



**RFP#1820-040418
REQUEST FOR PROPOSALS (RFP):**

**UPDATE TO THE
SOUTH HAYWARD BART/MISSION BOULEVARD FORM BASED CODE
AND THE MISSION BOULEVARD CORRIDOR FORM BASED CODE**

Proposals must be received no later than:

TUESDAY, MAY 1, 2018 @ 3:30 pm

Deliver proposal to the office of:

Maria G. Carrillo, Purchasing Manager
MARIA.CARRILLO@HAYWARD-CA.GOV
777 B Street (3rd Floor)
Hayward, CA 94541



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SECTION I INVITATION FOR PROPOSAL

NOTICE IS HEREBY given that the City of Hayward invites sealed proposals to Revise and Update the City's two (2) Form Based Codes: the **South Hayward BART/Mission Boulevard Form Based Code** and the **Mission Boulevard Corridor Form Based Code**. Each proposal shall be in accordance with the General Provisions for Purchase of Work and Services, on file in the office of the Purchasing Department, 777 B Street, Hayward, CA 94541, where copies of said conditions and specifications may be inspected or obtained. All proposals must be in the format specified and clearly identified with RFP title, number, company name and due date.

Proposals shall be delivered electronically, via email to: Maria.Carrillo@hayward-ca.gov and copy to Sara.Buizer@hayward-ca.gov, **no later than Tuesday, May 1, 2018 @ 3:30 p.m.**, PST. It is the sole responsibility of the proposing agency to ensure that proposals are received prior to the closing time as late proposals will not be accepted.

Submission of a proposal shall constitute acknowledgment and acceptance of all terms and conditions contained in this RFP and all exhibits and attachments hereto

Communication Regarding This RFP

All communication from responding vendors regarding this RFP must be in writing by email to Maria.Carrillo@hayward-ca.gov and copy to Sara.Buizer@hayward-ca.gov. **Communication by telephone or in person will not be accepted.** Attempts by or on behalf of a prospective or existing vendor to contact or to influence any member of the selection committee, any member of the City Council, or any employee of the City of Hayward with regards to acceptance of a proposal may lead to elimination of that vendor from further consideration.

Inquiries

All inquiries related to this RFP are to be directed, in writing, to the contact person at the email address on the front cover of this RFP. Information obtained from any other source is not official and should not be relied upon. All inquiries related to the RFP process will be shared in writing with all perspective consultants.

Last Day for Questions

The last day to submit questions is **Tuesday, April 17, 2018 at 11:00 am**. This will allow sufficient time for any addenda to be issued by the City to all bidders. All questions regarding this bid package must be submitted in writing via email and should be directed to Maria Carrillo, Purchasing Manager: maria.carrillo@hayward-ca.gov; with a copy to Sara Buizer, Planning Manager: sara.buizer@hayward-ca.gov.



Addenda Or Bulletins

Any addenda or bulletins issued during the time of bidding shall form a part of the information and specifications issued to bidders for the preparation of their proposals and shall constitute a part of the contract documents. Initials of bidders on the bid form shall reflect receipt of all addenda prior to submittal of the bid.

Submittal Date

Complete copy of each response must be received before 3:30 p.m. on Tuesday, May 1, 2018, at the address on the front cover of this RFP. Responses must not be sent by facsimile. Responses should be clearly marked with the company name and the project or program title on the subject line. Late or incomplete submissions will not be accepted for consideration.

****IT IS THE SOLE RESPONSIBILITY OF THE PROPOSING FIRM TO ENSURE THAT PROPOSALS ARE RECEIVED PRIOR TO THE CLOSING TIME AS LATE BIDS WILL NOT BE ACCEPTED.**

Tentative Schedule

ACTIVITY	DATE
RFP ISSUED	APRIL 9, 2018
LAST DAY FOR QUESTIONS	APRIL 17, 2018
PROPOSALS DUE	MAY 1, 2018
REVIEW/SELECTION	MAY 18, 2018
AWARD	JUNE 19, 2018

The City reserves the right to amend this timeline at any time. Proposers will be notified of any changes to this timeline.

SECTION II BACKGROUND

The City of Hayward, California (the City) is located in Alameda County and is known as the “Heart of the Bay” because of its central and convenient location to San Francisco, Oakland, and San Jose. It is served by an extensive network of freeways and bus lines and has two BART stations and an Amtrak station. For well over a century, the City of Hayward has capitalized on its strategic location and natural assets to become a regional hub for commerce and trade. Comprising 45.32 square miles on the eastern edge of the San Francisco Bay, Hayward is an economically and ethnically diverse city of approximately 153,689 residents. Hayward is considered a community of opportunity and, unlike many other Bay Area cities, Hayward remains accessible, affordable and primed for growth. City staff plans to capitalize on public/private development opportunities for prime vacant land in key City corridors.

The City is governed by a City Council / City Manager form of government. The City Council is made up of six members plus a mayor that serves as the head of the City Council. The City Council appoints a City Manager to oversee the City’s twelve departments. Additional information regarding the City of Hayward may be obtained at: <http://www.hayward-ca.gov/about.shtm>



SECTION III PROJECT OVERVIEW

The City of Hayward’s Development Services Department seeks an experienced consulting firm (“Consultant”) to research, review, and revise sections of the City’s two existing form-based codes (South Hayward BART/Mission Boulevard Form Based Code and the Mission Boulevard Corridor Form-Based Code) with an overarching goal to achieve better implementation of the *Hayward 2040 General Plan* and the City’s Economic Development Strategy Plan. The Consultant should have experience developing, reviewing and updating municipal form-based codes and be able to provide recommendations based on best practices.

The City requires a thorough code-review to remove internal inconsistencies within the adopted Form-Based Codes, and streamlining the documents to make the codes easier to understand and administer. The Consultant must have legislative municipal experience, to include but not limited to; community outreach, public meetings, work-sessions, be well versed in effective methods to solicit community engagement, ability to synthesize various parts and elements into cohesive themes, with an emphasis toward; Hayward Empathy Action Response Team (H.E.A.R.T) driven solutions.

The express goal of this project is for a seasoned consulting firm to take both form-based codes and adapt each code into clear and understandable regulatory sections that intuitively makes sense to customers, developers and City staff. Specifically, proposed revisions to the form-based codes must directly inform users and help move forwarded proposed development requests/applications. In the end, the revised form-based codes should be user-friendly and be reconfigured so that development standards are easy to understand and apply to projects within the specific form-based code districts.

SECTION IV SCOPE OF WORK

This contract will result in updated form-based codes for the South Hayward BART/Mission Boulevard area and Mission Boulevard Corridor area and is intended to supersede (either entirely or in part) the present form based codes and other local land development regulations that apply to these areas. The Codes are to be consistent with the definitions and evaluation criteria established by the Form-Based Codes Institute; see www.formbasedcodes.org for more details.

A. INITIAL REVIEW AND ANALYSIS

a. *Internal Kick-Off Meeting.* The Consultant will meet with appropriate City staff members involved with the project to better identify the needs, goals, timeline, and deliverables of the project. This meeting will also assist the Consultant to develop a list for suggested revisions from staff. Discussion of an agreed upon “communications policy” should be discussed with steps taken to memorialize such policy.



b. Site Analysis. The Consultant will become familiar with the physical details of the South Hayward BART/Mission Boulevard and the Mission Boulevard Corridor areas.

c. Existing Document Analysis. The consultant should become familiar with the following:

- South Hayward BART/Mission Boulevard Form Based Code
- Mission Boulevard Corridor Form Based Code
- City of Hayward Zoning Ordinance
- Hayward 2040 General Plan
- Downtown Specific Plan (draft)

The consultant team shall conduct a “code analysis” of both form-based codes to be used a guide and tool identifying what currently works and doesn’t work with each code. A clear understanding of both good and bad aspects of the existing form-based codes will help develop an agreed upon plan for revisions to each code.

d. Existing Study Analysis. The Consultant will become familiar with environmental impact analysis and studies already completed for the Form Based Codes areas, including all existing streetscape construction and design documents.

e. Stakeholder Kick-Off Meeting/HEART Outreach. The Consultant will conduct empathy interviews with various residents and stakeholders consistent with the adopted H.E.A.R.T Initiative and prepare and lead a meeting with residents, stakeholders, and City staff to introduce the process and identify a comprehensive list of revisions, including issues and opportunities. During this meeting the Consultant will also provide a project timeline, outline the goals and objectives, and explain the fundamentals of a form-based code.

B. DRAFTING THE UPDATED FORM BASED CODES

Design Parameters for the Form-Based Code.

The updated Codes will regulate development to ensure high-quality public spaces defined by a variety of building types and uses including housing, retail, and office space. The updated codes will incorporate a regulating plan, building form standards, street standards (plan and section), use regulations as needed, and other elements needed to implement the principles of functional and vital urbanism and practical management of growth including, but not limited to, parking, lighting, landscaping, and signage.

Sections of these Codes can be amended through this process, but typically would continue to include the following components:

- Overview including definitions, guiding principles, intent, and explanation of the regulations and process in clear user-friendly language.
- Regulating Plan (a schematic representation) illustrating the location of streets, blocks, public spaces (such as greens, squares, and parks), and other special features. Regulating



plans shall also include aspects of Building Form Standards such as “build-to-lines” or “required building lines” and building type or form designations.

- *Building Form Standards* governing basic building form, placement, and fundamental urban elements to ensure that all buildings complement neighboring structures and the street. These standards should be based upon study of building types appropriate for the region, climate, and neighborhood vitality.
- *Public Space/Street Standards* defining design attributes and geometries that balance the needs of motorists, pedestrians, bicyclists, and transit riders (complete streets) while promoting a vital public realm. These standards should include design specifications for sidewalks, travel lane widths, parking, curb geometry, trees, and lighting. Other standards regulating architectural criteria such as material and quality, landscaping, parking, lighting, and signage.
- *Administration* clearly defining a streamlined application and project review process.

Integration of the Form-Based Code

The two form-based codes must be integrated into the City of Hayward’s Zoning Ordinance in a manner that ensures procedural consistency, meshes with state and local legal requirements, provides clarity as to applicability of existing regulations, and maximizes the effectiveness of the code. Integration of the form-based codes shall be undertaken by the Consultant with the assistance of City staff.

Consistency between Form-Based Codes and Other Documents

The standards and regulations within the form-based codes shall be entirely reflective of the form and quality envisioned by the Downtown Specific Plan (draft) and be consistent with the *Hayward 2040 General Plan*. The Consultant shall update the Codes to ensure that the form-based codes are not in any way inconsistent with the aforementioned plans. In addition, the Plans mentioned, the form based codes shall be consistent with any and all other related plans, studies, design schematics, and construction documents, including the Hillside and Urban Wildlife Interface Guidelines and the Hayward Design Guidelines. The City will provide all the current documents to the selected Consultant.

C. REVIEW AND APPROVAL PROCESS

- a. *Presentation of Revised Drafts*. The Consultant will present the revised drafts of both form-based codes to staff for the purpose of gathering comments. Copies of the draft will need to be provided in both hardcopy and digital form. If determined as necessary, a separate presentation may be required at public work session of neighborhood residents, stakeholders, as determined by the City.
- b. *Meetings with City Staff*. The Consultant will attend and participate in up to 3 additional in-person meetings with City staff, boards, and committees to explain the details of the revised code, and obtain further input and comments.



c. Public Hearing Presentations. The Consultant will make formal presentations to the City's Planning Commission and the Hayward City Council.

d. Additional Revisions. The Consultant will be responsible for two rounds of revisions that may become necessary between presentations. City staff will be responsible for collecting comments, questions, and suggestions for these refinements from various sources and consolidating them into a series of action items for revision or responses.

D. ENVIRONMENTAL REVIEW

a. Initial Study. The Consultant shall prepare an Initial Study for the updated Form Based Codes. For the purposes of this analysis, the Consultant should assume a Negative Declaration of Mitigated Negative Declaration.

b. Complete Environmental Documentation (CEQA). The Consultant shall prepare and complete the necessary CEQA impact analysis for the updated form-based codes.

SECTION V FORMAT OF PROPOSAL

Submittal Requirements

The submittal is to be prepared in a wire or plastic-bound "8 ½ x 11" format and limited to 20 pages, including brochures (not including references or resumes). Covers and dividers are not included in the page count. 11" X 17" sheets may be used for specialized graphics. In addition, any information that needs to be returned should not be submitted. The Consultant is requested to include the following information in response to the RFP. It is expected that the proposals will following the format listed below:

- Name the firm and describe the work in which the firm is engaged. Provide the location of the office that will be performing the work (one page maximum);
- A statement of interest and description of approach, including the nature of the public process and intended extent of public involvement, consistent with the City's H.E.A.R.T Initiative;
- Brief description of specific qualifications, the multi-disciplinary nature of the team assembled for this project, specific evidence of relevant experience creating form-based codes, and a listing of key personnel that would work on this project through the entire duration of the project;
- Please include one or more sample code documents selected from the list of comparable projects. If this document is the code as originally proposed by Consultant, please also include the code as formally adopted by the municipality and a brief explanation of differences between the two. Photos of designed or built results of the code are encouraged



but must be accompanied by a description of their specific relationship to the form-based coding process;

- The Consultant’s ability to meet contract and insurance requirements;
- Hourly rates and charges including travel expenses and overhead charges, including any sub-consultant management;
- List any litigation that now affects or may affect in the future the consultant firm’s ability to perform, or any conflicts of interest or conflicts that could arise based on the firm’s personnel connections;
- An authorized official of the firm shall sign the Request for Proposal; and
- A completed Respondent Information Form (*see Appendix A, separate Word document*).

Project Understanding

The Consultant is required to demonstrate understanding of the project conditions and issues. Note any project development issues that were not either addressed with this proposal or the Consultant team believes would impact the project schedule or project cost. The Consultant team should provide techniques and specific cost saving measures without compromising the integrity of the project purpose and need.

Project Team

Designate the Principal in Charge and Project Manager throughout the duration of the contract. The Project Manager (the key contact) should be readily available for meetings, etc. The proposal should describe the individuals and their roles on the team. The proposal should include a brief resume describing similar projects on which they have been involved and their role on that project, their availability over the duration of this project, and a description of the benefits the person brings to the team. Indicate recent, relevant experience and references on similar projects where a similar role was performed. Full resumes may be included in an appendix. Proposals shall clearly establish principal team member firms and subconsultants. An organization chart shall be included. Any substitution of key staff during the project will require approval from the City.

It is the policy of the City of Hayward that Disadvantaged Business Enterprises (DBE) and Women Owned Business Enterprises (WBE) should have a full and equitable opportunity to participate in the performance of professional service contracts. The utilization of DBE/WBE as subcontractors is strongly encouraged and is one of the items considered in the Consultant selection process.

Cost and Schedule

The Consultant must provide the hourly rate for each participating staff person and estimate the hours for all activities and tasks discussed above, with cost summaries by task and the project overall. The hours should be further divided by the Prime Consultant’s staff time and the staff time of sub-consultants. The Consultant may include additional tasks if relevant. A total proposed “Not to Exceed Fee” shall be provided. The consultant shall provide an estimated timeline for completion



of the project, including: 1) the tasks to be performed; 2) when task each will be completed; a tentative allocation of person days by task; and 4) a schedule of work products or deliverables.

Award of Contract

The City reserves the right to reject any and all proposals, to contract work with whomever and in whatever manner the City decides, to abandon the work entirely and to waive any informality or non-substantive irregularity as the interest of the City may require and to be the sole judge of selection process. The City also reserves the right to negotiate separately in any manner to serve the best interest of the City. The City retains the right, at its sole discretion, to select a successful vendor.

Selection Process

The City of Hayward will evaluate all submittals to determine which Consultants have the experience and qualifications that are most suited for this project based on the criterion listed below. The City may request personal interviews with the highest-ranked Consultants or may request one or more prospective Consultants to submit detailed proposals.

Category	Criterion
<i>Project Management</i>	<ul style="list-style-type: none"> • The Consultant’s experience on similar successful projects • Strength of Project Manager/Project Team’s references • Project Manager’s/team’s oral communication skills
<i>Project Approach</i>	<ul style="list-style-type: none"> • The Consultant’s recommended approach, including the nature of the public process and intended extent of public involvement
<i>Qualifications of Firm/Team</i>	<ul style="list-style-type: none"> • Experience in preparing municipal form-based codes that regulate development and redevelopment in other communities • Experience in building community consensus to support innovative regulatory structures • Strong graphic skills • Strong written and oral communication skills • Experience with identifying, evaluating, codifying, and explaining the essential qualities of community design and character • Experience in writing or implementing municipal land development regulations • Labor costs of key team members, commensurate with qualifications • A Legal Disclosure Certificate is submitted related to conflicts of interest, pending litigation or services termination
<i>Responsiveness</i>	<ul style="list-style-type: none"> • Submission consistent with all RFP requests • Interview presentation consistent with RFP
<i>Appropriateness of Cost</i>	<ul style="list-style-type: none"> • Fee within reason given the scope of the project



City's Rights Reserved

The City reserves the right to select the proposal which in its sole judgment best meets the needs of the City. The lowest proposed cost will not be the sole criterion for recommending the contract award. The recommended selection of the evaluation committee is final and subject only to review and final approval by the Steering Committee and the City Council.

The City reserves the right to reject any or all proposals and to waive technicalities and informalities when such waiver is determined by the City to be in the City's best interest.

The City reserves the right to retain all accepted proposals, including proprietary documentation, regardless of which proposal is selected. No proposals will be returned to vendors.

The City reserves the right to request any supplementary information it deems necessary to evaluate proposer's experience or qualifications. This may include supplemental financial information, additional interview(s), and/or additional presentation by the proposer.

The City reserves the right to reconsider any proposal submitted at any stage of the procurement. It also reserves the right to meet with select proposers at any time to gather additional information. Furthermore, the City reserves the right to delete or add functionality (i.e., modules and components) until the final contract signing.

The City reserves the right to cancel, in part or in its entirety, this RFP, including, but not limited to: selection schedule, submittal date, and submittal requirements. If the City cancels or revises this RFP, all proposers will be notified in writing by the City.

The City reserves the right to revise the RFP prior to the date that proposals are due. The City will communicate changes through addendum to this RFP. All registered proposers will be notified of revisions to the RFP. The City reserves the right to extend the date by which the proposals are due.

The City reserves the right to split the award from this RFP between multiple proposals when such split award is determined to be in the best interests of the City.

The City reserves the right, in its sole discretion, to reject any and all proposals and to waive informalities and minor irregularities in any proposals received. Failure to furnish all information requested or to follow the format requested herein may disqualify the proposer, in the sole discretion of the City. False, incomplete, misleading or unresponsive statements in a proposal may also be sufficient cause for a proposal's rejection.

This RFP does not commit the City to award a contract. All proposals submitted in response to this RFP become the property of the City and public records, and as such, may be subject to public review.

The City shall not be liable for any pre-contractual expenses incurred by prospective vendors or selected contractors, including but not limited to costs incurred in the preparation or submission of



proposals. The City shall be held harmless and free from any and all liability, claims, or expenses whatsoever incurred by, or on behalf of, any person or organization responding to this RFP.

If the successful proposer defaults, the City may award this RFP to the next best proposal and may recover the loss occasioned by the successful proposer against a surety bond, if any, or by suit against the successful proposer.

The City reserves the right to cancel, in part or in its entirety, this RFP including, but not limited to: selection procedures, submittal date, and submittal requirements. If the City cancels or revises the RFP, all interested firms will be notified.

All proposals submitted in response to this RFP become the property of the City and public records and, as such, are subject to public review.

Protest

Should any proposer question or protest the award of the contract, such question or protest must be furnished in writing to the Purchasing Manager within three (3) calendar days after the City notifies all proposers of its intent to award. Such submittal must fully explain the basis of the objection supported by all relevant information facts and details. Letter must be signed by an authorized representative stating specific reason(s) for the protest including all relevant facts (law, rule, regulation, and criteria).

Questions or protests not furnished in writing as prescribed will not be accepted.

END OF FORM