

March 2, 2010

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903

**SUBJECT: Approve Design/Development (D/D) team procurement process and accept procurement documents (RFQ, RFC & RFP). Direct Staff to begin the procurement process to obtain a D/D team to design, partially finance and construct the Emergency Operations Facility project.**

Dear Board Members:

**RECOMMENDATIONS:**

1. Approve procurement process to obtain a Design/Development team
2. Accept consultant's procurement documents:
  - A. Request for Qualifications (RFQ)
  - B. Request for Concept (RFC) without site information
  - C. Request for Proposal (RFP) Outline
3. Direct staff to begin procurement process
4. Continue the ad-hoc Oversight Committee to provide staff direction on the details of the EOF project

**SUMMARY:**

On September 29<sup>th</sup>, 2009 your Board authorized staff to start the environmental review process through a Program Environmental Impact Report (EIR), discussed in more detail below. The Emergency Operations Facility (EOF) project is ready to begin its next phase in planning and staff recommends that the procurement process to obtain a Design/Development (D/D) team begin in a separate, concurrent process. Jones Lang LaSalle (JLL), the County's real estate master consultant, along with staff members from the County and City of San Rafael have worked diligently to produce a fair procurement process that best meets project objectives and

yields a qualified team of design, project management, construction and financing professionals to develop the EOF project.

The September 29<sup>th</sup> presentation included a construction and real estate market update by Jones Lang LaSalle that indicated it is the best time in the last two to three decades to construct the EOF because of reduced project development costs and greater competition. The procurement process consists of a “Qualifications Stage” and a “Building and Site Design Stage”. The Qualifications Stage is administered through the procurement documents called the Request for Qualifications and Request for Concept, described below, and is designed to identify three to four “Finalist” teams that have undergone a rigorous vetting process by JLL. This stage is estimated to last approximately nine to eleven months. By starting the procurement process now, there will be at least a year of time saved in finding qualified Finalist teams to invite to the Building and Site Design Stage, which will be administered through the procurement document called the Request for Proposal. If an off-Civic Center Campus site is selected by your Board at the end of the EIR process, it may be that the Request for Proposal would need to be modified, or may not even be necessary. However, by moving forward with this procurement process concurrently with the EIR, it will ensure that the County takes advantage of the cost benefits of developing the project in the current construction and project development market.

The Building and Site Design Stage will begin upon the approval by your Board of the Final Environmental Impact Report, after which you will select a site for the EOF, and depending on the site selected, a Request for Proposal would be released to the three to four Finalist teams from the Qualifications Stage.

The three procurement documents, attached, are the Request for Qualifications (RFQ), Request for Concept (RFC) and an outline for a Request for Proposal (RFP). These have been written with the RFQ ready to be released upon your approval. These documents, which describe project goals and submittal requirements, will be used to carefully evaluate each D/D team respondent to eventually determine a top ranking team.

As a reminder, the table below summarizes the size, estimated total cost, and scope of Phase 1 of the project. Again, the entire project will be designed in its entirety, but the construction will be done in two phases, with Phase 1 outlined below.

<b>Scope of Phase 1</b>	<b>Total Project Costs</b>	<b>Essential Service (Sq. Ft.)</b>	<b>Standard Construction Sq. Ft.</b>
OES/EOC, Communications / Technical Services Unit, MERA, IST & Patrol	\$57,663,000	54,600	8,400

The Total Project Costs are escalated to the mid-point of construction and include hard and soft construction costs, furniture, fixture & equipment, IST costs, County permits, professional fees, site work and offsite improvements. The Total Project Costs assume any needed MERA equipment, relocation of the Petanque courts and interim dog park, and internal staff costs would be funded outside of this project or not included here. These are the parallel assumptions to those reported to your Board in July 2008. The Total Project Costs above assume the adaptive reuse of the existing 3,800 square foot San Rafael fire station for Sheriff's department needs, and that the remaining 4,600 square feet of the standard construction building would be included as an alternative for costing purposes in the future construction of the facilities. In addition, an important part of the Sheriff's Patrol program is the training and fitness ancillary space, shown in the RRM Program summary as a bid alternate. The City of San Rafael Fire Department may rebuild Fire Station #7 with the EOF project. The above does not include the potential 10,800 SF station.

## **I. DEVELOPMENT OF PROCUREMENT DOCUMENTS**

Although the County has not chosen a specific site location for the Emergency Operations Facility, the County has gone through years of extensive preliminary feasibility studies to identify potential future development sites in and around the Civic Center Campus. The Campus includes the Historical Civic Center buildings designed by Frank Lloyd Wright. There are extensive design, technical and operational issues surrounding the design and construction of the Emergency Operations Facility. If the final site chosen is located at the Campus, these challenges that will need to be addressed are extremely complex.

Given these complex technical and design criteria, the D/D teams must possess an interdisciplinary skill set to succeed. Therefore, the procurement process must be detailed and rigorous enough for a team to emerge as very highly qualified and capable of performing.

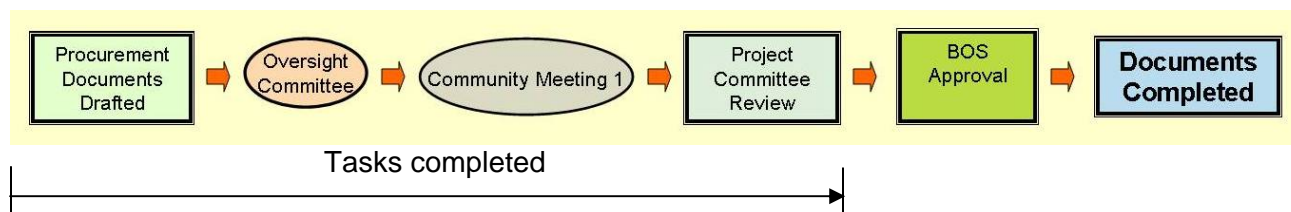
The procurement documents drafted by JLL consist of the Request for Qualifications (RFQ), Request for Concept (RFC) and Outline for Request for Proposal (RFP). JLL has a wide range of expertise in producing similar documents. Care was taken to provide clarity of project details and to provide a consistent response system for evaluation. In addition, these documents are geared towards evaluating a respondent team's abilities in the following areas:

- Design excellence
- Project management skills
- Technical and functional performance
- Value within budgetary constraints
- Risk allocation (schedule, cost and quality)
- Partial financing of the project

Once these documents were drafted and reviewed by the Project Committee (which consists of County staff from the CAO, DPW, Sheriff, County Counsel, and JLL), several groups and other subject matter experts reviewed the draft documents and gave input. These groups and experts include the following:

- Ad-hoc Oversight Committee (Supervisors Adams & Kinsey, the Department Heads of CAO, DPW, County Counsel and the Sheriff)
- Design competition expert
- Department of Public Works
- County's outside legal counsel and County Counsel staff
- County's Financial Advisor
- Sheriff Department & user groups
- County Administrator's Office
- Frank Lloyd Wright Civic Center Conservancy
- Members of the public via a community meeting
- Members of the design, development and construction community via a presentation at the American Institute of Architects (AIA SF)

Below is a chart describing the key steps in developing the procurement documents.



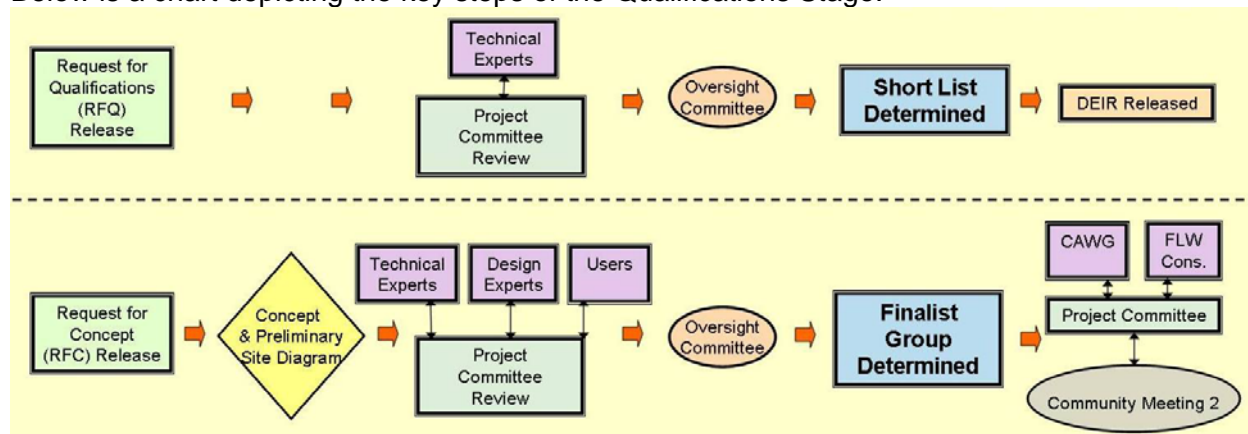
The key benefits of this process include having a wide breadth of input from a variety of sources in an open and transparent process. The end product is a thorough and detailed set of procurement documents.

## **II. PROCUREMENT PROCESS**

### **A. Qualifications Stage**

Step 1 of the Qualifications Stage begins with the release of the RFQ. After a short list of five (5) to seven (7) teams is determined, Step 2 will occur with the release of the RFC. From this step, a Finalist Group of three (3) to four (4) teams will be chosen for the concluding Building & Site Design Stage.

Below is a chart depicting the key steps of the Qualifications Stage.



### **Request for Qualifications (RFQ)**

The RFQ is intended to identify highly qualified teams with experience in the development of comparable facilities who are interested in contracting with the County to design and construct the EOF to best meet the County's objectives and programmatic requirements. Teams will be asked to provide background on experience, resources and expertise needed to design, develop and finance a successful project on time and on budget. At a minimum, the submittal shall identify the lead firm or "at risk" entity, the lead planning and design firm(s), the structural engineer, and other key partner firms. The "at risk" entity's current financial capacity and ability to access funding sources sufficient to secure a Guaranteed Maximum Price (GMP) and provide partial project financing will be an important factor in determining the most qualified RFQ responses.

The County will provide equity of approximately \$45 to \$52 million towards the project's budget estimate of \$58 million, with the balance to be provided by the "at risk" entity. The County's equity consists of \$30 million in capital reserves saved over many years for this project, plus the amount of funds that can be raised from a future issue of Certificates of Participation ("COPs") with a County self-imposed long-term debt ceiling cap of \$3 million. By requiring the "at risk" entity to be able to provide some financing, the firms responding to this procurement process are given notice at the beginning of the procurement process. The County estimates that financing may range from \$6 to \$13 million which would be secured through a financing lease of the EOF facility. At the end of the lease, or upon an earlier buyout of the lease, the County would own the EOF facility.

Key criteria for RFQ evaluations will include the qualifications and experience of the team to:

- Design and construct Essential Service and public safety facilities
- Produce exceptional architectural designs that are sensitive to a project's historic site context and exhibit flexibility and an imaginative attitude toward solving design problems
- Demonstrate financial ability to contract for the project, meet a Guaranteed Maximum Price (GMP), and provide project financing
- Have demonstrated ability to perform successful community engagement on projects
- Show collective experience of team and successful experience of key team members working together.

Through the RFQ, the top five (5) to seven (7) highly qualified teams will be selected. These teams will be invited to submit responses to a subsequent Request for Concept. The RFQ is consistent with the Department of Public Work's typical process for evaluating potential consultants.

### **Request for Concept (RFC)**

The purpose of the RFC process in the Qualifications Stage is to help the Project Committee and the ad-hoc Oversight Committee evaluate which D/D team has the best design philosophy and approach if the EOF site is ultimately chosen, after the Final EIR is approved, to be on the Civic Center Campus, and not to develop a specific building design for a particular site. At the release of the RFC, JLL will identify a preliminary site and ask respondents to create a site diagram and conceptual sketch of their "Design Vision" for the EOF should it be developed on the Civic Center Campus. The final site selection will only be made after completion of the environmental review process, at which time the RFP will be finalized and released. Each team will also be asked to participate in an interview with the Project Committee to discuss their vision, qualifications and project approach. In this stage, the evaluation process will be based upon the merits of the team's preliminary "Design Vision" to support the architectural goals and aspirations of the project and their performance in the interview. In addition, teams will also be required to review and comment on a draft contract that outlines the key contractual terms and conditions with the County. During the public review of the procurement documents it was suggested that teams not selected to proceed to the RFP stage from the RFC process might each receive an honorarium of \$5,000. This can be determined in consultation with the ad-hoc Oversight Committee at the time the RFC is released. The top three (3) to four (4) teams selected from the RFC stage will be invited to participate as Finalists in a subsequent Request for Proposal (RFP) stage.

Key RFC evaluation factors include

- Design Vision in relation to project goals and objectives, as demonstrated through drawings and narratives
- Team project approach description
- Team interviews
- Acceptance of key County contractual terms

Throughout the RFQ and RFC, the Project Committee, with the aid of several advisory groups, will manage the evaluations and select the Short List and Finalist teams.

## **B. Building & Site Design Stage**

### **Request for Proposal (RFP)**

In the RFP stage and upon final selection of a site, Jones Lang LaSalle plans to require Finalist teams to submit building design drawings based upon an Architectural Program and the project budget provided with the RFP documents. The RFP document will not be finalized until after the Qualifications Stage, and after input has been received about the finalists' design concepts from various Advisory Groups, technical experts, and a community meeting. The RFP will not be released to the three to four Finalists until the final site is selected after the Environmental Impact Report is approved by your Board.

Upon receipt of the Finalists' submissions, the Project Committee, with input from Advisory Groups, design experts, and other subject matter experts, will evaluate the quality of the designs submitted against the design goals for the project and for Program adherence. Additionally, teams will be asked to submit a cost estimate with their designs that must demonstrate the design submitted meets the budget for the project. Also, considerations at the RFP stage will include the evaluation of a detailed project management plan encompassing the entire project starting at the approval/certification of the final EIR through design and construction, and other criteria to be in the RFP. The Finalists will be asked to present their final designs at a community meeting.

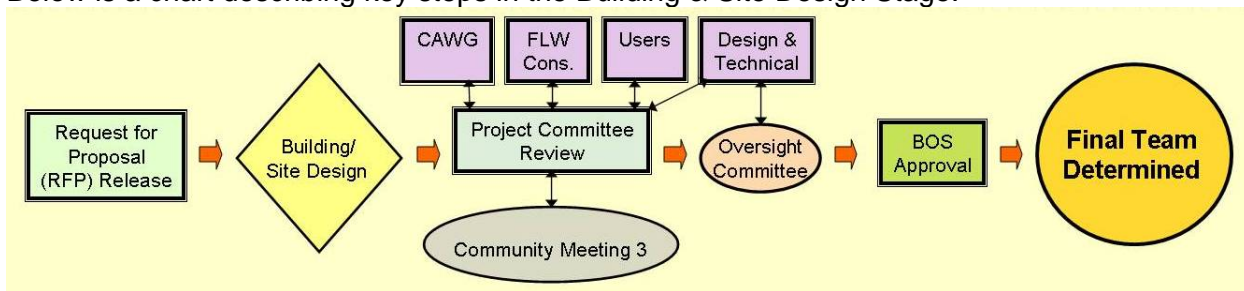
The proposal representing the best overall value to the County considering the factors of final cost, excellence in design, function, program adherence, and technical performance will be presented to your Board for final approval. The winning team will be invited to enter into exclusive contractual negotiations with the County for the design and construction of the EOF. For teams that adhere to all the RFP submittal requirements, it is anticipated that the County will pay an honoraria to losing teams at the RFP stage. The County will reserve the right to request a "Best and Final Offer" from the Finalists after their RFP submissions have been received. After reviewing procurement processes similar in nature, Jones Lang LaSalle and staff recommend that losing teams will each receive an honorarium of \$50,000. This has been included in the project budget.

Key evaluation factors include

- Aesthetic and functional qualities of submitted design
- Facility price submittal

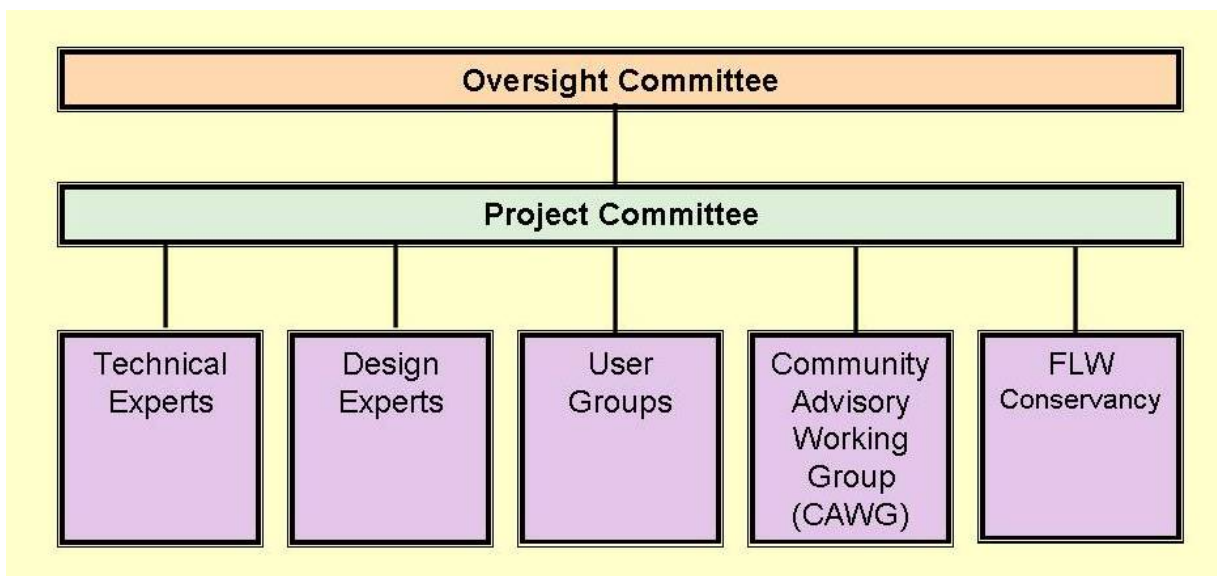
- Technical performance of proposed design
- Financing costs and terms
- Adherence to key contract terms

Below is a chart describing key steps in the Building & Site Design Stage.



### **C. Committees and Advisory Groups**

Two committees and various advisory groups will be involved in the evaluations. The ad-hoc Oversight Committee will give broad input in the procurement process while the Project Committee will manage and implement the process. The advisory groups will aid the Project Committee in determining the Finalist groups and ultimately, the winning team. Below is an organization chart describing the relationship among the committees and groups.



#### **Ad-hoc Oversight Committee**

This committee will include two Board of Supervisors and several department heads that have a vested interest in the EOF project.

### **Project Committee**

This committee of County staff and JLL will manage the procurement process and be responsible for selecting the Short List and Finalist teams and determine the top ranking team for recommendation to the Board of Supervisors.

### **Technical Experts**

This group may include subject matter experts such as cost estimators, financial advisors or other technical/engineer consultants needed to evaluate team proposals.

### **Design Experts**

This group may consist of architect(s), landscape architect, historic architect, engineers or other experts to offer design comments on the design submittals.

### **User Groups**

Various user groups of the EOF from County departments will offer input on design submittals with a focus on functionality.

### **Community Advisory Working Group (CAWG)**

This 5 to 7 member ad-hoc working group will consist of members of the public on a County-wide basis and will include representation from the immediate neighborhood to comment on the site and building design submittals. This ad-hoc working group will be selected by staff.

### **Frank Lloyd Wright Civic Center Conservancy**

If the final site selected falls within, or may have potential impacts to, the Civic Center National Historic Landmark area, the Conservancy will have an opportunity to comment on design submittals focusing on maintaining the historic fabric of the original Civic Center.

## **D. Benefits of this Procurement Process**

Several key elements were taken into account when formulating this process. These include,

- The need for fairness and transparency in the selection process
- Process needed to allow for environmental review to occur concurrently
- A thorough and rigorous process is needed to evaluate the potential for a large number of respondent teams
- An evaluation system was needed such that team submissions can be evaluated consistently
- Detailed system to cover issues relating to the project objectives
- Process allows for multiple designs and offers to be reviewed before a final one is chosen

This process is consistent with recent competitions produced by government entities such as Centre City Development Corporation (City of San Diego), Transbay Joint Powers Authority (City & County of San Francisco) and City of Seattle.



### **III. ENVIRONMENTAL REVIEW UPDATE**

On September 29, 2009, the BOS gave approval to begin an environmental review process through an Environmental Impact Report (EIR). Since then, the Community Development Agency through the Planning Division has sent out a Notice of Preparation (NOP) to a wide list of government agencies and the community surrounding the preferred site; held a Scoping Session public meeting to receive additional input; and hired ESA, an environmental consultant firm to produce a Program EIR. The EIR report will include site analyses and massing studies of several site alternatives. The final certified EIR will be used to help inform your Board regarding the issues in your determining the final site selection for the EOF.

### **IV. SCHEDULE UPDATE**

Below is a high-level schedule showing the major components of the solicitation process. This schedule shows the completion of the procurement process near the beginning of 2011.

Schedule (as of February 2010)																					
Year	8	2009				2010				2011				2012				2013			
Quarter	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Project																					
RFQ																					
RFC																					
RFP																					
Project Design																					
Environmental																					
Construction																					
Move In																					

### **V. San Rafael Fire Station Inclusion to Emergency Operations Facility Scope**

At your September 29<sup>th</sup> meeting, your Board approved staff to work with the City of San Rafael to consider rebuilding the Fire Station located on the Civic Center Campus. The project costs related to this would be entirely borne by San Rafael and CSA 19. County staff and City staff have had further discussions to consider the benefits of going forward with construction coordinated with the Emergency Operations Facility project. The County would not be responsible for costs associated with the new fire station.

#### **FISCAL IMPACT:**

There are no additional funds required to begin the procurement process, other than the staff time devoted to the procurement process. The County's existing contracts with Jones Lang LaSalle and outside legal counsel Meyers Nave provide for support of the procurement process. If any additional minor outside support is needed, funds are available in CAP-90478-01.

Please feel free to contact me if you have any questions.

**REVIEWED BY:**

<input type="checkbox"/> Auditor-Controller	<input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> County Counsel	<input type="checkbox"/> N/A
<input type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> N/A

Respectfully Submitted,

David Speer  
Facilities Planning & Development Manager

Attachments: 1. Draft Request for Qualifications (RFQ)  
2. Draft Request for Concept (RFC)  
3. Outline for Request for Proposal (RFP)

cc: Matthew Hymel, County Administrator  
Sheriff Robert Doyle  
Patrick Faulkner, County Counsel  
Farhad Mansourian, Director, Department of Public Works  
Brian Crawford, Director, Community Development Agency  
Dave Hill, Director, Information Services and Technology  
Jim Farley, Director, Department of Cultural and Visitor Services  
Tim Haddad, Environmental Plan Coordinator, Community Development Agency  
Captain Mike Ridgway, Sheriff's Department  
Tom Lyons, Deputy County Counsel  
Saaïd Fakharzadeh, Assistant Director, Department of Public Works  
Steve Petterle, Principal Park Planner, Department of Parks and Open Space  
Jeff Wong, Capital Planning and Project Manager, CAO  
Larry Beaton, Capital Planning and Project Manager, Public Works  
Ken Nordhoff, City Manager, San Rafael  
Chief Chris Gray, San Rafael Fire Department