



REQUEST FOR QUALIFICATIONS FROM DEVELOPERS

**Parcel Group 6:
Carlos Bee Quarry**

H HAYWARD

Route 238 Corridor Lands Development

Executive Summary

Opportunity

The City of Hayward is seeking a qualified developer to collaborate on the development of approximately 30 acres of vacant land in the Hayward Hills for a variety of townhome, multi-family, and/or student housing product types. This site, known as Parcel Group 6: Carlos Bee Quarry is a single parcel bound by Highland Blvd. to the north, Carlos Bee Blvd. to the south, existing residential development to the west and a PG&E utility corridor to the east.

The proposed development of the Carlos Bee Quarry neighborhood shall be consistent with the existing General Plan and Zoning designations to develop a neighborhood with relatively high densities and intensities to create a walkable neighborhood with complete streets. The neighborhood will provide open space and park amenities that take advantage of approximately 12.25 acres of passive open space that includes undeveloped areas, and land set aside to preserve riparian areas and protect steep slopes. The neighborhood will have a minimum of 1.5 acres of park space, as well as a new segment of the Hayward Foothill Trail. Small scale retail or commercial spaces may be included.

To provide developers with a level of certainty, the City Council approved a Master Site Plan entitlement which outlines the preferred use for this site. The City seeks to select a qualified developer or development team to collaborate with the City for disposition and development of this site.

Selection Process

The City will select a qualified developer based on the selection criteria detailed in this Request for Qualifications (RFQ), along with the results of the City's due diligence and reference checks.

The selected developer will enter into an Exclusive Right to Negotiate Agreement (ENRA) with the City for Parcel Group 6 in a phased approach: (1) an initial six-month period to negotiate a mutually agreeable term sheet (Phase 1); and (2) if successful, then an extension of an additional 12-month period (with two additional 3-month administrative extensions) to negotiate a Disposition and Development Agreement (DDA) and obtain all required entitlements and third-party agreements, if any (Phase 2). The form of the ENRA agreement can be found in the Document Library.

The following developer deposits will be required as part of the ENRA: (1) a non-refundable deposit of \$10,000 for Phase 1; and (2) a \$40,000 reimbursement deposit for Phase 2 for the City's related costs, which the developer will replenish, if necessary, as well as be reimbursed for any unused portion. The developer will be required to execute a Reimbursement Agreement as part of the ENRA process. The form of this agreement can be found in the Document Library.

Important Dates

Non-Mandatory Pre-submittal Meetings

Although not required, remote participation in one of the following meetings is strongly encouraged:

Thursday, June 11, 2020

9:00 to 10:00 AM

Thursday, June 18, 2020

1:00-2:00 PM

Please register for one of these time slots by sending an email to the staff contact below with the desired time slot and email addresses of those attending.

Statement of Qualifications Due Date

One electronic PDF copy of your Statement of Qualifications (SOQ) are due at 4:00pm on **Thursday, June 25, 2020** clearly marked with “Parcel Group 6—Carlos Bee Quarry Statement of Qualifications.” Responses must be delivered via email to:

Monica Davis

Community Services Manager

monica.davis@Hayward-ca.gov

If the pdf file is too large, please provide it via an easily accessible dropbox or other link.

Staff Contacts

This process will be managed by the following City Staff:

Monica Davis

Community Services Manager

monica.davis@Hayward-ca.gov

Please contact Monica Davis at monica.davis@Hayward-ca.gov with any written questions regarding to this RFQ. The City’s responses to these questions will be shared with all participants that have provided written confirmation of their intent to submit to Monica Davis at the email address provided above.

Background

About the City of Hayward

Comprising 45 square miles, the City of Hayward is an economically and ethnically diverse city of approximately 160,000 residents known as the “Heart of the Bay” because of its location at the juncture of an extensive network of freeways (I-880, I-580, SR 92), two BART stations, numerous AC Transit bus lines, an Amtrak station and its own Hayward Executive Airport. The City is centrally situated in Alameda County – 25 miles southeast of San Francisco, 14 miles south of Oakland, 26 miles north of San Jose, and 10 miles west of the valley communities surrounding Pleasanton with easy access to San Francisco, Oakland, and San Jose international airports as well as Silicon Valley.

About the Route 238 Corridor Lands

In the mid-1960s, the California State Department of Transportation (Caltrans) purchased more than 400 parcels of property for construction of a 14-mile Route 238 Corridor Bypass Freeway to run through the City and parts of unincorporated Alameda County. Due to opposition to the project, Caltrans abandoned the freeway plan. In January 2016, the City entered into a Purchase and Sale Agreement (PSA) with Caltrans to manage the disposition and development of former right of way for the now defunct Route 238 Bypass. This land is divided into 10 Parcel Groups that must be disposed of by 2022. Two Parcel Groups have sold (i.e., Parcels 1 and 10), one has an executed PSA (i.e., Parcel Group 2) and four are under exclusive negotiation agreements (i.e., Parcels 3, 4, 5 and 7). The remaining three, including Parcel Group 6, will be disposed of by the City via other developer solicitation processes.

The larger public purpose of this project is to ensure the productive development of vacant land in a manner that maximizes land value while balancing the desires and need for amenities for the surrounding neighborhood and larger community. The land sale proceeds from this project will be used to reimburse Caltrans and fund local public benefits.

Purchase and Sale Agreement Parcel Groups



Development Vision & Opportunity

Since 2017, the City has been preparing a Master Development Plan (MDP) that captures the development visions of the City Council and the Hayward community for the development of approximately 30 acres of vacant land in the Hayward Hills. On November 5, 2019, the City Council approved the MDP. A copy of this MDP is available in the Document Library.

Additionally, the City Council has certified an Addendum to the City's 2040 General Plan Environmental Impact Report (GP EIR). This Addendum assumes a maximum of 500 townhome & multi-family residential units and 500 student beds/125 student units (assuming quad-style units). The City will allow flexibility in the distribution of these units as long as they conform with the certified Addendum to the General Plan Environmental Impact Report (GP EIR), which can be found in the Document Library.

Pursuant to the adopted MDP, the development of Parcel Group 6 shall take advantage of its Sustainable Mixed-Use (SMU) General Plan and zoning designations to create a dense and sustainable residential neighborhood. The development should consist of a mix of residential product types such as townhomes, multifamily apartments, condominiums, and/or student housing. The project **must** be consistent with the General Plan and zoning ordinance. Final entitlements shall allow for the potential of a minimum of 10,000 square feet of neighborhood servicing commercial/retail or community space, although it is not required that all of this space be constructed. The exact amount of community and/or commercial space to be constructed will be determined as part of future negotiations.

The new neighborhood will provide open space and park amenities that take advantage of approximately 12 acres of passive open space of preserved riparian areas and steep slopes. The neighborhood will have a minimum of 1.5 acres of public parks within the developed area, as well as a new segment of the Hayward Foothill Trail.

The neighborhood will be serviced by two points of access via Overlook Avenue and a new signalized intersection at Carlos Bee Blvd. The selected developer will be required to construct these necessary points of ingress and egress. Due to community concerns, the closing of Overlook Avenue to emergency vehicle access only and possibly other more restrictive modifications to the Overlook Avenue access will need to be evaluated as part of future site and infrastructure planning efforts.

The City recognizes that sustainable mixed-use developments can contribute in a positive way to a community in reducing the number of car trips necessary. The new neighborhood will help achieve this through a robust transportation demand management plan prepared by the developer and approved by the City that promotes the use of alternative modes of transportation, complete streets, access to BART, and bicycling and walking.

Future developers shall utilize the existing General Plan and Zoning Designations. **The City will not entertain any General Plan amendments, changes in use, and density.**

Status of Ownership and Conveyance

The City currently owns Parcel Group 6 via Director's Deed Grant number DD-033529-01-01 pursuant to the Purchase and Sale Agreement between the City and Caltrans. This includes Assessor Parcel Number (APN) 445-0180-001-00. Copies of the deeds and Preliminary Title Report are included in the Document Library

Environmental Clearance and Entitlements

The City Council certified an addendum to the GP EIR, clearing the MDP at a project level. The remaining City entitlements for the development of Parcel Group 6 include:

- Site Plan Review
- Tentative Map
- Final Map

The Mitigation Monitoring and Reporting Program (MMRP) for the addendum to the GP EIR can be found in the Document Library.

Biological Resources

Vegetation within Parcel Group 6 generally consists of sparse seasonal grasses with scattered trees and brush. The center of the site is barren due to past quarry operations; however, a drainage area with riparian forest borders the northern side of the site. Another small area of exotic woodland is located near the northeastern corner of the site. Large blue gum trees are located on the steep slopes that form the site's border to the west. The Addendum to the GP EIR adequately evaluated the biological resources impacts of the MDP and determined that potential impacts would be less-than significant and additional mitigation is not required. More information regarding these biological resources can be found in the Document Library.

Geotechnical and Hazardous Materials

The City retained ENGEO to prepare preliminary geotechnical reports regarding the property that can be found in the Document Library. In addition, the City had prepared a Phase 1 environmental report on the Parcel Group 6 property, which can be found in the Document Library.

Infrastructure and Utilities

Parcel Group 6 is vacant and contains limited site servicing roadway and utility infrastructure. Other than a 6" water main and a 200-foot wide PG&E overhead easement to the south, there are no public utility easements within the parcel. New development will be required to install new roadway and utility infrastructure, including a new signalized intersection at Carlos Bee Blvd. An engineer's estimate of the infrastructure and utility improvements needed for the site can be found in the Document Library. These estimates are for information only and developers are encouraged to conduct their own due diligence of the property to determine infrastructure and utility cost estimates.

Development Requirements and Priorities

While the City maintains certain baseline requirements for the development of Parcel Group 6, the City is seeking a private developer willing to work collaboratively with the City during the Phase 1 ENRA process to negotiate a mutually agreeable term sheet for a project that maximizes the inclusion of as many of the City's development priorities (outlined below) as possible, while at the same time meeting the developer's feasibility requirements. During the Phase 1 ENRA process, the selected developer will help the City prioritize its desired public benefits by evaluating the financial impact of including or excluding the City's development priorities, as well as meeting jointly with related third-party agencies, developers, community groups and organizations to resolve uncertainty regarding certain development priorities. For Parcel Group 6, the City's development requirements and priorities that will be evaluated further as part of the Phase 1 ENRA process include:

Development Requirements

The following will be requirements of any development of Parcel Group 6, in addition to any applicable regulatory requirements:

Plan Consistency

Future development will be required to be consistent with the existing 2014 General Plan and will be able to rely on the GP EIR Addendum for the proposed project presented in the MDP for any subsequent approvals. The City will not entertain any General Plan amendments or zoning changes. The current General Plan and Zoning designations of Sustainable Mixed Use allow for higher density development (25-55 dwelling unit per acre) within Parcel Group 6.

Affordable Housing Requirements

In November 2017, the City Council passed an update to the Affordable Housing Ordinance (AHO). The AHO applies to all residential development projects consisting of two or more dwelling units. For Parcel Group 6, the selected developer will be required to satisfy these AHO requirements through the construction of on-site affordable units. On-site requirements for affordable units in ownership residential projects is 10% of the total number of dwelling units. For rental residential projects this percentage is 6%. A copy of the AHO can be found in the Document Library.

Creek Setbacks and Restoration

In determining appropriate creek/riparian setbacks, the selected developer will also be required to comply with a creek setback of 20 feet intended to minimize the impact to the wildlife and the riparian corridor. Additionally, the developer shall work with the City to determine appropriate creek restoration activities.

Defensible and Bay Friendly Landscape

The development must utilize wildfire defensible landscaping, where possible, as well as comply with the City's Bay Friendly Landscape Ordinance.

238 Foothill Trail and Parkland Dedication Requirements

Parcel Group 6 is within the Hayward Foothill Trail Special Design District (SD-7). This district requires the establishment of a continuous trail through all of the Route 238 Corridor Lands Parcel Groups as outlined in HMC Section 10-1.2640. The trail location will require approval by the City and the Hayward Area Recreation and Park District (HARD).

The developer will be responsible for constructing a trail loop within Parcel Group 6 and connecting the trail to Parcel Group 5. Connections to these trails may be done via existing sidewalks on Carlos Bee Blvd.

Additionally, the developer shall construct and deed to the City or HARD at a minimum of 1.5 acres of public park space. The park design and programming will require approval by the City and HARD.

The developer will be required to dedicate land or pay an in-lieu fee for creation of parkland consistent with Section 10-16 of the Hayward Municipal Code.

Homeowners Association, Special Assessments, and Geological Hazard Abatement District

The City will require the future HOA to include in its Covenants, Conditions, and Restrictions (CC&Rs) to provide adequate regulation of on-street parking, as well as for the on-going security and monitoring of the new neighborhood.

The City will require the future development to levy a property-based assessment, fee or special tax via Homeowner's Association (HOA), Landscape and Lighting District (LLD), or other financing mechanism to provide funding for the on-going maintenance and protection of the Hayward Foothill Trail segment and neighborhood park and the ongoing implementation of the approved TDM program.

Additionally, the City will evaluate the proposed site plan and project for potential inclusion in a Geological Hazard Abatement District.

Green Development

The City is committed to building a sustainable future. The developer will incorporate green building and landscaping elements in the proposed project. Pursuant to the Hayward General Plan's Green Building and Landscaping Requirements (LU-1.8) the development shall:

- Reduce the use of energy, water, and natural resources
- Minimize the long-term maintenance and utility expenses of infrastructure, buildings and properties
- Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors

- Encourage the use of durable, sustainably-sourced, and/or recycled building materials
- Reduce landfill waste by promoting practices that reduce, reuse and recycle solid waste

Additionally, all units must comply with the California Building Standards Commission's new requirement to make all new homes solar powered. This can be accomplished either by installing solar panels on new homes or through constructing a solar power system to serve the new development.

Infrastructure Upgrades

The developer will be required to construct all of the necessary water, stormwater, sewer, and street improvements to serve the new development.

Proposed developments shall not include gas utilities (electric only) to promote a more sustainable project.

Additionally, the developer is required to construct a new access point via a signalized intersection at Carlos Bee Blvd. through the current PG&E easement. Additional community outreach, traffic circulation, safety and engineering analysis will be required before completing this work.

Currently the estimated cost of these improvements is \$9,520,000. An outline of the anticipated infrastructure requirements is presented in the MDP and an estimate of the associated costs can be found in the Document Library. These cost estimates are for information purposes only and the developer will be responsible for developing and verifying their own infrastructure cost estimates.

The developer will also be responsible for contributing their pro rata share of the traffic mitigation improvements as outlined in the Addendum to the GP EIR.

Transportation Demand Management (TDM)

In keeping with the goals of the Sustainable Mixed-Use General Plan Designation, any development within Parcel Group 6 will require a robust Transportation Demand Management (TDM) Plan. The plan must detail strategies on how the development will promote walking, biking, and taking transit to reduce trips in single occupied vehicles. A minimum of 10% trip reduction is required for this development.

TDM plans should evaluate the inclusion of transit access to Downtown Hayward and Hayward BART, which may be accomplished through partnerships with CSUEB and/or AC Transit. Car share, electric bike share, and free transit passes for residents should also be evaluated. Lastly, the TDM plan must include strict on-street parking regulations, enforcement, and address any potential spillover impacts to the adjacent neighborhoods.

Hayward Resident Priority Preference Plan

Properties developed as a part of the Route 238 Corridor Lands Development project shall include a priority preference for Hayward residents to purchase or lease unit in instances where all other financial considerations are equal.

To meet this requirement, the developer must propose a Hayward Resident Priority Preference Plan for the leasing and sale of housing units in their development, pursuant to applicable state and federal Fair Housing laws.

Development Priorities

The following outlines the City's planning priorities that will be evaluated further during the Phase 1 ENRA process.

Diversity in Product Types

Given the permissive land use designations, the City highly encourages any development to provide a diversity and mix in residential product types.

Neighborhood Commercial

Final entitlements shall allow for the potential of a minimum of 10,000 square feet of neighborhood servicing commercial/retail or community space, although it is not required that all of this space be constructed. The exact amount of community and/or commercial space to be constructed will be determined as part of future negotiations.

Student Housing

This site is located approximately 2,000 feet from the campus of CSUEB, a university that is struggling to house its students. The City would like to evaluate providing student housing. Any student housing would need to remain privately owned by the developer or their student housing partner.

Community Workforce Agreement

It is a priority of the City that the construction of the Parcel Group 6 development be subject to a Community Workforce Agreement (CWA) with the Alameda County Building and Construction Trades Council. The City's CWA for public projects can be found in the Document Library.

Bayview Village Concept

The City acknowledges and supports the Bayview Village concept prepared by the Hayward Area Planning Association (HAPA) as a potential approach to implementing the MDP. More information on HAPA's concept is provided in the Document Library.

Additional Considerations

For further discussion on the development requirements of the MDP and RFQ, respondents are strongly encouraged to watch the Planning Commission and City Council work sessions and public hearings on this Parcel Group. Links to these videos can be found at

www.hayward-ca.gov/pg6.

Transaction Process

The selected developer will enter into an ENRA with the City for Parcel Group 6 in a phased approach: (1) an initial six-month period to negotiate a mutually agreeable term sheet (Phase 1); and (2) if successful, then an extension of an additional 12-month period (with two additional 3-month administrative extensions) to negotiate a DDA and obtain all required entitlements and third-party agreements, if any (Phase 2). The form of the ENRA agreement can be found in the Document Library.

While prospective developers are not required to include a project proforma in the Statement of Qualifications submittal, it will be required that the developer prepare a preliminary pro forma analysis of net income expected, including an unleveraged internal rate of return calculation as part of the Phase 1 ENRA process in order to fully evaluate the feasibility implications of including or excluding the City's various development priorities.

The following developer deposits will be required as part of the ENRA: (1) a non-refundable deposit of \$10,000 for Phase 1; and (2) a \$40,000 reimbursement deposit for Phase 2 for the City's related costs, which the developer will replenish, if necessary, as well as be reimbursed for any unused portion. The developer will be required to execute a Reimbursement Agreement as part of the ENRA process. The form of this agreement can be found in Document Library.

The ENRA prohibits any assignments or transfers of the rights under the ENRA to another developer and limits the City's obligations: (1) to negotiating exclusively the terms of the term sheet and subsequently, the DDA with the selected developer, and (2) to considering approval of the development application. There is no obligation that the City extend the ENRA to Phase 2, or approve the DDA or development application.

The City will determine the method and timing of conveyance during the negotiations of a DDA. Any conveyance shall meet the terms and conditions precedent to close including but not limited to financing, tentative map, construction contracts, and others as determined by the City.

A form of the ENRA and Reimbursement Agreement can be found in the Document Library.

Role of Developer

The developer will closely collaborate with the City and maintain primary responsibility for the following aspects of development of Parcel Group 6:

1. Establishing a fair, effective, and collaborative relationship with the City and Hayward community, including ongoing community outreach.
2. Negotiating a DDA Term Sheet with the City as part of the Phase 1 ENRA process.
3. Negotiating and obtaining approval of a DDA for Parcel Group 6 with the City during the Phase 2 ENRA process.

4. Preparing and obtaining approval of a site plan and TDM Plan for Parcel Group 6 during the ENRA process, tentative and final map, and any other required entitlements during the DDA process and prior to closing.
5. Designing, permitting, and constructing infrastructure, landscape and buildings during the DDA process, including obtaining site improvement, design review, and building permit approval from the City and other relevant public agencies.
6. Obtaining financing for the predevelopment, infrastructure, and development process.

Role of City

The City will maintain primary responsibility for the following aspects of development of Parcel Group 6:

1. Negotiating a DDA Term Sheet with the City as part of the Phase 1 ENRA process.
2. Negotiating exclusively and in good faith with the developer regarding a DDA for Parcel Group 6 with the City during the Phase 2 ENRA process.
3. Actively participating in the preparation of the site plan and TDM Plan by developer and consider approval of the site plan, TDM Plan, and other entitlements during the ENA process.
4. Actively participating in all subsequent approvals during the DDA process.

Submission Requirements

Section 1: Cover Letter

Submit a cover letter that introduces the development team and highlights the proposed development team.

Section 2: Statement of Qualifications (SOQ)

Description of Project Team

Identification of the development entity's:

- Name, street address, mailing address, telephone number, facsimile number, and e-mail address.
- Legal form of the organization (e.g., corporation, partnership, joint venture, other), and identify development entities comprising the development organization and persons with the authority to represent and make legally binding commitments for the development entity.
- Principal point of contact and relevant experience.
- Members of the development team including architects, engineers, contractors, financial or equity partners, lenders, and any known participating developer entities.
- Resumes outlining the relevant experience for each team member.
 - At least one team principal must have a minimum of ten (10) years of experience in real estate development

Relevant Development Project Experience

List and description of at least five (5) development projects highlighting the development entity's experience in developing and managing comparable development projects in California, with emphasis on the following:

- The precise role that the entity and principals of the entity played in each project's development.
- Project description, including dates of commencement/completion, location, concept, land uses, size and cost.
- Financial structure of the project, including source of equity and debt financing.
- Architecture, landscape design and photographs of projects.
- Experience with Public/private ventures, including experience working with California local government entities on public land transactions.
- Experience with the implementation of affordable housing requirements pursuant to inclusionary housing requirements.
 - Include a discussion on how the requirements were met and who on the development team has experience in this area.
- Experience with infrastructure development.
- Experience with community outreach and engagement.
- Length of time to complete such projects.
- Lessons learned; and,
- Contact information for references for each project discussed.

Relevant Financial Capacity

SOQs should provide evidence that the development entity has the financial capacity to carry out the proposed project, and should include the following information:

- Financial statements of the most recent calendar or fiscal year, for the development entity or for each of the principal parties (in the case of a company formed specifically for the project).
- Letters from the developer's lenders attesting to the developer's capacity to undertake this project, including the available capacity of lines of credit.
- List and explain any litigation or disputes that the development entity, or any named individual in the proposed project, is involved in that could result in a financial settlement having a materially adverse effect on the ability to execute this project.
- State whether the development entity, or any of the named individuals in the proposed project, ever filed for bankruptcy or had projects that have been foreclosed. If yes, please list the dates and circumstances.

Any confidential financial information shall be submitted in an envelope labeled "**CONFIDENTIAL FINANCIAL INFORMATION**" that will be provided to the City's economic consultant for review and evaluation.

Project Understanding and Approach

In a brief statement, describe your understanding of Parcel Group 6 and your conceptual approach to meeting the City's goals and objectives outlined in this RFQ and MDP, including how you will engage the surrounding neighborhoods and Hayward community throughout the ENRA and development process, and any overall impressions of the opportunities, constraints, and financial feasibility of the Bayview Village concept. More information on the separate Bayview Village concept prepared by HAPA is provided in the Document Library.

While prospective developers are not required to include a project proforma in the SOQ submittal, it will be required that the selected developer prepare a preliminary pro forma analysis of net income expected, including an unleveraged internal rate of return calculation as part of the Phase 1 ENRA process in order to fully evaluate the feasibility implications of including or excluding the City's various development priorities.

Acceptance of Conditions

By submitting a response to this RFQ, the developer acknowledges and accepts all rules and conditions specified in this RFQ.

Submittal Timeline

Release of RFQ

Copies of this RFQ will be released on **Thursday, May 28, 2020** and will be available at www.hayward-ca.gov/PG6.

Non-Mandatory Pre-submittal Meetings

Although not required, remote participation in one of the following meetings is strongly encouraged:

Thursday, June 11, 2020

9:00 to 10:00 AM

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Please register for one of these time slots by sending an email to the staff contact below with the desired time slot and email addresses of those attending.

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One electronic PDF copy of your SOQ are due at 4:00pm on **Thursday, June 25, 2020** clearly marked with “Parcel Group 6—Carlos Bee Quarry Statement of Qualifications.” Responses must be delivered via email to:

Monica Davis

Community Services Manager

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Staff Contacts

This process will be managed by the following City Staff:

Monica Davis

Community Services Manager

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Please contact Monica Davis at monica.davis@Hayward-ca.gov with any written questions regarding to this RFQ. The City’s responses to these questions will be shared with all participants that have provided written confirmation of their intent to submit to Monica Davis at the email address provided above.

SOQ Review and Selection

Tentative Review Timeline

Review of Responses—July 2020

Responses to this RFQ will be reviewed and evaluated by a team of staff according to the criteria outlined below.

Interviews of Short List—July/August 2020

A short list of developers may be invited to participate in a virtual interview with a panel of City staff and consultants.

Recommendation & ENRA Authorization—September 2020

Staff will return to the City Council for a public hearing for the approval of an ENRA with the preferred developer for Parcel Group 6.

Selection Criteria

Evaluation of SOQs will focus on the strength and relevance of the qualifications and experience of the respondent for the specific development characteristics of the Parcel Group 6 opportunity. The criteria below will be used to assess the responsiveness of each SOQ. The City reserves the right to use any other relevant criterion as determined by the City.

- Technical capability and relevant experience of the project management team specific to the characteristics of the Parcel Group 6 site and development;
- Demonstrated experience with complex projects that include public/private partnerships, public land acquisition, DDAs, affordable housing, CWAs, and/or infrastructure development construction and management, among other aspects.
- Demonstrated experience and ability to solicit and incorporate stakeholder feedback from community organizations, businesses and residents.
- Demonstrated experience in incorporating green building standards and TDM into design and operation of a project.
- Demonstrated experience of working successfully with public entities.
- Sufficient staff and consultant resources to deliver the project.
- Evidence of financial capacity, resources, and relationships, and clear corporate/organizational structure;

Staff will be evaluating SOQs, along with the results of the City's due diligence and reference checks.

Disclosures and Reservations

Disclosures

The information contained in this RFQ regarding the development site is believed to be reliable; however, interested parties should rely on their own experts to verify site conditions. The City makes no warranties relating to this property, including its fitness for any particular use. All information provided in this RFQ, in any subsequent response to inquiries, in any of the attached exhibits, is provided for convenience and should not be independently relied upon in evaluating the property subject to this RFQ.

All SOQs submitted to the City are subject to public disclosure. A record shall not be withheld from disclosure unless it is clearly exempt under applicable laws, or unless the public interest is served by not making the record public clearly outweighs the public interest serviced by disclosure of the record. The City, in accordance with Government Code Section 6250-6270, has ten (10) days to respond to any request for public documents by indicating whether or not the documents exist and will be made available. Materials submitted that may be confidential in nature should be labeled as such. The City will attempt to maintain the confidentiality of materials, namely financial information, to the extent permitted by law.

Any sale of the property mentioned herein will be “AS IS”, “WHERE IS”, and with all faults. The DDA will include standard City requirements concerning disposition, including but not limited to a requirement that the developer release the City from claims associated with the Property and indemnify the City and related entities and persons for all environmental and other claims arising from or related to the Property or the DDA.

City Reservations

The City reserves the right to select the developer, which, in its sole judgment, best meets, the needs of the City. The recommended selection of the evaluation committee is final and subject only to review and final approval by the City Manager and the City Council.

The City reserves the right to reject any or all SOQs 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 SOQs, including proprietary documentation; regardless of which developer is selected. No SOQs will be returned to respondents.

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

The City reserves the right to reconsider any SOQ submitted at any stage of the procurement. It also reserves the right to meet with select respondents 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 signing of a DDA.

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

The City reserves the right to revise the RFQ prior to the date that SOQs are due.

The City will communicate changes through addendum to this RFQ. All registered respondents will be notified of revisions to the RFQ. The City reserves the right to extend the date by which the SOQs are due.

The City reserves the right to split any offer of this property between multiple developers 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 SOQs and to waive informalities and irregularities in any SOQ received. Failure to furnish all information requested or to follow the format requested herein may disqualify the respondent, in the sole discretion of the City. False, incomplete, misleading or unresponsive statements in a SOQ may also be sufficient cause for a respondent's rejection.

This RFQ does not commit the City to award a contract, sell any property, or enter into an agreement. All SOQs submitted in response to this RFQ 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/agreement expenses incurred by prospective vendors or selected developers/contractors, including but not limited to costs incurred in the preparation or submission of SOQs. 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 RFQ.

Selection of a respondent by the City does not require the City to enter into an ENRA or other agreement with such respondent. The City may, in its discretion, and prior to entering into an ENRA, engage with another respondent, reissue an RFQ, or otherwise dispose of the property without reservation.

The City may distribute this RFQ to real estate brokers but will not be responsible for payment of broker's fees for the sale of the property. Brokers are welcome to solicit interest from potential buyers but must seek compensation from potential buyers and not the City.

Document Library Index

All of these documents can be found at www.hayward-ca.gov/PG6

1. Form of Exclusive Rights to Negotiate Agreement
2. Form of Reimbursement Agreement
3. Parcel Group 6: Carlos Bee Quarry Master Development Plan
4. Addendum to Hayward 2040 General Plan Environmental Impact Report
5. Mitigation Monitoring and Reporting Program (MMRP)
6. Director's Deed
7. Preliminary Title Report
8. Biological Resources Analysis
9. Preliminary Geotechnical Reports prepared by ENGEO
10. Phase 1 Environmental Report
11. Infrastructure Improvement Engineer's Estimate
12. Affordable Housing Ordinance
13. City of Hayward's Community Workforce Agreement for Public Projects
14. HAPA Bayview Concept