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City of Falls Church

Meeting Date: 02-26-2018	Title: (TR18-16) RESOLUTION TO DETERMINE THAT PROCEEDING IN A MANNER CONSISTENT WITH COMPETITIVE NEGOTIATION IS LIKELY TO BE ADVANTAGEOUS TO THE CITY AND THE PUBLIC AND TO AUTHORIZE THE ISSUANCE OF THE RFP IN SUBSTANTIALLY THE FORM PRESENTED TO COUNCIL	Agenda No.: 10(a)(1)	
Proposed Motion: MOVE to adopt (TR18-16).			
Originating Dept. Head: Wyatt Shields, City Manager		Disposition by Council:	
City Manager: Wyatt Shields 703.248.5004 FWS 2-23-18	City Attorney: Carol McCoskrie 703.248.5010 CWM 2-23-18	CFO: Kiran Bawa 703.248.5092	City Clerk: Celeste Heath 703.248.5014

4 REQUEST: Council is requested to approve the issuance of the Request for Conceptual
5 Proposals (RFP) for the West Falls Church Economic Development Project, and
6 determine that competitive negotiation, rather than competitive sealed bidding, is
7 advantageous to City and the public.

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9 RECOMMENDATION: Staff recommends adoption of (TR18-16).

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11 BACKGROUND: The proposed request for proposals is for the conceptual phase of the
12 West End Economic Development Project. The City staff has been working with
13 outside consultants to prepare the RFP to obtain information in order to identify
14 qualified teams to be shortlisted to compete to be selected as the City's development
15 partner for the Project. Teams will be selected based on their development experience,
16 financial capacity, their conceptual ideas for the project approach, and on their
17 suggested financial approach to the project.

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19 The Council has reviewed and given input on the RFP on multiple occasions, and the
20 public has had an opportunity to comment, at those meetings and at a public hearing on
21 February 12 and a Town Hall style meeting on February 25, 2018. In addition, the City
22 has worked with its consultants who have significant experience in both issuing and
23 responding to these types of RFPs, and who are familiar with the local market. In
24 drafting the RFP, the group has endeavored to strike a balance between seeking creative
25 ideas from the marketplace while providing enough information for that marketplace
26 about what is important to the City.

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28 After conceptual proposals are received on May 1st, 2018, they will be reviewed by an
29 Evaluation Committee, and a few proposers will be short-listed and requested to

30 provide detailed proposals. Based upon the detailed proposals, the City will select a
31 partner, will enter into an Exclusive Rights Agreement to lock in some of the features of
32 the proposal and govern the negotiation period, and will begin negotiating a
33 Comprehensive Agreement for the Developer.

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35 Before issuance of the RFP, Council is required, under the PPEA, to determine that the
36 use of competitive negotiation, instead of competitive sealed bidding, is advantageous
37 to the City and the Public. Such a finding is recommended here because of the
38 complexity of the project, partly arising from the City's desire to obtain creative ideas
39 from the marketplace. In addition, the City's desire to negotiate and achieve substantial
40 long-term financial benefits and risk-sharing could not be fulfilled without the
41 competitive negotiation process.

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43 **FISCAL IMPACT:** Issuance of this RFP will have no direct fiscal impact. The City
44 expects that, down the road, the ultimate development of the City's land will have
45 significant fiscal benefit on the City.

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47 **TIMING:** Immediate. The schedule planning for this project calls for issuance of the
48 RFP on March 1, 2018.

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(TR18-16)

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**RESOLUTION TO DETERMINE THAT PROCEEDING IN A
MANNER CONSISTENT WITH COMPETITIVE NEGOTIATION IS
LIKELY TO BE ADVANTAGEOUS TO THE CITY AND THE
PUBLIC AND TO AUTHORIZE THE ISSUANCE OF THE RFP IN
SUBSTANTIALLY THE FORM PRESENTED TO COUNCIL**

59 **WHEREAS,** the City desires to enter into a partnership to develop up to 10.38 acres
60 that are part of the land that came into the City as part of the settlement
61 of the water litigation; and

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63 **WHEREAS,** the City desires to issue a Request for Proposals to obtain conceptual
64 proposals that will help the City to determine the financial capacity and
65 development experience of potential partners, and will provide the City
66 with ideas about the possible approach to both the development project
67 and the financing of the project; and

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69 **WHEREAS,** the City plans, based on the submitted Conceptual Proposals, to short-list
70 a few developers to respond to a Request for Detailed Proposals with the
71 goal of ultimately negotiating a Comprehensive Agreement that will set
72 the terms for the partnership; and

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74 **WHEREAS,** the West Falls Church Economic Development Project will require a
75 complex Agreement between the City and its development partner, in

76 order to achieve substantial long-term financial benefits and risk sharing;
77 and

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79 WHEREAS, using the competitive negotiation process will be advantageous to the
80 City and to the public by enabling it to address all of the complexities
81 associated with such a partnership and by creating a project that will
82 benefit the City financially and that achieves the City's planning goals;

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84 NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of
85 Falls Church Virginia, that the City Council (1) finds that proceeding in accordance
86 with principles consistent with competitive negotiation, rather than competitive sealed
87 bidding, is likely to be advantageous to the City and the Public; and (2) approves the
88 issuance of the RFP on March 1st, 2018 in substantially the form that was presented to
89 the Council at its February 26, 2018 meeting (attached hereto.)

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91 Reading: 2-26-18
92 Adoption:
93 (TR18-16)