the demand for public service funds far exceeds the supply.)

2.4 Implementation Strategy (500 words) – Please submit a narrative describing the respondent’s expected timeline and approach to implementing key milestones from selection by the City to the property redevelopment and occupancy.
• Include the expected timeline for securing all sources of financing.
• Preference will be given to applications that present a realistic plan for meeting an aggressive timeline from notice of award to the start of construction.

2.5 Community Engagement Strategy (250 words) – Please describe how you anticipate engaging the community as you move from proposed to final design and development. Please include in the narrative past experience with community engagement.
• Please note: the selected applicant will also be required to submit a written strategy for community engagement after a selection is made and before the project begins.

C.3 Evaluation Criteria

Responses will be scored and ranked according to how well they meet the criteria listed above. Evaluators will score applications based upon the information contained in the Wizehive application and uploaded attachments. Finalists will be invited to interview with and/or provide an oral presentation to OED, and a final selection will be made based on both the quantitative application score as well as interview performance. Additionally, OED reserves the right to conduct negotiations with one or more respondents.

All data and information from the respondent must be submitted as described above. No additional information, documents or inquiries pertaining to the response submittal, including email and phone calls, will be considered during the selection process.

Performance outcomes of prior contracts with OED will be considered in the overall rating of responses submitted by respondents who currently have, or have previously had, contracts with OED.
SECTION D. ADDITIONAL CONTRACT REQUIREMENTS

D.1  IRS Form W-9


D.2  Certificate of Good Standing from Secretary of State

All respondents must be registered with the Colorado Secretary of State and attach an active Certificate of Good Standing. See http://www.sos.state.co.us/pubs/business/businessHome.html for more information.

D.3  Federal Tax Exemption Determination Letter

All lead respondents must have legal standing as a 501(c)(3) non-profit organization. Therefore, the lead respondent’s federal tax exemption determination letter from the Internal Revenue Service must be attached to the application. However, any supporting partner organizations are not required to have the same standing.

D.4  Authority to Submit Application

All respondents must provide proof of their authority to submit the application on behalf of the lead respondent entity. The proof of authority could be in the form of a bylaws board resolution or letter of authorization.

D.5  Diversity and Inclusiveness in City Solicitations Information Request Form

All respondents are required to complete the Diversity and Inclusiveness in City Solicitations Information Request Form. The information provided on this form will provide an opportunity for City contractors/consultants to describe their own diversity and inclusiveness practices.

Contractors/consultants are not expected to conduct intrusive examinations of its employees, managers, or business partners in order to describe diversity and inclusiveness measures. Rather, the City simply seeks a description of the contractor/consultant’s current practices, if any. Diversity and Inclusiveness information provided by City contractors/consultants in response to City solicitations for services or goods will be collated, analyzed, and made available in reports consistent with City Executive Order No. 101. However, no personally identifiable information provided by or obtained from contractors/consultants will be in such reports. A link will be provided in the application for respondents to complete an e-form.

D.6  Certificate of Insurance

Please note in the event that selection results in a city contract, certificates of insurance evidencing the following coverage are required of all city contractors:
• Commercial General Liability: $1,000,000 per occurrence, $1,000,000 for each personal and advertising injury claim, $2,000,000 products and completed operations aggregate, $2,000,000 policy aggregate.
• Business Auto Liability: $1,000,000 combined single limit.
• Workers Compensation: $100,000 per occurrence for each bodily injury claim, $100,000 per occurrence for each bodily injury caused by disease claim, and $500,000 aggregate for all bodily injuries caused by disease claims (or statement of rejection of coverage in accordance with § 8-41-202(1), C.R.S.).

Additional coverage may be required upon award.

D.7 System for Award Management database and Data Universal Numbering System (DUNS) Number

In the event that selection results in a city contract, all entities who contract with the City must be registered in the System for Award Management database (www.sam.gov), and obtain a Central Contractor Registration (CCR) expiration date. This requires a Data Universal Numbering System (DUNS) Number. Dun & Bradstreet issues unique nine-digit DUNS Numbers without charge for all businesses required to register with the US Federal government for contracts or grants with the City. Please see http://www.dnb.com/get-a-duns-number.html for more information. All entities must have an active CCR at the time of contract execution.

SECTION E. GENERAL CONDITIONS AND DISCLAIMERS

E.1 Addenda

In the event it becomes necessary to revise, change, modify or cancel this RFQ or to provide additional information, addenda will be issued and made available on the OED Funding Opportunities website. It is the responsibility of the respondent/contractor to confirm that they have acquired all addenda related to this solicitation and they have reviewed and complied with the requirements therein.

E.2 Alternate Responses

It is the intent of the City to solicit responses that afford the City the most cost-efficient, technically responsive response for the acquisition of the subject matter of this RFQ. However, the City recognizes that there may be arrangements different from that requested hereunder that would offer additional benefits to the City while satisfying the applicable requirements of this RFQ. Accordingly, alternative responses may be submitted for consideration, which offer such additional benefits in addition to the requested baseline response. These alternatives will be evaluated in conjunction with the primary (baseline) approach for each response.
E.3 Acceptance Period

Applications in response to this RFQ shall indicate that they are valid for a period no less than 180 days, provided the selected applicant is making demonstrated progress on the project, from the RFQ submission deadline.

E.4 RFQ Conditions and Provisions

The submission of an application must be authorized by an individual or official of the proposing respondent empowered to sign contracts. Proof of signing authority, such as bylaws board resolution, or letter of authorization should be submitted with the application. The completed response application (together with all required attachments) must be submitted in the manner described in Section A.4 on or before the time and date in Section A.3.

All participating respondents, by their application submission, shall agree to comply with all of the conditions, requirements and instructions of this RFQ as stated or implied herein. Any alteration, erasure or interlineation by the respondent in this response shall constitute cause for rejection by OED. Exceptions or deviations to this response must not be added to the response pages but must be on respondent’s letterhead and accompany the response. Should OED omit anything from this RFQ which is necessary to a clarify the scope of work for this RFQ, or should it appear that various instructions are in conflict, then the Respondent shall secure written instructions from OED.

Typographical errors in entering quotations on the response may result in loss of award of this response. All respondents are required to complete all information requested in this response. Failure to do so may result in the disqualification of the response.

OED reserves the right to postpone or cancel this RFQ, in part or in whole, or reject all responses, if in its judgment, it deems it to be in the best interest of OED to do so.

The OED Executive Director reserves the right to waive any technical or formal errors or omissions and to reject any and all response(s), or to award a contract for the items hereon, either in part or whole, if he or she deems it to be in the best interests of the community and OED to do so.

Successful respondents shall be in complete compliance with all of the specifications, terms and conditions of this response as outlined above. OED shall have the right to inspect the facilities and equipment of the successful respondent to insure such compliance. OED shall not be liable for any costs incurred in preparation of responses or for any work performed in connection therein.

Successful respondents will be invited to enter into negotiations and development of a final project scope. Any selection as a result of this response shall be contingent upon successful negotiation of project scope. Response reviews and selections are further contingent upon respondent’s compliance with any City loan, contractual, or tax obligation as due, or with any rule, regulation, or provision on existing or past City contracts.
E.5 Gratuities and Kickbacks

It shall be a breach of ethical standards for any person to offer, give, or agree to give any employee or former employee (within six months of termination from City employment), or for any employee or former employee (within six months of termination from City employment) to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding of application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or response therefore.

It shall be a breach of ethical standards for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime vendor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

In the event that any gratuities or kickbacks are offered or tendered to any City employee, the response shall be disqualified and shall not be reinstated.

E.6 Non-Collusive Respondent Certification

By the submission of a response, the respondent certifies that:

- The response has been arrived at by the respondent independently and has been submitted without collusion with any other respondent.
- The contents of the response have not been communicated by the respondent, nor, to its best knowledge and belief, by any of its employees or agents, to any person not an employee or agent of the respondent or its surety on any bond furnished herewith and will not be communicated to any such person prior to the official opening of the response.
- No respondent shall submit more than one response to this RFQ. It shall be the responsibility of each respondent to obtain the prior written permission of the OED before RFQ opening in every situation in which the respondent, due to corporate association or other affiliation, may be found to be impermissibly associated with another respondent. Failure to observe this requirement could result in all such affiliated responses being rejected.

Nothing in this section shall be construed to prohibit the submission of joint responses by a team of respondents, so long as each participating entity participates in only one responding team.

E.7 Disclosure of Contents of Responses

All responses become a matter of public record and shall be regarded as Public Records, with the exception of those specific elements in each response which are designated by the respondent as Business or Trade Secrets and plainly marked “Trade Secrets,” “Confidential,” “Proprietary,” or “Trade Secret.” Items so marked shall not be disclosed unless disclosure is otherwise required under the Colorado Open Records Act, C.R.S. §24-72-200.1, et seq. (“CORA”). If such items are requested under CORA, the City will use reasonable efforts to notify the respondent, and it will be the responsibility of the Respondent to seek a court order protecting the records, and to defend, indemnify, and hold harmless the City from any claim or action related to the City’s non-disclosure of such information.
APPENDIX: POST-SELECTION REQUIREMENTS

The successful respondent will be expected to take the following steps to complete the acquisition of the Property and, if applicable, OED financing:

A. **Conditional Letter of Selection** – the successful respondent will receive a conditional letter of selection from the OED Executive Director, based upon the recommendation of the application review committee.

B. **Financing** of the redevelopment of this project: the successful respondent for the acquisition of 4400 Lincoln Street and 4401 Sherman Street must be prepared to finance the project without OED funds, and to continue operation of the facility for at least 10 years, as the low-interest loan is not guaranteed.

   a) OED has a limited amount of funds for public facilities and infrastructure investments (as well as for public services), which it makes available on a competitive basis to the community as gap-financing in the form of low-interest loans. Award of these funds is based on the availability of Community Development Block Grant (CDBG) funds and the relative merits of each proposal submitted;

   b) If the applicant intends to seek OED financing from CDBG public facilities funds, a separate application must be submitted for regular OED loan review process, and will be subject to approval by OED’s Loan Review Committee and, if the request is for over $500,000, approval by City Council. This application would be submitted after a conditional letter of selection is received.

   c) To begin the review and approval process, the successful respondent must submit a CDBG Public Facilities and Infrastructure loan application to OED, located on Wizehive at [https://app.Wizehive.com/apps/OEDPFIAppl](https://app.Wizehive.com/apps/OEDPFIAppl). The application requests key details about the project, an underwriting spreadsheet, and a checklist of due diligence items. Some of the required due diligence items are already required as part of the response to this RFQ or will not be applicable to this process.

   d) Successful respondents should allow a minimum of 3-4 months for review and approval of OED funding requests. In general, the review and approval process follows the steps below:

      i. OED staff review and underwrite application for funding.

      ii. The request for funding is presented to OED’s Loan Review Committee.

      iii. If approved, the request is submitted for contract development. The selected developer will be required to submit a W-9 at this point.

C. **Due Diligence & Acquisition of the Site** – Once financing has been secured, including full execution of any Loan or Grant Agreements by any funder, the selected developer can proceed with the purchase of the subject property.

   a) The City Attorney’s Office provides a draft purchase and sale agreement. The agreement is negotiated as needed and finalized once approved by the Mayor and City Council.

   b) The applicant will have a 60-day inspection period from date of fully executed purchase and sale agreement.

   c) If applicant proceeds to closing after expiration of inspection period, the City Attorney’s Office prepares closing documents, including deed restriction covenant agreement.

   d) The closing documents are fully executed and the parties close the conveyance of the property.