

Lake Merritt BART Transit-Oriented Development Request for Proposals

Released: May 25, 2018

Due: August 6, 2018, 12:00 PM

San Francisco Bay Area Rapid Transit District

300 Lakeside Drive, 22nd Floor

Oakland, CA 94612

Attn: Yvette McCoy

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0. Timeline

The anticipated timeline for this request for proposals is as follows:

Request for Proposals Released: May 25, 2018

First Round Questions Due: June 7, 2018

Solicitation Kickoff Meetings: Week of June 11, 2018

All written questions due: July 6, 2018

Final Responses to written questions: July 20, 2018

Submittals due: August 6, 2018, 12:00 PM

Interviews: August 27-29, 2018 (Tentative)

Staff Recommendation to Board: September 2018

For Information Only

I. Introduction

BART is pleased to invite selected pre-qualified teams to submit a proposal for transit-oriented development at the Lake Merritt Station. The property offering, site description, and city and regional context provided in the Request for Qualifications document (Appendix A) is relevant, and this information should be considered in the development of proposals. Further assumptions regarding the site are provided below. This Request for Proposals (RFP) describes how these pre-qualified teams can secure information needed to submit a proposal, the submittal requirements, and evaluation criteria.

Please note that proposals will not be considered a “Best and Final Offer.” BART will be evaluating the proposal responses based on their ability to best meet and balance all of the criteria described in this RFP. It is understood that there are many unknown factors that may impact the ultimate financial terms between BART and any selected developer, and proposals will be conceptual in nature given the best information known to date.

Site Assumptions

Respondents should utilize the following assumptions regarding the site offerings:

1. The Metro Center Building at 101 8th Street is presently occupied by the BART Police Department and other BART departments, and a portion of the building is leased by Asian Health Services and possibly a future café operator for the 1st floor café space. These leases will terminate in July 2022, and Respondents should assume demolition of the building would start no earlier than December 2022.
2. For the purpose of the proposals, assume that BART will cover any costs associated with the relocation of BART personnel and equipment from the MetroCenter Building. However, this will be further negotiated with the selected development team.
3. BART’s property at 101 8th Street is currently encumbered with outstanding debt, which is scheduled to be fully paid off by BART in December 2025. If the selected developer chooses to take control of this parcel and commence development activities before that date, they would be obligated to pay off the existing loan balance at that time according to the following approximate schedule and amount:

Estimated outstanding loan balance @ 12/31/22 - \$9 million

Estimated outstanding loan balance @ 12/31/23- \$6 million

Estimated outstanding loan balance @ 12/31/24- \$3 million

Estimated outstanding loan balance @ 12/31/25- \$0

4. Respondents are expected to develop their own cost assumptions for demolition of the MetroCenter Building and facilities, and structural improvements required to construct on either or both sites due to BART infrastructure/trackway/station needs.

II. Submittal Process

A. Submittal Requirements

Proposals will be due by **12:00 PM on Monday, August 6**. Please submit twelve (12) hard bound copies and one digital copy of the proposals, and separately the Exhibit 1 workbook in its original Excel format as well as printed as a PDF, following instructions in Section III, to:

Yvette McCoy, Principal Property Development Officer
BART Real Estate & Property Development Department
300 Lakeside Drive, 22nd Floor
Oakland, CA 94612
ymccoy@bart.gov
510-464-6888

Please mark all pages of the proposal with “Draft Conceptual Proposal” in the footer.

Additionally, BART will require each respondent to submit a deposit check for \$25,000 payable to “San Francisco Bay Area Rapid Transit District” with your proposal, to secure the team’s position as an eligible respondent. The deposit check will be securely retained by the Real Estate and Property Development Department, and the check of the chosen team, if any, will be deposited while other checks will be voided and returned. If the chosen team decides to forego the opportunity to develop, the deposit will be retained by BART and BART may discuss an Exclusive Negotiating Agreement with the second ranked team. If BART decides to forego the opportunity to develop prior to execution of the Exclusive Negotiating Agreement, the deposit will be returned to the chosen team. Otherwise the deposit will be put towards the \$100,000 Exclusive Negotiating Agreement fee upon execution of that document.

B. Security Sensitive Information

BART information on the location and structure of the underground trackway is security sensitive information. Team members requiring this information (e.g. structural engineers, architects) should be identified to Yvette McCoy by June 7, 2018.

C. BART and Team Initial Meetings

Please submit initial written questions on this Request for Proposal to Yvette McCoy at ymccoy@bart.gov by end of day on June 7, 2018. While written questions may be also submitted later, questions provided by this deadline will enable BART to ensure staff representing appropriate disciplines at BART are available to answer questions at a series of meetings the following week.

Pre-qualified teams interested in submitting will be expected to attend several meetings the week of June 11, 2018. All pre-qualified teams shall be present in each meeting.

- Oakland Staff and BART Transit-Oriented Development Staff Meeting: Meet BART and City of Oakland staff from various departments who might function as resources in the development of proposals. Staff will review RFP expectations, and answer questions submitted by June 7.
- BART Design and Engineering: Meeting with BART's technical staff who can answer questions submitted to BART by June 7. Disciplines may include structural engineering or customer access, for example. Teams may invite engineering consultants and/or other team members to join this meeting.
- A meet and greet between teams and certified Small Businesses (SB) in relevant disciplines, as described in Section III.E, below.

D. Follow-Up Inquiries and Addenda

As needed, respondents may submit written inquiries to Yvette McCoy, BART's Principal Property Development Officer leading this solicitation. Addenda will be released regularly to all teams to answer any written questions received. All questions must be received no later than July 6, 2018 and BART will issue a final addendum responding to all teams with answers these questions by July 20. If questions or comments are deemed to result in a substantial change to what is requested in the RFP, BART Staff may consider issuing an addendum that also extends the due date of the proposals.

E. Presentation and Interview Following Submittal of Materials

After the proposal due date, respondents will be asked to present their proposals to the evaluation committee and BART observers. These interviews will tentatively be scheduled August 27-29, 2018. At this time, the committee members will have the opportunity to ask questions and clarifications on the written proposals or the presentations. The oral presentation and answers to interview questions will be worth an additional 30 points in the scoring of submittals and final ranking of the respondents.

F. Respondent Ranking and Board Recommendation

Respondents will be ranked based on the written proposal as described below, as well as on the oral interviews. A panel comprised of BART staff, City staff, and local stakeholders will evaluate all responses and rank the respondents. BART staff will review the panel's rankings, choose a developer team to move forward, and seek authorization from the BART Board of Directors to enter into an Exclusive Negotiating Agreement (ENA) with the chosen developer team. As part of this Board authorization, BART staff may request authorization from the BART Board to consider a second developer team if BART and the chosen Developer cannot agree upon the terms of the ENA or the Developer does not comply with terms within the ENA.

III. Written Submittal Requirements and Evaluation Criteria

Following are the required elements of the proposal package. Proposals will be evaluated on the extent to which they fulfill BART's Goals & Objectives, which were provided in the Request for Qualifications and are attached in Appendix B of this document. The relationship of the submittal requirements and the Goals & Objectives are referenced in the parentheses below. This section also describes evaluation criteria and scoring for each of the elements.

Executive Summary

Please provide an executive summary with the following information:

1. A one-page narrative summary of the highlights of your proposal
2. Completed Exhibit 1A, showing information on the development program, community benefits package, external funding source assumptions, and extraordinary project cost assumptions. For the purposes of this exhibit, "community benefits" are defined as improvements benefiting the general public and/or contributing to local and regional equity, possibly including but not necessarily limited to:
 - Housing affordable to 120% Area Median Income or Lower (note: per BART's Affordable Housing policy, proposals will be evaluated on the depth and quantity of affordable housing)
 - Commercial space for non-profits at a discounted rent
 - Gathering space/meeting rooms that can be regularly utilized by the general public at a discounted rate
 - Open space, transportation improvements or services, civic amenities that are accessible to the public
 - City housing and transportation impact fees, and Oakland Unified School District impact fees
 - Programs offered by the development that are made available to the general public, not just tenants of your development
 - Other aspects of the development that are enhancing the quality of life for the general public in the Lake Merritt BART station area, and are not just amenities provided to the tenants (if proposed community benefits are different than the examples above, please include an additional sheet describing why your proposed amenity should be considered a community benefit)
3. A conceptual site plan, no larger than 11" x 17" per block detailing the following (BART will request a larger plotted site plan be provided for the oral interviews):
 - Conceptual location and layout of proposed development
 - Building type and footprints and their planned use
 - Proposed lot lines, lot widths and setbacks for all buildings in the development

- Building heights and stories
- Proposed public spaces (if any)
- Existing parcel boundaries, station entrance locations and roads

Please note: In the interest of fairness, and to mirror typical approaches used for securing tenants for affordable housing development, BART discourages identification of specific beneficiaries of the community benefits package (e.g. identifying nonprofits who would occupy discounted office space). Teams identifying beneficiaries by name will lose points in the evaluation process. BART expects to work with the selected developer to come up with a fair and reasonable process for identifying private beneficiaries of community benefits.

Element A. Development Program and Urban Design (Goals & Objectives A3, A4, B2, E1, E3, E4)

1. Provide renderings, schematics and diagram(s) that clearly indicate proposed building heights and massing, infrastructure layout, parking program, and distribution of land uses, keyed to a table that quantifies the mix and distribution of proposed Site uses (e.g., office, retail, service, and commercial square footages, number of residential dwelling units, number of parking spaces, public/private open space square footage, etc.) List respective site/building coverage ratios (FAR), and building heights.
2. Diagrams, supporting tables, and narrative describing:
 - Proposed housing component, referring to the housing location(s) on the Site, the total number of units, number of units by unit types, unit sizes, income level of affordable units, length of expected affordability commitment, and any supportive services or programs, or specific populations to be served by the proposed affordable units.
 - Proposed office components, referring to planned office location(s) on the Site, the types of tenants to be pursued, and any special services or programs proposed for the office component (e.g., “incubator” space and services, executive suites, non-profit, etc.)
 - Proposed ground-level uses that will help to activate a pedestrian experience, the public environment, their floor area, and types of tenants to be pursued (e.g., retail, restaurant, programming, etc.)
 - Any other targeted uses (e.g., hotel), referring to location(s) on the Site
3. Provide major axes elevations and sections; provide façade elevations of each building; depict and clarify planned massing if not evident from axes elevations. Include appropriate labels but do not obstruct design detail and information. It is expressly understood that the design details (materials, features, etc.) will be preliminary at this juncture, but BART and the evaluation committee would like to see the initial concepts.

4. Identify and present expected *primary* architectural systems and materials that will guide the aesthetic character of the Site.
5. Conceptual Renderings and Layouts for any public open space on the site, and/or streetscape, with a narrative description of approach to urban design both internally to the site and interfacing with the eight street frontages.
6. Parking, car share and transportation demand management component(s), as well as the service, delivery and drop-off components, with an indication of the type of parking provided, bundled/unbundled/shared strategies and total number of spaces by location (i.e., underground, above-grade, on-street and/or by use or uses served). Additionally, to calculate your offset vehicle miles traveled, please fill out GreenTRIP Connect for the residential portions of the proposed project and include the report in the proposal. <http://connect.greentrip.org/>.
7. Narrative explaining additional, proposed community distinctions which may include physical amenities or programmatic elements that benefit the future residents/tenants of the project, as well as the larger community and transit riders in particular.
8. Narrative explaining rationale for the Site concept described above. The narrative may make reference to market information, emerging real estate trends, developer experience on similar projects, or other logic for the scale and mix of uses proposed in the Site development concept.
9. Describe, with graphics, how site layout has considered and factored in the structural needs of each site, and highlight any key structural considerations related to the design and engineering of the project. Summarize and further describe any information related to the assumed cost of structural supports to build over the trackway on the parking lot site. Ensure consistency with the assumptions in Exhibit 1A.

Element B. Financial Offer (Goals and Objectives D1, B3)

As described below, please provide details regarding the project's feasibility and the initially proposed financial terms for a ground lease with BART. These details will be understood to represent the Respondents' current expectations based on expected project costs and revenues, as well as phasing and financing considerations. BART expressly acknowledges that the financial terms for this project will be subject to refinement through additional due diligence and negotiations regarding physical design, programming, and community benefits, among other factors.

1. Pro Forma. Proposers shall complete the *MS Excel* document "Development Pro Forma Financial Table" included as Exhibit 1B, and submit electronically both as a PDF (all

pages except instructions) and Excel workbook (with formulas intact) separately from the hard copy proposal documents. The pro forma provides Proposers an opportunity to illustrate how they intend to maximize development potential while supporting BART's goals and objectives. It quantifies preliminary Program revenues and expenses via a pro forma Statement of Cash Flows for each year through estimated build-out of the Proposer's Program. Include all estimated and known project costs, including applicable fees, and make note of assumed funding that is contingent on another entity's action (e.g., tax credits for affordable housing). Note that costs should assume that a Project Stabilization Agreement is required per BART policy.¹ The completed pro forma gives BART an understanding of the Proposer's approach, expected project economics, and provides a basis for business terms negotiation. Note that the pro forma will indicate an unleveraged Internal Rate of Return (IRR) for the overall project; please ensure that this return reflects an acceptable rate of return for the project, as it will serve as a benchmark for ongoing negotiations. If you prefer to use another metric for project feasibility, please describe that metric and explain its significance in the text of your proposal, including how it relates to the IRR calculated on the spreadsheet. Pro forma line items can be modified and expanded as appropriate for this purpose. More specific instructions are included in the *MS Excel* file.

2. BART Financial Offer. Please fill out Exhibit 1C, providing greater detail on your proposed ground lease and other financial offer to BART. Please only submit electronically as a pdf and as part of the Excel workbook which includes Exhibits 1A, 1B, and 1C. Do not include this Exhibit in your written proposal.
3. Development Financing Plan. Provide an explanation of the project's expected financial structure including potential sources and amounts of equity and debt financing, as well as any expected public financing (e.g., affordable housing, below market-rate office space, etc.). Identify assumed reliance on external funding sources (Grants, Tax Credits, etc.) and your team's experience and competitiveness securing these funding sources. Note in particular if the project assumes the introduction of new financing mechanisms to the Lake Merritt area, such as Federal Opportunity Zones, EIFDs, Business Improvement Districts or others. Specifically, describe how the pre-development costs and the initial phases of Site improvements and construction investments will be funded, and identify the anticipated source of the Proposer's up-front funding. Define assumptions and caveats of development timing and sources. Ensure all information provided is consistent with the pro forma.
4. Market Conditions. Summarize market conditions affecting pro forma, including expected lease rates and any assumptions regarding tenancing. Describe planned / existing marketing initiatives to attract anchor / key tenants to the Site. Address marketing plans for each planned tenancy type (e.g., residential, retail, office, etc.).

¹ http://www.bart.gov/sites/default/files/docs/J-%20TOD%20Project%20Stabilization%20Policy%20Adopted%2011-17-2011_0.pdf

Summarize phasing and timing assumptions, and the relationship of building phases. Identify any critical factors that could impact the timing of a portion or all of the development. Describe the Team's contingency plan for changes to cost assumptions (impacts on lease revenues, community benefits, project design, etc.).

5. BART Ridership. BART will complete an analysis of the ridership generated from the proposed development program as described in Exhibit 1 A. Note that BART neither assumes nor expects that parking will be provided solely for BART patrons in the TOD. If your proposal does include parking for BART patrons, please identify the number of spaces, time and days available, and proposed pricing structure.
6. Partnership Structure. If the proposal contemplates use of a limited liability company or another Project-specific entity to hold the assets upon execution of the ground lease, identify the entity that will provide any necessary completion or financing guarantees. These partnership descriptions shall show entity liability throughout the life of the development (i.e., pre-development, construction and asset management).
7. Performance Guarantees. Describe the team's commitment to timely development, including any recommended metrics that could be used to evaluate whether external factors might create a reasonable delay in the project. Identify any financial or other terms to guarantee delivery of project milestones on schedule. These terms will not be binding at this point, but will offer a sense of how the selected Team can work with BART in the execution of an Exclusive Negotiating Agreement.

Element C. Process to Engage Community and Public Agencies in the Design of the Project, and Community Benefits Negotiation (Goals and Objectives A1, A2, A3, D1, D2, F1, F2, F3, F4)

1. The Lake Merritt Station Area Specific Plan emphasizes ensuring the community is involved in the design and scoping of the development. Please describe the process that your team would take to ensure community involvement, including any aspects that will be tailored to the unique characteristics of the Lake Merritt station area. Explain your understanding of important issues in the area. How would you involve community stakeholders? How would you coordinate your engagement of the community with engagement of BART Staff, the City of Oakland, and other public agencies with a stake or interest in the design of the project? Which members of your team will be leading and supporting these efforts? What issues would you primarily focus on, and how would you ultimately ensure your engagement supports creating a community-serving, feasible project? What previous experiences of your team members have informed your proposed approach? Be sure to identify process, schedule, team members, and stakeholders to be engaged.

Additionally, there has been some interest in forming a business improvement district or similar neighborhood-wide entity that could program community events and activate public spaces, among other functions. BART's Goals & Objectives for the project state a desire for this development to participate in the creation of such an entity. Please describe any potential role your team might play in this effort.

Please note: BART discourages direct community engagement in the area for this project during the RFP phase. This may be confusing to the community and disrupt the competitive selection process. Teams conducting community engagement for the TOD project between the release of this RFP and award of the Exclusive Negotiating Agreement by the BART Board will lose points in the evaluation process.

2. The following community benefits are already required by policies of BART and the City of Oakland:
 - BART's affordable housing policy stipulates that a minimum of 20% of units at any station will be affordable with a preference for low- and very low-income households and transit dependent populations.
 - BART has a systemwide goal of 35% affordability on BART property.
 - BART requires the selected development team and its contractor to negotiate a project stabilization agreement for construction labor.
 - The City of Oakland and school district require impact fees to fund affordable housing, transportation, parks and schools.

Various community stakeholders near the Lake Merritt BART station have also stated in letters to BART and in the stakeholder engagement process a desire for a higher level of community benefits, with specific requests including a percentage of affordable housing above 35% with a minimum of 200 affordable units, 20% affordable office space for nonprofits, and \$1 million in improvements to Madison Park. The types of benefits requested by the community are consistent with BART's Goals and Objectives for the project and BART supports the spirit of the request in achieving a project that serves the community. Additional community outreach may result in identification of different or additional benefits. However, BART staff are concerned that such a community benefits package might render the overall development infeasible, particularly in light of recent high construction costs, and the unknown costs of structural work and demolition on these two sites specifically.

Please describe how your team will balance BART's policy requirements and the strong interest from the community in additional community benefits, with the economic and financial realities of achieving mixed use high rise development on these two particular properties. What approach would you plan to use to align community support with your project, and address/demonstrate the balance between community benefits and financial feasibility? How does this fit with your approach to engagement in the design

and construction of the project? Who would lead this process, and what is their expertise in conducting these types of negotiations?

3. As the landowner and a major stakeholder with a station that will be impacted by development, BART expects the selected developer to work in close collaboration with staff from multiple departments from planning through construction and management of the building. The City of Oakland is a key partner in this development as well. Please describe your proposed approach to working with both BART and the City of Oakland, and engaging other public agencies such as AC Transit whose operations could be affected by development. If you have worked with BART, the City of Oakland, and/or AC Transit in the past, please describe how your working relationship will be similar or different from previous efforts. If you have not worked with these agencies in the past, please draw from similar work experience with other transit agencies and cities to describe your proposed working relationship.

Element D. Team Member Information

1. Team Composition. BART does not require proposals to identify all team members who will be required throughout the development process, but the key team members showing expertise in the areas to be evaluated in this RFP should be identified at this stage. These possibly will include, but may not be limited to:

- Developers with expertise in building and securing financing for high rise office, high rise residential, and affordable residential using Low Income Housing Tax Credits, Affordable Housing & Sustainable Communities funds and other major sources of affordable housing funding and finance
- Firms with the following experience:
 - Architects/Urban Designers/Landscape Architects
 - Land Use/Entitlements/Project Manager to lead in entitlements process
 - Environmental Review
 - Structural Engineer
 - Community Engagement
 - Community Benefits Agreement Negotiation

Please highlight any changes to the composition of your team since the submittals to the Request for Qualifications, and highlight the rationale for these changes and roles and responsibilities that have been adjusted.

2. Organizational Chart. Please provide an organizational chart identifying the project manager and/or primary point of contact, key members of the team, and summary of roles, responsibilities, and relationship of team members. If not included in your response to the Request for Qualifications, please include a resume for the project manager.
3. Small Business Participation. BART strongly encourages Small Business (SB) participation in all phases of the development project. Proposers should take all steps necessary to provide an equal opportunity for SBs to participate, including, but not limited to performing the following during this solicitation phase and/or, if selected, throughout the development process as noted:

- Outreach to Small Businesses (solicitation/development).
- Advertise in publications anticipated to reach Small Businesses (development).
- Participate in BART sponsored networking events (solicitation/development)

Please indicate on Exhibit 2 the SB participation goal commitment offered by Proposer. While the teams may only be identifying predevelopment firms at this point, the SB participation goal commitment percentage reflected in Exhibit 2 is based on the overall project cost covering both predevelopment and construction. Proposals will be scored based on the SB participation goal commitment percentage reflected in Exhibit 2. The selected developer will be required to submit monthly SB utilization reports as part of the Exclusive Negotiation Agreement requirements.

SB firms include Small Businesses and Disabled Veteran Business Enterprises (DVBES) certified by the California Department of General Services, Local Small Businesses (LSBs), Lesbian, Gay, Bisexual and Transgender Business Enterprises (LGBTBEs) certified by the California Public Utilities Commission, Small Business Entities (SBEs) and Micro Small Business Entities (MSBEs) certified by BART, Disadvantaged Business Enterprises (DBEs), and Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) certified by BART. As noted in Section II.C of this RFP, BART will host a meet and greet to help proposers identify firms with the experience requested at this stage. More information on SBs can be found at: <https://www.bart.gov/about/business/ocr/programs>.

Summary of Evaluation Criteria

The following table describes the criteria on which the Evaluation Panel will score each proposal received.

Element	Evaluation Criteria
<p>A. Development Program and Urban Design</p> <p>35 points</p>	<p>A1. Overall development concept:</p> <ul style="list-style-type: none"> - Includes high rise residential - Includes high rise office - Includes affordable housing - Uses both sites - Makes use of allowable development envelope - Is consistent with Lake Merritt Station Area Specific Plan <p>A2. Affordable Housing:</p> <ul style="list-style-type: none"> - Quantity of overall affordable housing units - Depth of affordable housing incomes served (based on % AMI) (meets or exceeds BART Affordable Housing Policy) <p>A3. Urban Design: Proposed designs utilize national best practices, appropriately support urban placemaking as well as public space and street activation including following crime prevention through environmental design (CPTED) principles, and are sensitive to local context</p> <p>A4. Transportation Management: Concept minimizes parking for private development while ensuring project is marketable, incorporates a robust transportation demand management program, and overall concept supports greater nonauto trips, as well as BART ridership.</p> <p>A5. Structural Engineering Approach: Proposed structural approach, cost estimates, and narrative demonstrate understanding of structural requirements and associated costs</p>
<p>B. Financial Offer & Feasibility</p> <p>35 points</p>	<p>B1. Financial and Market Feasibility:</p> <ul style="list-style-type: none"> - Cost and revenue assumptions are realistic and grounded in market realities - Development team includes an identified equity investor, other private financial support - Assumptions regarding public subsidy/tax credits/grants/use of other public or quasi-public financing mechanisms are realistic and team has the demonstrated ability and experience needed to compete for Low Income Housing Tax Credits or other identified sources of subsidy. - Pro forma (Exhibit 1B) has been filled out correctly and assumptions are clearly stated <p>B2. Financial return to BART:</p> <ul style="list-style-type: none"> - Ground lease, participation, other non-ridership revenue in Exhibit 1C - Ridership-based revenue based on BART’s model <p>B3: Proposed Community Benefits: Value of community benefits package. “Community Benefits” is defined in RFP.</p> <p>B4: Implementation</p> <ul style="list-style-type: none"> - Assumed timing of development of each phase is logical given market, site, and other considerations - Partnership structure shows proposed legal and financial relationship across developers/uses/phases, in a way that appropriately share site costs and could logically result in delivery of all phases of the proposed project

	- Performance guarantees that offer BART certainty in phasing and timing
C. Community Engagement & Approach to Negotiations 20 points	C1. Community Engagement Approach: Proposed approach brings the depth of expertise needed and demonstrates sensitivity to involving the Lake Merritt community specifically, and clearly states a process allowing for multiple points of engagement throughout different phases of the scoping and entitlement process C2. Community Benefits Negotiation Approach: Proposed approach demonstrates understanding of balancing community interests and financial considerations of a high rise mixed use development, and ability to balance multiple perspectives C3. Approach and Experience working with BART, City, Other Public Agencies: Proposed approach appropriately involves BART as the key public agency and landowner, the City of Oakland, and other public stakeholders. Approach reflects upon lessons learned from previous work with BART and City of Oakland, if any.
D. Team Member Information 10 points	D1. Team Composition: Team includes experts with relevant experience as identified in Section III.D of the RFP. Roles and responsibilities have been clearly delineated in an organization chart, and project manager with experience in master development or large-scale development has been identified. D2. Small Business (SB) Participation. SB participation goal commitment percentage reflected in Exhibit 2.
E. Oral Presentation 30 points	Respondents to present an overview of the proposal, the team, past related experience. Respondents will be expected to answer questions following the presentation, as well as provide clarifications on specific aspects of their proposal. Questions, evaluation criteria and further direction for Oral presentation will be provided in advance.
Written Points: 100 Oral Points: 30 Total Possible: 130	

IV. Rights of BART

This RFP does not obligate BART to select a development team, nor does it commit BART to enter into an ENA. Costs incurred in preparation and submission of proposals are the sole responsibility of the proposers.

BART may require additional evidence or qualifications to perform the services described in this RFP.

BART reserves the right to:

- Reject any or all proposals or to advertise for new proposals.
- Modify the RFP Process (with appropriate notice to respondents).
- Postpone interviews or the evaluation process for its own convenience.
- Remedy technical errors in the Request for Proposal process.
- Approve or disapprove the use of particular partners/subcontractors.
- Waive weaknesses, informalities and minor irregularities in proposals, permit corrections, and seek and receive clarifications to a proposal.
- Conduct interviews at its discretion.
- Hold meetings, conduct discussions and communicate with the teams responding to this RFP to seek an improved understanding and evaluation of the proposals.
- Evaluate and select a team on the basis of information other than financial terms.
- Negotiate with any, all or none of the respondents.

BART's waiver of minor irregularities shall in no way modify this RFP or excuse the respondent from full compliance with requirements if the respondent is awarded the contract. BART has full and sole discretion to determine the criteria and process of evaluation for this RFP, which (if any) respondent shall receive the contract award, or whether or not a contract shall ever be awarded as a result of this RFP.

All information, including plans, specifications and photos, submitted to BART by each respondent, whether or not selected, in response to this RFP become the property of BART.

Appendix A. Lake Merritt Transit-Oriented Development Request for Qualifications

(please see PDF available at:

<http://www.bart.gov/sites/default/files/docs/Lake%20Merritt%20TOD%20RFQ%20FINAL.pdf>)

Appendix B. Goals and Objectives for Lake Merritt Transit-Oriented Development

Please see following page.

Appendix C. List of Attachments

Exhibit 1 Workbook: Excel Workbook with Exhibit 1A, 1B, and 1C

Exhibit 2: Small Business (SB) Participation Worksheet

For Information Only

A. Complete Communities

1. **Engage with community** in the development of the project, to ensure an equitable development project that aims for the highest community use
2. **Enhance the livability and vitality of the neighborhood** surrounding the Lake Merritt Station. In particular celebrate the existing vibrancy and history of Chinatown, including a visual and physical connection down 9th Street towards Franklin, while also connecting to Laney College, Oakland Museum of California, and other nearby destinations
3. Use strong urban design to provide **high quality, active, and safe public and civic spaces**
4. **Create active ground floors** on 8th, 9th, Oak, Madison, Fallon, emphasizing uses that complement and leverage the surrounding area

B. Sustainable Communities Strategy

1. **Deliver commercial and residential high-rise uses at the station** to support Plan Bay Area envisioned growth in the “Downtown & Jack London Square” Priority Development Area. Allow mid-rise development (6-8 stories) only for affordable units
2. **Incorporate green and sustainable design** to minimize vehicle- and building-related greenhouse gas emissions
3. **Explore creative, innovative approaches to development**

C. Ridership

1. **Increase BART ridership at times and locations when BART has capacity**, especially through delivery of uses encouraging reverse commutes and off-peak trips

D. Value Creation & Value Capture

1. **Deliver a feasible development** that generates long term revenue to support BART operations
2. **Participate in future district-wide financing efforts** (such as parking management or community benefit districts) to fund larger scale community investments, including quality public spaces and other investments that bring about neighborhood-wide improvements

E. Transportation Choice

1. **Ensure access improvements offset loss of BART park and ride spaces** and offer viable non-auto alternatives to BART patrons in larger station catchment area
2. **Minimize neighborhood traffic and congestion impacts.** Minimize parking for all uses. Aim for GreenTRIP certification or equivalent through shared, unbundled priced parking, transportation demand management
3. **Leverage the rich transit network to support active transportation goals through project design:** 8th Street transit corridor, 8th & 9th St pedestrian improvements, multimodal hub for connecting bus service
4. **Collaborate to meet long term transit needs, e.g.:** BART Police HQ needs; interface with Transit Operations Facility and Plaza; station entrance capacity; Improving overall transit hub facilities

F. Affordability

1. **Minimum of 20% of housing units will be affordable** to low and very-low income households or below, and support BART’s 35% systemwide affordability goal by aiming for a higher percentage of affordable units. Strive to provide affordable units that serve a diversity of household types and sizes
2. Support local economy through **project labor agreements** for construction of project. Aim for Small Business Enterprise inclusion
3. Include **affordable commercial space options** for non-profit users, working with the community to define affordable space that works for local uses
4. Establish a **positive, productive, and thoughtful approach to prioritization of community benefits**