



To enrich lives through effective and caring service



May 12, 2009

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

# 48      MAY 12, 2009

Santos H. Kreimann  
Director

Kerry Silverstrom  
Chief Deputy

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**ADOPTION OF RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF  
A REQUEST FOR QUALIFICATIONS AND SUBSEQUENT REQUEST FOR  
PROPOSALS FOR DEVELOPMENT OF A WATER-ORIENTED COMMERCIAL AND  
VISITOR-SERVING OR MIXED-USED PROJECT PLUS BOATING ON ADMIRALTY  
WAY BETWEEN MINDANAO WAY AND FIJI WAY (Parcels 49 and 77) –  
MARINA DEL REY (4th DISTRICT) (3 VOTES)**

**SUBJECT**

Request for adoption of the attached Resolution approving and authorizing the release of the attached Request for Qualifications and a subsequent Request for Proposals to solicit responses from developers interested in developing a high quality water-oriented commercial and visitor-serving (including restaurants) or mixed-use project with associated parking, replacement boating and launching facilities, public parking, an option to build residential units, and/or the Department of Beaches and Harbors' new administration building, on all or a portion of approximately 16.91 acres of land and up to 1.58 acres of water area that comprise Parcels 49 and 77, in Marina del Rey.

**IT IS RECOMMENDED THAT YOUR BOARD:**

Adopt the attached Resolution: a) approving and authorizing the Request for Qualifications for solicitation of responses from developers interested in developing a water-oriented commercial or mixed-use project plus boating on all or a portion of Parcels 49 and 77; b) delegating to the Director of Beaches and Harbors and the Chief Executive Officer the authority to: i) evaluate the qualifications of the responsive proposers, and ii) issue a Request for Proposals to those proposers that the Director and the Chief Executive Officer determine are best qualified; c) setting November 17, 2009 as the date for submittal to your Board's Executive Office of proposals in response to the Request for Proposals; and d) authorizing the Chief Executive Officer and the Director to return to your Board with a joint recommendation to authorize exclusive negotiations with a proposer or proposers.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the Request for Qualifications (RFQ) is to identify a limited list of candidates (Proposers) interested in developing a high quality commercial and visitor-serving (including restaurants) or mixed-use project with replacement boating and launching facilities and parking (collectively, the "Project") on a site that includes up to approximately 16.91 acres of land and up to 1.58 acres of water area located along the southwesterly side of Admiralty Way between Mindanao Way and Fiji Way, known as Parcels 49 and 77, in Marina del Rey (Property).

The area including the Property has been identified in the Marina del Rey Asset Management Strategy as a location for a strategic development to promote water-oriented activities with a dynamic mix of uses that may contain retail, restaurants and entertainment components to draw visitors on a regional basis. A development of this nature would refocus Marina del Rey as a very desirable destination, generating excitement for boaters and residents and leading to substantial revenue enhancement. The development also anticipates the possibility of a new approximately 26,000 square foot Department of Beaches and Harbors (DBH) administrative building being constructed at the corner of Admiralty and Mindanao Ways, at the current site of the Visitors Center, in conjunction with the Project.

In this connection, an RFQ/Request for Proposals (RFP) was issued in 1998 for development of Parcel 49 alone with other adjoining parcels, but not including Parcel 77. The negotiations continued through 2000 but the proposer decided not to proceed with the project.

Since then, development has been growing at a fast pace in the surrounding areas outside of Marina del Rey. As such development continues, Marina del Rey loses the opportunity to: a) attract new visitor-serving tenants to enhance its position as a major regional destination; and b) generate additional revenue for the County from future development as development opportunities are lost to surrounding jurisdictions.

DBH has determined that now is an opportune time to issue another RFQ to explore the possibility of developing a high quality project that would enhance visitor-serving amenities in the Marina. The current economic downturn has slowed down development proposals, making it an ideal time for a project developer to seek the required entitlements and start construction of the project in time to take advantage of the next economic upsurge.

#### **Implementation of Strategic Plan Goals**

In furtherance of County Goals #1 and #4, "Service Excellence" and "Fiscal

Responsibility", respectively, the recommended action will allow DBH to implement that portion of its Strategic Plan that enhances strategic partnerships with existing and prospective lessees through proactive implementation of the Marina del Rey Asset Management Strategy to enhance public access to and enjoyment of the Marina through property redevelopment and modernized lease provisions.

This action has four principal development objectives:

- (1) Recapturing the special place Marina del Rey had as a leisure and visitor-serving destination and expanding the attractiveness of Marina del Rey to recreational boaters;
- (2) Taking advantage of site opportunities to create a combination of waterfront and expanded park exposure unique among commercial/visitor-serving locations along the Southern California coast;
- (3) Capitalizing on the location of the site as the "front door" to Marina del Rey, with an exciting mix of pedestrian-friendly and interconnected uses that relate strongly to the water; and
- (4) Capturing the long-term asset value of the County-owned Marina del Rey real property.

### **FISCAL IMPACT/FINANCING**

There will be no fiscal impact on the County General Fund. This is a solicitation effort to obtain proposals that will both maximize County revenues and accomplish modernizing of Marina del Rey in the subject area. A full financial analysis will accompany subsequent recommendations to your Board.

If the DBH administration building were constructed as part of the Project, we expect that it would be: a) financed through a ground lease/capital leaseback mechanism wherein the County would own the administration building at the end of the lease term; and b) paid from the increase of net Marina revenues generated from the development of the Project or other increased revenues from developments currently in process.

### **Operating Budget Impact**

The costs of consultants involved in evaluating the qualifications of the responsive proposers to determine the best qualified and developing the RFP will be funded by existing County resources.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

In 1998, the County issued an RFQ, followed by an RFP, for Parcel 49 and certain adjoining parcels, with a slightly different focus. At that time, the County envisioned this project to be a strategic location for new and upgraded commercial development on the east side of the Marina. There was no DBH administration building included in the plan. The developer selected from that RFQ/RFP process was Vestar Development (Vestar), which planned to build a 350,000-square foot commercial project and also had a backup plan to construct a smaller project of 162,000 square feet. Negotiations with Vestar terminated in 2000. Since that time, there has been no change in the existing uses of Parcel 49. Parcel 77 was not included in the prior RFQ/RFP process.

The proposed RFQ seeks to solicit responses from Proposers interested in developing a high quality commercial and visitor-serving project, including restaurants, or mixed-use project with associated parking. As the Property is currently used by the County for public parking, power boat storage, mast up boat storage, and boat launching ramps, as well as a visitor information center, the proposed project must also include the retention or replacement of the present boating facilities and parking. Additionally, there is the possibility of developing up to 255 residential units and a DBH administration building. Depending on the entitlements to be sought, the project build-out may include between roughly 117,000 and 160,000 square feet of building area (including the DBH administration building) and between roughly 117,000 and 135,000 square feet of revenue-generating uses. The site includes approximately 16.91 acres of land located along the southwesterly side of Admiralty Way between Mindanao Way and Fiji Way, known as Parcels 49 and 77, and approximately 1.58 acres of water area.

The County will maintain control over the RFQ/RFP process by reserving the right to, among other things: (1) amend or withdraw the RFQ or RFP, or withdraw at any time from this process with no recourse for any proposer; or 2) choose or reject any or all proposals received in response to the RFQ and/or RFP. See attached Exhibit 2, Request for Qualifications.

Pursuant to Government Code section 25515, et seq., the Legislature has found that the provision for residential, commercial, industrial, and cultural development of public property owned by counties constitutes a valid public purpose and authorizes such development. Government Code section 25515.2 requires that your Board adopt a resolution declaring its intention to consider development proposals on County property pursuant to a request for proposals and fixing a time not less than 60 days thereafter for a public meeting of the Board for the purpose of receiving proposals.

**ENVIRONMENTAL DOCUMENTATION**

Approval of the recommended action is not subject to the California Environmental Quality Act (CEQA). Compliance with CEQA will occur, should a development proposal be recommended, during the project's entitlement phase and prior to your Board's consideration of an option agreement for a new lease.

**CONTRACTING PROCESS**

The Director will solicit responses to the RFQ and appoint an Evaluation Committee to: a) evaluate any and all responses received in conformance with the RFQ; and b) recommend a short list of up to two to four responsive Proposers to the Director and CEO, who will determine, in their sole and absolute discretion, which responsive Proposers, if any, are best qualified to receive an invitation to respond to an RFP. The Director will then issue an RFP soliciting proposals from the invited Proposers to be submitted by the date fixed in the attached Resolution. The Director and CEO will evaluate proposals responsive to the RFP and jointly make a recommendation to your Board for authority to enter into exclusive negotiations with a Proposer or Proposers.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

There is no impact on other current services or projects. Any future development will replace boating and launching facilities and public parking.

**CONCLUSION**

Forward one adopted copy of this Board letter and the executed Resolution to the Department of Beaches and Harbors and the CEO.

Respectfully submitted,



Santos H. Kreimann, Director

SHK:PW:ks

Attachments (2)

c: Chief Executive Officer  
Acting County Counsel  
Executive Officer, Board of Supervisors

**RESOLUTION AND NOTICE OF INTENTION TO SOLICIT PROPOSALS FOR THE  
DEVELOPMENT OF A WATER-ORIENTED COMMERCIAL AND VISITOR-SERVING  
OR MIXED-USE PROJECT PLUS BOATING ON ADMIRALTY WAY BETWEEN  
MINDANAO WAY AND FIJI WAY (PARCELS 49 AND 77)  
MARINA DEL REY, CALIFORNIA**

WHEREAS, pursuant to Government Code section 25515, the Legislature has found that counties are faced with critical revenue shortages and a need for additional revenue sources to provide basic and essential public services, and that counties own property which, if permitted to be developed by a joint venture agreement between private enterprise and commercial, industrial, and cultural uses, would provide a means to produce additional revenue sources for the benefit of counties owning such property, and aid the economic well-being of the State generally, and, further, that due to reductions in personnel or programs counties own or lease properties which are totally or partially vacant but which could be used by compatible private persons, firms or corporations through lease arrangements or joint venture developments which would generate revenue, and that, therefore, the Legislature has found that the provisions for residential, commercial, industrial, and cultural development of public property owned by counties constitutes a valid public purpose; and

WHEREAS, the County of Los Angeles ("County") desires to solicit proposals from developers interested in developing a high quality commercial and visitor-serving (including restaurants) or mixed-use project with associated parking, replacement boating and launching facilities, public parking, optional residential and optional Department of Beaches and Harbors administration building (collectively, the "Project"), on all or a portion of approximately 16.91 acres of land and up to 1.58 acres of water area located along the southwesterly side of Admiralty Way between Mindanao Way and Fiji Way in Marina del Rey, known as Marina del Rey Parcels 49 and 77; and

WHEREAS, the Board of Supervisors of the County has found that the public interest and welfare will be served by the solicitation of proposals for the Project; and

WHEREAS, pursuant to Government Code section 25515, *et seq.*, the County desires to engage in a two-step process by first soliciting responses to a request for qualifications ("RFQ") from developers, and then by allowing selected developers determined to have the appropriate qualifications by the Chief Executive Officer ("CEO") and the Director of Beaches and Harbors ("DBH Director") the opportunity to respond to a request for proposals ("RFP"), with proposals responsive to the RFP to be received at the public meeting identified below; and

WHEREAS, proposals responsive to the RFP, if received, will be evaluated by the County, and considered by the Board of Supervisors after joint recommendation by the CEO and DBH Director to enter into exclusive negotiations with a proposer or proposers.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles, as follows:

1. It is the intention of the County to consider proposals for the development of Parcels 49 and 77 responsive to the RFQ/RFP process set forth herein to be administered by the CEO and DBH Director, pursuant to Government Code section 25515, *et seq.*

2. An RFQ has been prepared by the Department of Beaches and Harbors for the solicitation of responses from interested and qualified developers for the proposed development of the Project based upon the criteria set forth in the RFQ.

3. The RFQ documents will be available from the offices of the Department of Beaches and Harbors, 13837 Fiji Way, Marina del Rey, California 90292 and will be made available to any and all prospective developers prior to the date of the Mandatory Proposer's Conference set for 2:00 p.m., on the 11<sup>th</sup> day of June, 2009, at the Burton W. Chace community room, in Marina del Rey.

4. Responses to the RFQ shall be due on the 6<sup>th</sup> day of July, 2009, at the offices of the Department of Beaches and Harbors, 13837 Fiji Way, Marina del Rey, California 90292, or on such alternate date and at such alternate location as set by the DBH Director in accordance with the RFQ.

5. The CEO and DBH Director are authorized to evaluate any and all responses received in conformance with the RFQ and to determine, in their sole and absolute discretion, which responsive developers, if any, are qualified to receive an invitation to respond to the RFP.

6. The DBH Director is authorized to issue an RFP for the Project soliciting proposals from those responsive developers determined by the CEO and DBH Director to be qualified, not less than 60 days prior to the 17<sup>th</sup> day of November, 2009, the public meeting date established by the Board to receive proposals responsive to the RFP. Proposals must be submitted no later than 9:30 a.m. to the Executive Office of the Board of Supervisors at 383 Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012.

7. Authority to enter into exclusive negotiations with a proposer or proposers may be made at any meeting of the Board of Supervisors upon joint recommendation of the CEO and DBH Director, after receipt of said proposals.

8. No oral responses to the RFQ or oral proposals in response to the RFP will be considered by the County.

9. The County reserves the unqualified right, in its sole and absolute discretion at any time: (1) to amend or withdraw the RFQ or the RFP, or to withdraw at any time from this process with no recourse for any proposer; (2) to choose or reject any or all proposals received in response to the RFQ and/or the RFP in its sole and subjective discretion; (3) to modify the response deadlines; (4) to conduct further due diligence with one or more proposers or any third party; (5) to modify County's objectives or the scope of the Project; (6) to issue subsequent RFQs and/or RFPs for the same property, or variations or components thereof; (7) to disqualify any developer on the basis of any real or perceived conflict of interest that is disclosed or revealed by responses submitted or by any data

available to County; (8) to proceed with that proposal or modified proposal, if any, which in its judgment will, under the circumstances, best serve County's objectives; (9) to waive minor deficiencies, informalities and/or irregularities in the proposals or compliance by proposers with requirements for submission of proposals; and/or (10) to determine not to proceed with the Project, either on the basis of an evaluation of the factors listed in the RFQ and/or RFP, including the County's full exercise of its governmental powers in its review of and determinations concerning any required entitlements, and the full exercise of its discretion with respect to its compliance with the California Environmental Quality Act prior to its approval of the Project, or for another reason, or for no reason, including but not limited to the convenience of the County. Notwithstanding a recommendation of a department, agency, individual, or other, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a proposal and the terms of any resultant agreement, and to determine which proposal best serves the interests of the County. The Board of Supervisors is the ultimate decision-making body and makes the final determination necessary to arrive at a decision to award, or not award, a lease or other agreement.

The foregoing resolution was on the 12<sup>TH</sup> day of MAY, 2009, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts.

SACHI A. HAMAI, Executive Officer  
Clerk of the Board of Supervisors  
Of the County of Los Angeles



By: [Signature]  
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN  
Acting County Counsel

By: [Signature]  
Deputy

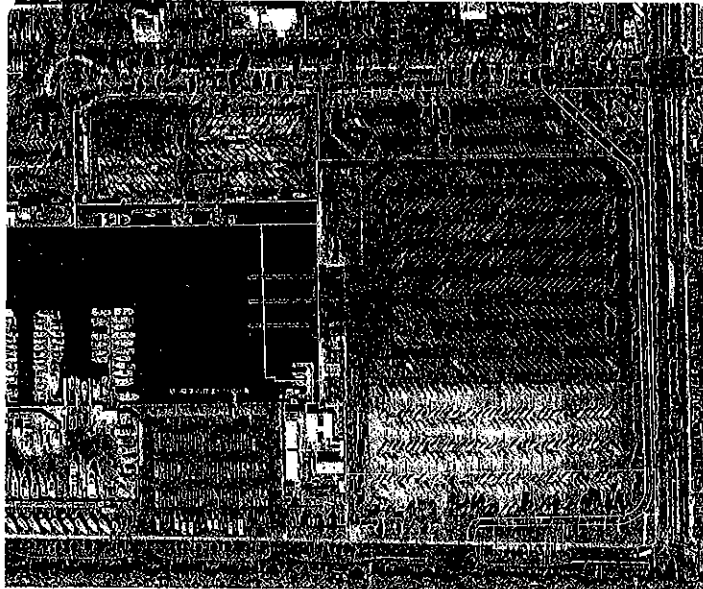


# **REQUEST FOR QUALIFICATIONS**

**FOR DEVELOPMENT OF A WATER-ORIENTED  
COMMERCIAL AND VISITOR-SERVING OR MIXED-USE PROJECT  
PLUS BOATING ON ADMIRALTY WAY  
BETWEEN MINDANAO WAY AND FIJI WAY**

**MARINA DEL REY, CALIFORNIA**

**(PARCELS 49 AND 77)**



**ISSUED BY  
COUNTY OF LOS ANGELES  
DEPARTMENT OF BEACHES & HARBORS**

**MAY 2009**

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**Attachments**

Attachment I: Site Map of Property

Attachment II: Form of Cover Letter

Attachment III: Notice re: California Public Records Act

Attachment IV: Form of Financial Information Release Authorization

# EXECUTIVE SUMMARY

## **Development Opportunity**

The County is offering up to approximately 16.91 acres of land and up to 1.58 acres of water area in prime Marina del Rey waterfront for the development of a commercial/retail center containing up to approximately 135,000 square feet of visitor-serving commercial space (e.g., specialty retail and restaurant venues), boating storage and launching facilities, public parking, and optional residential buildings. An optional Department of Beaches and Harbors ("DBH") administration building (approximately 26,000 square feet) may be included in the project. The site is along the south side of Admiralty Way extending from Mindanao Way to Fiji Way, and consists of Marina Parcels 49 and 77. The site contains extensive water frontage and Parcel 77 was acquired to be part of the adjoining waterfront public park (Burton Chace Park). The exact portions of the Parcels to be utilized for development are at the discretion of the proposer, as will be the total buildout for which entitlements will be sought. Securing the entitlements for this project will require an amendment to the Local Coastal Program for Marina del Rey.

The existing uses of the subject parcels which must be retained or relocated include public parking, the public bicycle path, the public boat launch ramp, dry boat storage, and mast-up boat storage. A waterfront promenade must be included in the development plan; the plan must meet various development guidelines, as described in this Request for Qualifications. To the extent that Parcel 77 is included in the development, it should be designed to be used as an enhancement of Chace Park.

The County will only enter into an unsubordinated ground lease for all aspects of this project, except that, if a new DBH administration building is included, the County will enter into a ground lease/capital leaseback for the DBH site, and the developer will be reimbursed directly for any extension of added facilities at Chace Park.

## **Submission Process**

Proposers should pick up the Request for Qualifications ("RFQ") Package either at DBH administration building at 13837 Fiji Way, Marina del Rey, California 90292 (where the charge per package will be \$10, plus the cost of individually published reports) or download it free of charge from the following website: <http://marinadelrey.lacounty.gov>.

There will be a Proposer's Conference held on June 11, 2009, 2:00 p.m. at Burton W. Chace Park Community Building, 13650 Mindanao Way, Marina del Rey, California 90292 to answer any questions regarding the RFQ package.

Responses must be submitted not later than 5:00 p.m. PDT on July 6, 2009, to LA County DBH, Attention: Don Geisinger, 13837 Fiji Way, Marina del Rey, CA 90292. Facsimile and e-mail submission will not be accepted.

The County will select a short list of up to four responses. Those shortlisted will be asked to respond to a Request for Proposals ("RFP"). The County will select from the RFP responses a Development Team with which to negotiate a development agreement.

## **Submission Requirements**

Responses must include a cover letter; identity of the development team including resumes of key members and examples of relevant projects; statement of financial capability including banking references; conceptual site and parking plans; discussion of development strategy including overall approach, market and financial feasibility, development program and development execution plan including timeline and community outreach program.

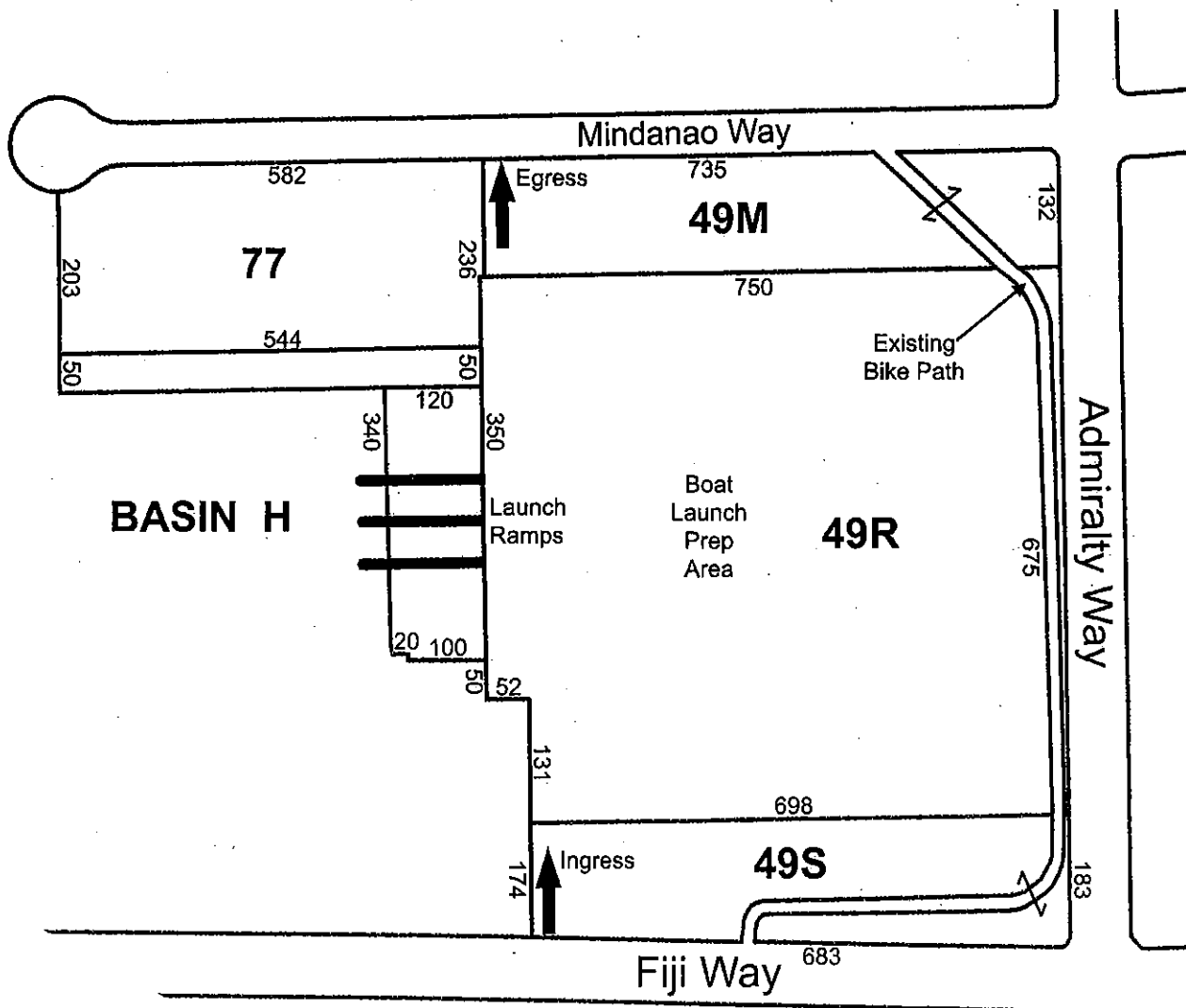
## **Selection Process**

The selection of the short list will be based on the development team's experience, development strategy, and financial concepts. The County anticipates selecting the short list approximately three months after the submission date.

# 1. Project Description

## 1.1. Introduction

The County of Los Angeles ("County") Department of Beaches & Harbors ("DBH") has issued this Request for Qualifications ("RFQ") to solicit responses from developers/development teams ("Development Teams" or "Proposers") interested in developing a high quality commercial retail and visitor-serving (including restaurants), or mixed-use project with associated parking, with replacement boating and launching facilities, public parking, optional residential and optional DBH administration building, on all or a portion of the proposed site (collectively, the "Project"). The site includes approximately 16.91 acres of land and up to 1.58 acres of water area located along the west side of Admiralty Way, between Mindanao Way and Fiji Way in Marina del Rey, known as Marina del Rey Parcels 49 and 77 illustrated below and generally shown on Attachment 1 (the "Property").



The Property is owned by the County and is currently used for public parking, power boat storage, mast-up boat storage, boat launching ramps, and a visitor information center. The proposed project should include the development of commercial/retail, restaurant, parking and water-oriented uses, and potentially a waterfront promenade (depending on the use and layout of the Project), with retention or replacement of the present boating facilities, bicycle path, and parking. Additionally, there is the possibility of developing up to 255 residential units, and/or a DBH administration building on a separate parcel which can be financed through a lease-leaseback transaction. Depending on the entitlements to be sought and obtained, the project buildout may include between roughly 117,000 and 161,000 square feet of building area (including the DBH administration building) and between roughly 117,000 and 135,000 square feet of revenue-generating uses (see discussion below in Section 1.7).

This Project presents the rare opportunity to develop one of the few large open spaces still available in the Marina del Rey area as a primary gateway to the Marina.

## **1.2. County Objectives**

### **1.2.1 Development Objectives**

The County has four principal development objectives:

- (1) Recapturing the special place Marina del Rey has had as a leisure and visitor-serving destination, and expanding the attractiveness of Marina del Rey to recreational boaters.
- (2) Taking advantage of site opportunities to create a combination of waterfront and expanded park exposure unique among commercial/visitor-serving locations along the Southern California coast;
- (3) Capitalizing on the location of the site as the "front door" to Marina del Rey, with an exciting mix of pedestrian-friendly and interconnected uses that relate strongly to the water; and
- (4) Capturing the long-term asset value of the County-owned Marina del Rey real property.

The proposed site offers an unparalleled opportunity to create a venue for leisure and dining experience with both waterfront and park views available. Potential enhancements for the boating population include access to an attractive dining and recreational facility that will complement the proposed expanded and enhanced boat storage and maintenance facilities planned for the area.

### **1.2.2 Objectives of the RFQ**

This RFQ requests that each Proposer describes its approach to the Project, including the general development concept envisioned for the Property, explain its relevant experience as a Development Team and the prior collaborative experience of members of its team, explain the management control, financial and other decision-making processes of its team, and describe the financial structure and timing of the transaction.

The County does not expect a final development or design solution as a response to this RFQ. Rather, it seeks to understand the reasoning and analysis relating to the proposed Project, the methodology used in creating a concept that accommodates the development including the parking replacement and boat operations, the recommendations as to the highest-and-best uses for the Property, and the proposed financial structure of the transaction.

The County will evaluate, in its sole and absolute discretion, each response based on the development proposal, financial qualifications, and track record of the Development Team, its demonstrated capabilities in executing projects of this type and magnitude, the quality of its Team's proposed development strategy and Project analysis, and its approach to structuring the transaction from a financial and management standpoint, including evaluation of the proposed timeline for development.

### **1.3. Site History**

Parcel 49 was originally developed as a large public parking lot adjacent to a public launch ramp, and a bicycle path that forms part of the bikeway that extends from Pacific Palisades to Torrance.

In 1998, the County issued a Request for Qualifications, followed by a Request for Proposals, for Parcel 49 and certain adjoining parcels, with a slightly different focus. At that time, the County envisioned this project to be the centerpiece for new and upgraded retail development on the east side of the Marina. There was no DBH administration building included in the plan. The developer selected from the proposers to the 1998 Request for Proposals was Vestar Development, which planned to build a 350,000-square foot retail project and had a smaller alternative plan for 162,000 square feet. Negotiations for this project terminated in 2000. Since that time, there has been no change in the existing uses of Parcel 49.

### **1.4. Site Description**

The Property is located at the southwest corner of Mindanao and Admiralty Ways and consists of Marina Parcels 49 and 77, consisting of up to 16.91 acres of land and up to 1.58 acre of water area, all currently owned by the County (see Attachment 1). The Proposer can propose to use any portion or all of this site for the Project provided that any remaining portions are of a usable size and configuration. The site contains extensive water frontage and is adjacent to a waterfront public park (Burton Chace Park) which is in the planning process for expansion. To the south of the Property along Fiji Way is a planned enhancement of additional dry stack and mast-up boat storage.

### **1.5. Entitlements**

#### **1.5.1. Governing Documents—Marina del Rey Local Coastal Program**

The site's development is governed by the Marina del Rey Local Coastal Program ("LCP"). This document defines twelve Development Zones ("DZs") within Marina del Rey, each of which includes one or more parcels grouped together for the purposes of analyzing traffic movements and impacts. When the LCP was adopted, each DZ was assigned a certain number of additional p.m. peak trips that its buildout could generate, reflected in potential development in square feet by use. The overall constraint is total trips within the Marina. Since that time, development in the Marina has used up some of the potential buildout in



some of the DZs. The LCP provides trip conversion factors by which square footage allotments may potentially be converted from one use to another such that the total trips generated by the modified buildout do not exceed those prescribed in the LCP. Any conversion of buildout will require an amendment to the LCP. There may also be the possibility of aggregating unused development potential from other DZs, but this would also require an amendment to the LCP. These options are further described in section 1.5.3, below.

It should be noted that the LCP is reviewed periodically by the County and the California Coastal Commission and the Commission held a public hearing on January 9, 2008, to discuss the ongoing periodic review, and made findings and recommendations on October 16, 2008. The Coastal Commission has yet to formally transmit its LCP Periodic Review findings and recommendations to the County.

### **1.5.2. Subject Development Zone**

The subject Parcels are in DZ 9. The principal LCP-permitted use for both parcels 49 and 77 is parking and boat storage and any proposed project would require an LCP amendment to be approved by both the County and the California Coastal Commission.

### **1.5.3. Buildout Options**

County staff has identified three possible build out alternatives for this project, as defined below, for consideration by Proposers:

Option 1: Utilize all remaining Visitor-Serving Commercial entitlements in subject DZ 9 plus adjacent DZs 8 and 10, totaling 116,495 square feet together with the boating facilities and replacement parking. (see Section 1.6.1 below). This is the minimum required development.

Option 2: Add to Option 1 the entitlements for 255 apartments in DZ 11. These could be used to make the Project a mixed-use project that contains residential units or be converted, in whole or in part, to Visitor-Serving Commercial, for a maximum of an additional 18,723 square feet of Commercial. If all residential is converted, total Visitor Serving Commercial buildout would be 135,218 square feet.

Option 3: Add to Option 1 or 2 the entitlements to build a 26,000 square foot DBH administration building for the County. Maximum total buildout would be 161,218 square feet (assuming no residential).

### **1.5.4. Entitlements Process**

In order to secure the appropriate entitlements for this project, the County, as owner of the land, would need to co-sign the application for the LCP amendment Coastal Development Permit ("CDP") and any other necessary permits and entitlements to be prepared by the selected developer. The proposed amendment will be subject to approval by the Los Angeles County Board of Supervisors (after hearings and recommendations by the L.A. County Regional Planning Commission) and by the California Coastal Commission. The CDP for landside development and other landside entitlements are subject to approval by

the Regional Planning Commission and are appealable to the Board of Supervisors and, in limited circumstances, the Coastal Commission. The CDP for waterside improvements is subject to approval by the Coastal Commission, which has original jurisdiction over the water areas of Marina del Rey.

It is expected that the County, as the fee owner, will join the successful RFP Proposer in applying for any required land use entitlements to implement the Project. The County's proprietary assistance is without prejudice to full exercise of its governmental powers in its review of and determinations concerning any required entitlements, and the full exercise of its discretion with respect to its compliance with the California Environmental Quality Act prior to its approval of the Project.

## **1.6. Key Issues**

There are several key issues associated with development of the subject parcels, each of which must be addressed by each Proposer. These include public parking, the public boat launch ramp, other public boat access, power boat and mast-up boat storage, bike path, change in designated land uses in the LCP and transfer of development rights (see Section 1.5, above), and improvement of the promenade.

### **1.6.1. Parking**

The 152 existing paid public parking spaces on Parcel 49 and the 58 boat storage-associated parking spaces on Parcel 77 will need to be replaced if displaced by the Project. An additional 103 paid public parking spaces will need to be provided by the developer as replacement for parking from elsewhere in Marina del Rey, but would not be the financial obligation of the developer. The Project will be required to include parking for any boat slips associated with the Project, as approved by the Department of Regional Planning and the California Coastal Commission.

The County has the right to use up to 876 parking spaces in a nearby parking structure, based on an existing agreement and rent schedule. To supplement customer parking for the Proposer's planned development, the County can make those spaces available to the developer on evenings and weekends, the rental and other associated costs of which will be the responsibility of the developer. In addition, there may be economies of scale to be gained by developing a parking structure that would be shared by the developer and other nearby users, including the County; the County will consider proposals featuring shared financial responsibility for the replacement of the existing public parking in Parcels 49 and 77, if it is combined with other parking needs. Such proposals may be structured in the form of public development of parking or by concessions and offsets to rent, to the extent that proposed minimum rent creates a surplus over debt service for public financing of such facilities.

### **1.6.2. Boat Storage**

There currently exist 201 power boat and mast-up boat storage spaces on Parcel 77 and an additional 304 mast-up boat storage spaces on Parcel 49. These must be retained or relocated.

### **1.6.3. Water Access**

Parcel 49 includes approximately 42,000 square feet of water area and Parcel 77 includes 27,200 square feet of water area. Access to the water must be maintained and existing docks and launch ramps must be maintained or replaced.

### **1.6.4. Guest Boat Slips**

Should the Parcel 77 water area be included as part of the Project, guest boat slips will be required.

### **1.6.5. Public Boat Launch Ramp**

There currently exists a public boat launch ramp on Parcel 49 for launching of recreational boats. Heaviest usage is during the summer, but it is open year-round, seven days a week. The Proposer must accommodate the existing ramp, or relocate it to a location satisfactory to the boating community. Key issues in ramp location are orientation to the prevailing winds, accessibility for vehicles with trailers, and adequate parking for boaters.

### **1.6.6 Bike Path**

A bike path from Mindanao Way to Fiji Way must be provided. The Proposer may propose changing the location of its access points along these streets and its route across Parcel 49.

### **1.6.7 Promenade**

The LCP (Los Angeles County Code § 22.46.1880) currently requires that a 28-foot wide pedestrian promenade be provided and maintained along all bulkheads. Any proposed deviation from these standards may require an LCP Amendment.

## **1.7. Transaction Structure**

The County will only enter into an unsubordinated ground lease. The ground lease will be made on an "AS-IS, WHERE-IS WITH ALL FAULTS" basis. The County will not subordinate its fee interest or ground rental payments. The rental proposal shall include a base minimum rent with periodic adjustments and a percentage rent based on gross revenues to the developer from each type of use. For the optional DBH administration building, or any expansion of Chace Park approved by the County, the County will reimburse the developer for costs of facilities improvements that the developer makes.

## **1.8 DBH Administration Building**

As stated above, the Proposer may include the construction of an approximately 26,000 sq. ft. administrative office building for the Department of Beaches & Harbors on Parcel 49. It is contemplated that the County will create a separate parcel for that and would arrange its financing through a lease-leaseback transaction.

## **2. Submission Procedures**

### **2.1 Submission Format**

The Proposer shall submit one original and nine copies of a Proposal Package in 8.5" x 11" format, one copy of which must be unbound. In addition, one copy of large-scale drawings and exhibits may be submitted. Proposal documents must also be submitted on CD, in .pdf format. Proposals must comply with the Submission Requirements (see Section 3) and must include at least the requested information. Pages must be numbered sequentially. The sealed envelope must state "Parcels 49 and 77 RFQ Submittal." Proposals submitted by email or facsimile will not be accepted.

### **2.2 Submission Schedule**

Responses must be submitted not later than 5:00 p.m. PDT on July 13, 2009 ("Due Date"). Proposals must be hand carried, mailed via first class U.S. Postal Service, or delivered by messenger. Electronic submissions will not be accepted. Responses must be sent to:

County of Los Angeles Department of Beaches and Harbors  
Attention: Don Geisinger  
13837 Fiji Way  
Marina Del Rey, CA 90292  
Phone: (310) 305-9506

Components of the RFQ Package, including proposals, required copies and amendments received prior to the date and time specified below will be held by the County unopened until the Due Date. All proposals received will become the exclusive property of the County. The responses and any information made as part of the responses will not be returned to Proposers. This RFQ and the selected Proposer's response to this RFQ, may, by reference, become a part of any formal agreement between the Proposer and the County resulting from this solicitation.

Components of the RFQ Package, including proposals, required copies and amendments to proposals, received after the Due Date specified below will be rejected by the County as non-responsive and returned to the Proposers unopened.

### **2.3 Mandatory Proposers' Conference**

The County will hold a mandatory Proposers' Conference at which questions can be asked and issues clarified. Questions regarding the RFQ and the Project will only be addressed at this meeting and for a limited time afterward in follow-up correspondence, which will be shared with all potential proposers who attend the mandatory Proposers' Conference.

The mandatory Proposers' Conference will be held:

June 11, 2009, at 2 p.m.  
Burton W. Chace Park Community Building  
13650 Mindanao Way  
Marina del Rey, California 90292

### **2.4 Questions and Clarifications**

Questions regarding this RFQ should be directed in writing to Don Geisinger at 13837 Fiji Way, Marina del Rey, CA 90292 or by e-mail addressed to [DGeisinger@bh.lacounty.gov](mailto:DGeisinger@bh.lacounty.gov). The County may make clarifications or amend this RFQ in writing during the course of the RFQ process. Clarifications or amendments will be forwarded to all potential Proposers who attend the mandatory Proposers' Conference.

## **2.5 Information Packet**

An information packet containing additional background materials is available from the Los Angeles County Department of Beaches and Harbors. The packet contains the following items:

- The Marina del Rey Asset Management Strategy
- The Marina del Rey Local Coastal Program
- Marina del Rey Promenade Guidelines
- Marina del Rey Architectural and Construction Standards
- Marina Design Guidelines
- Los Angeles County Green Building Program Starter Package

All documents listed above are available at <http://marinadelrey.lacounty.gov>, except that the Los Angeles County Green Building Program Starter Package will be available at <http://planning/lacounty.gov/green>.

### 3. Required Submission Package

To be considered under this RFQ solicitation, Proposers must submit the following (the "RFQ Package") in accordance with the requirements of this RFQ:

#### 3.1 Cover Letter

The cover letter shall bear the signature of a duly authorized officer or officers, manager or partner of the proposing entity and shall be dated no later than [date at least 60 days from issuance of RFQ] and be in the format shown in Attachment 2. Where a proposal is made by a joint venture, each of the parties included in the proposal shall comply individually with this provision. The proposal cover letter shall clearly identify the person or persons authorized to represent the Proposer, including contact information and shall clearly acknowledge all information. There shall also be an acknowledgement of the notice regarding the California Public Records Act, as shown in Attachment 3.

#### 3.2 Development Team

**3.2.1. Legal Entity:** Identify the legal entity that will serve as the principal in the proposed development, and provide a brief history of that entity and the parent company, if applicable. If a joint venture is proposed, specify percentage of ownership of each entity and describe financial, liability-related, and other decision-making relationships.

**3.2.2 Project Team Key Members:** Provide in-depth resumes of each key project member (including key consultants such as architect, engineers, legal counsel, etc.) and describe each one's relevant skills, project experience, and accomplishments.

**Experience and Qualifications of Development Team:** Provide a list of similar development projects in which the Proposer and proposed associates have participated, describe the relationships to these projects (i.e., developed, owned, operated or managed), and show the location, cost and scale, type and dollar volume of the work. Identify which of the listed similar projects have been successfully completed (with completion date), and which have been completed over and under budget. If possible, include photographs of these projects.

Submit descriptions and illustrations of the proposed architect's work on development projects that have been built or are under construction, which are of similar magnitude to the proposed development.

Describe experience in ownership and management of completed development projects, including similar managed properties, indicating scale, type, and dollar volume of the managed development.

For each project or relevant experience, provide a name and phone number of a contact person familiar with your project.

For ease of comparison, all project information must be submitted in the format provided.

### 3.3 Proposer's Financial Capacity

Proposers must submit adequate information that fully demonstrates their financial capacity and readiness to develop the Project. Financial information should include the following:

**3.3.1 Financing:** Provide a statement indicating how Proposer proposes to finance the development of the site, showing the proposed or likely source(s) of both debt and equity financing for each component of the Project, including probable terms and conditions of the financing, and the amount of equity investment. Describe the Proposer's capability to provide the capital to competitively and successfully finance the development project. If the Proposer is not providing any of the financing, indicate Proposer's relationship to the firm providing financing. The County may require further proof or documentation to verify or assess Proposer's financial capacity at any time after submission.

**3.3.2 Financial Statements:** Provide a copy of Proposer's certified financial statement(s) prepared in accordance with generally accepted accounting principles dated no earlier than six months prior to submission.

**3.3.3 References:** Provide at least three names and addresses of bank(s) and/or other financial institution(s) references. For each reference, submit a "Financial Information Release Authorization" in the format presented in Attachment 4.

**3.3.4 Bankruptcy Information:** Provide a statement indicating whether or not the responding firm(s) has (have) ever declared bankruptcy. If so, state the date, court jurisdiction, and amount of liabilities and assets.

**3.3.5 Pending and Recent Litigation:** Provide a statement indicating whether the responding firm(s) or any of the principal personnel included in this proposal are, or have been in the last five years, the subject of business-related litigation, liens, or legal claims, and if so, a description of each.

**3.3.6 Credit:** Provide copies of annual reports (if available), financial rating reports or other documents indicating the financial condition of the Proposer. Prior to final selection of a short list pursuant to this RFQ, the County may require a credit report or an authorization from each Proposer, at the Proposer's expense.

### 3.4 Conceptual Development Plan

Proposer shall submit a preliminary conceptual development plan for the site, including buildings, parking, boat storage, launch ramps, guest docks, waterfront promenade, and bicycle path, consistent with the intent expressed in this RFQ, along with an accompanying narrative that will enable the County to understand the Proposer's overall vision for and analysis of the Project and the Proposer's goals for this development. It is to be stressed that the County does not require a detailed development plan at this time; rather, the County would like to see the general concept being proposed. In particular, the County is interested in seeing how the Proposer accommodates the existing uses. The successful Proposer(s) will be expected to refine the preliminary concept during the subsequent phases of the selection and negotiation process.

The submission may include no more than four conceptual drawings illustrating preliminary concepts for site uses and placement.

### **3.5 Development Strategy**

Proposer shall submit a narrative that addresses the items detailed in the following outline. The narrative will enable the County to understand the Proposer's overall analysis of the Project, the general economic feasibility of the proposed uses, and the Proposer's approach to ensuring that the Project is developed as an integrated whole, and the process for development and challenges to be overcome.

#### **3.5.1 Overall Approach**

This section should include:

- A statement of the Development Team's understanding of the project site, including its strengths, weaknesses, opportunities and constraints, the relationship of the Project to surrounding uses and the role of this Project in improving the general area.
- A description of the Proposer's goals for this development.

#### **3.5.2 Market Feasibility**

This section should include:

- The Proposer's view of the market feasibility of the Project in general economic terms and specific keys to success of the different uses, including potential concerns or issues related to the County's objectives for development of the Property.
- The Proposer's view of market premiums associated with the Proposer's development concept.
- Underlying assumptions about the general economy and timing of recovery in relation to project timing.
- The market interaction of the proposed development with other existing and proposed retail developments in the Marina as well as the interaction with respect to other water and land uses proposed. For purposes of the RFQ, responses need not incorporate detailed and comprehensive market research although such research may be required by the subsequent RFP.



### **3.5.3 Development Program**

This section should include:

- A description of preferred uses, noting approximate square footages proposed for the Project, or for each phase of the Project.
- A description of how the boat storage, launching, replacement parking, and bicycle path will be accommodated in the Project and a description of how developer proposes to accommodate off-site parking and boat storage replacement, if necessary.
- The basis for selecting and locating land uses.
- The relationship of the Project to Burton Chace Park and possible integration of uses and activities.
- Anticipated infrastructure requirements.

### **3.5.4 Financial Feasibility**

The Proposer should include a financial analysis to show clearly how the Development Team's preferred land use concept(s) and development approach will be financially feasible. The County, at this stage, is more focused on methodology and understanding the Proposer's approach than on a specific financial target.

## **3.6 Development Execution**

This section should include:

- The development process envisioned, including a description of phasing and critical milestones anticipated through the completion of construction of the Project. Ideally, this will include a timeline from selection through completion of construction.
- Identification of the most important development challenges during this period and how they will be addressed.
- Discussion of proposed Community Outreach Program.

## 4. Selection Process

All RFQ Packages submitted in a timely manner in response to this RFQ will be reviewed and evaluated based on the information contained in the respective proposals. The County reserves the right to request additional information from Proposers as deemed necessary and appropriate by the County and to solicit additional information regarding each proposal and Development Team or individual members thereof from third parties other than those provided as references by the Proposers. The County reserves the right, in its sole discretion, to reject any Submission Package that is determined to be inadequate, incomplete, non-responsive or untimely.

### 4.1 Three-Step Process

The selection of an ultimate developer will be conducted in a three-step process:

**First Step:** RFQ Packages will be reviewed for their relative strengths and weaknesses based on the submission requirements. Each Development Team will be considered on its merits. The selection process may include interviews of one or more of the Proposers. An Evaluation Committee will recommend a short list of two to four Proposers to the DBH Director and the County CEO, who will make the final determination of which Proposers will have the opportunity to respond to the RFP.

**Second Step:** Short-listed Proposers will be asked to respond to a detailed RFP and provide a development plan for the site, a financial pro forma and phasing schedule.

**Third Step:** The Evaluation Committee will evaluate proposals submitted in response to the RFP and make a recommendation to the DBH Director and the County CEO office regarding the proposals submitted; the latter will, in turn make a recommendation to the Board of Supervisors who will make the final determination whether to go forward and if so, with which Proposer.

### 4.2 RFQ Short List

The County expects to conduct interviews with some or all Proposers prior to determining the short list. Proposers may also, at the discretion of the County, be required to respond in writing to questions or clarifications requested by the County. Following analysis of the foregoing, the County may make a decision to reject all proposals, to terminate the RFQ or to select a short list to continue to a second stage evaluation. All Proposers will be notified in writing of the County's decisions. The County anticipates selecting the short list within three (3) months after the Due Date for submission in response to the RFQ.

The selection of the short list will include consideration of the following elements of the responses:

#### 4.2.1 Proposer Experience

An evaluation panel consisting of County staff and consultants will evaluate the combined experience of the Proposed Development Team in completing and operating large-scale commercial/retail/restaurant projects as well as the specific land uses identified in each proposal. The evaluation will also include the experience of the Development Team members in working together on projects of the size and complexity envisioned by the

RFQ, and on similar projects, particularly in Southern California and/or with a governmental entity.

#### **4.2.2 Development Strategy**

The proposed Development Team will be evaluated based upon its preliminary selection of specific land uses and the extent to which such proposed uses would create a compelling and synergistic project. The proposal must demonstrate a thoughtful and realistic understanding of the potential market and the existing marina development, as well as a thorough understanding of the development process.

The evaluation of the preliminary development strategy will be based on the Development Team's understanding of Marina del Rey rather than on a highly refined finished product. Previous work by members of the design team that demonstrates the quality of architecture will also be considered.

#### **4.2.3 Financial Concepts**

In the context of the potential development, the County's financial goal is to realize substantial long-term value from the development of this Property, both directly and indirectly. Therefore, the financial discussion should clearly show how the Development Team's preferred land use concept(s) and development approach will achieve these goals. The County, at this stage, is more focused on methodology and understanding the Proposer's approach than on a specific financial target. As stated above, the County is willing to arrange lease-leaseback financing for the DBH administration building if desired by the Proposer.

### **4.3 Request For Proposals**

The short list of Proposers will be invited to respond to an RFP. The County will require more specific information from the selected Proposers about the proposed development program, and the Development Team and its financial and development capacity, and may require written response to questions, oral interviews and/or presentations to the County. The Board of Supervisors has set November 17, 2009, as the due date for proposals in response to the RFP to be submitted to the Board. Further information regarding RFP submittals will be contained in the RFP.

### **4.4 Requirements of Selected Development Team**

From the responses to the RFP, and acting on the joint recommendation of the DBH Director and the Chief Executive Officer, the Board of Supervisors will either reject all proposals or select a Development Team with which to negotiate a transaction. The RFP-selected Development Team will be expected to prepare and negotiate a plan (the "Plan") in sufficient detail to permit compliance with the California Coastal Act of 1976, the California Environmental Quality Act and any other regulatory requirements that may be imposed on this Project by the governmental entities having jurisdiction. Accordingly, it is the responsibility of any Proposer to be informed about any governmental programs that may be required as a precondition to the execution of this Project. This Plan also shall include pre-schematic designs and plans and a timetable for the Project. The Development Team will be responsible for developing the Plan; funding of

environmental analysis and review; financing; payment of pre-development costs; providing construction and development guaranties; demolition of existing structures; site preparation; market analysis; marketing; carrying out any required environmental remediation; construction of the Project, infrastructure and off-site improvements; ongoing Project maintenance and operation; and securing all required permits and entitlements.

#### **4.5 Exclusive Negotiations**

The County's election to negotiate in its sole discretion with one or more of the Proposers, and the issuance of this RFQ or the subsequent RFP, should not be interpreted to suggest that the County will enter into exclusive negotiations with any single Proposer. The County does, however, retain the right in its sole discretion to enter into such an exclusive negotiations with any one of the Proposers.

#### **4.6 General Rights of County**

The County reserves the unqualified right, in its sole and absolute discretion at any time: (1) to amend or withdraw this RFQ, or the subsequent RFP, or to withdraw from this process with no recourse for any Proposer; (2) to choose or reject any or all proposals received in response to this RFQ and the subsequent RFP in its sole and subjective discretion; (3) to modify the response deadlines; (4) to conduct further due diligence with one or more Proposers or any third party; (5) to modify the County's objectives or the scope of the Project; (6) to issue subsequent RFQs and/or RFPs for the same Property, or variations or components thereof; (7) to disqualify any Development Team on the basis of any real or perceived conflict of interest that is disclosed or revealed by responses submitted or by any data available to the County; (8) to proceed with that proposal or modified proposal, if any, which in its judgment will, under the circumstances, best serve the County's objectives; (9) to waive minor deficiencies, informalities and/or irregularities in the proposals or compliance by Proposers with requirements for submission of proposals; and/or (10) to determine not to proceed with the Project, either on the basis of an evaluation of the factors listed in this RFQ, including the County's full exercise of its governmental powers in its review of and determinations concerning any required entitlements, and the full exercise of its discretion with respect to its compliance with the California Environmental Quality Act prior to its approval of the Project, or for another reason, or for no reason, including but not limited to the convenience of the County. Notwithstanding a recommendation of a department, agency, individual, or other, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a proposal and the terms of any resultant agreement, and to determine which proposal best serves the interests of the County. The Board is the ultimate decision-making body and makes the final determination necessary to arrive at a decision to award, or not award, a lease or other agreement.

#### **4.7 Amendments**

No oral amendments of the RFQ are authorized and only the DBH Director has the right to amend the RFQ by written addendum. The County will not be bound by any oral statements or modifications. If this RFQ is amended, all terms and conditions which are not modified shall remain unchanged. Each Proposer shall acknowledge receipt of each amendment to this solicitation in writing by including a statement to such effect in its proposal.

#### **4.8 No Liability for Proposal Costs**

The County reserves the right to reject any or all applications and is not liable to pay or reimburse any costs incurred by the Proposers in the development, submission or review of the RFQ Packages, including, without limitation, all costs incurred by Proposers in their responses to this RFQ, in response to any request for information made by the County throughout the selection process, in submitting such proposals to the County, in negotiating with the County on any matter related to this RFQ or such Proposer's proposal, or otherwise, unless specifically agreed to in writing by the County.

#### **4.9 RFQ Not a Commitment**

This RFQ is not a contract offer, a request for technical services, or an agreement to construct any project that may be proposed or otherwise submitted and does not commit the County to enter into any agreement, development agreement, or any other agreement (exclusive or otherwise), or to accept any part of any proposal, including, without limitation, a selected proposal, or to pay any costs incurred in the submission of any proposal. By submitting its Proposal each Proposer agrees that the County has the right, in its sole and absolute discretion, to use ideas suggested by any particular Proposer, regardless of whether the County selects that Proposer to be the developer of this Project. Should this process result in an exclusive negotiation agreement, the execution of such agreement does not constitute a contract, agreement or promise that such agreement will lead to a ground lease or that the County will agree to build or have built any proposed project or projects.

#### **4.10 Accuracy of Information**

It is the responsibility of the recipient of this RFQ to assure itself that information contained herein, including that made available in Attachments or enclosures to this RFQ, is accurate and complete; the County provides no warranties, guarantees or assurances in that regard.

#### **4.11 No Brokerage Fees To Be Paid By County**

The County will not pay brokerage fees to or on behalf of any party in connection with this RFQ solicitation.

#### **4.12. Disqualification Review**

If an RFQ Package is disqualified due to non-responsiveness, the County shall notify the Proposer in writing and the Proposer may submit a written request for a disqualification review by the date specified in the notice. Requests for a disqualification review not timely submitted will be denied. A disqualification review shall only be granted if the person/firm requesting the review submitted an RFQ Package, the request is submitted timely, and the request asserts that the disqualification determination was erroneous and provides actual support on each ground asserted as well as copies of all documents and other materials that support the assertions. The disqualification review shall be completed and a determination provided to the Proposer, in writing, prior to the conclusion of the RFQ evaluation process.

#### **4.13 Selection Review**

Upon completion of the RFQ evaluation and prior to the issuance of the RFP, all responsive Proposers will be notified in writing whether or not they will be invited to participate in the RFP process, and may request a debriefing on the evaluation of the Proposer's Submission Package. The Submission Packages of other Proposers shall not be discussed. If the Proposer is not satisfied with the results of the debriefing, it may, within five business days of the debriefing, request a selection review by DBH. The Proposer may submit a written request for a selection review if it asserts that its Submission Package should have qualified the Proposer for the short list for one of the following reasons: (1) the County materially failed to follow the procedures specified in the RFQ; (2) the County made identifiable mathematical or other errors in evaluating Submission Packages; (3) a member of the evaluation committee demonstrated bias in the conduct of the evaluation; or (4) another basis for review as provided by state or federal law. Upon completing the selection review, DBH shall issue a written decision to the Proposer within a reasonable time and no later than the date of issuance of the RFP. If the Proposer is not satisfied with the results of the Selection Review, it may request a review on the grounds and in the manner set forth below for a County Review Panel.

#### **4.14 County Review Panel Process**

If the Proposer is not satisfied with the results of DBH's Selection Review, the Proposer may submit a written request for a review by a County Review Panel. Upon completion of the Panel's Review, the Panel will forward its report to DBH, which will provide a copy to the Proposer.

## List of Attachments

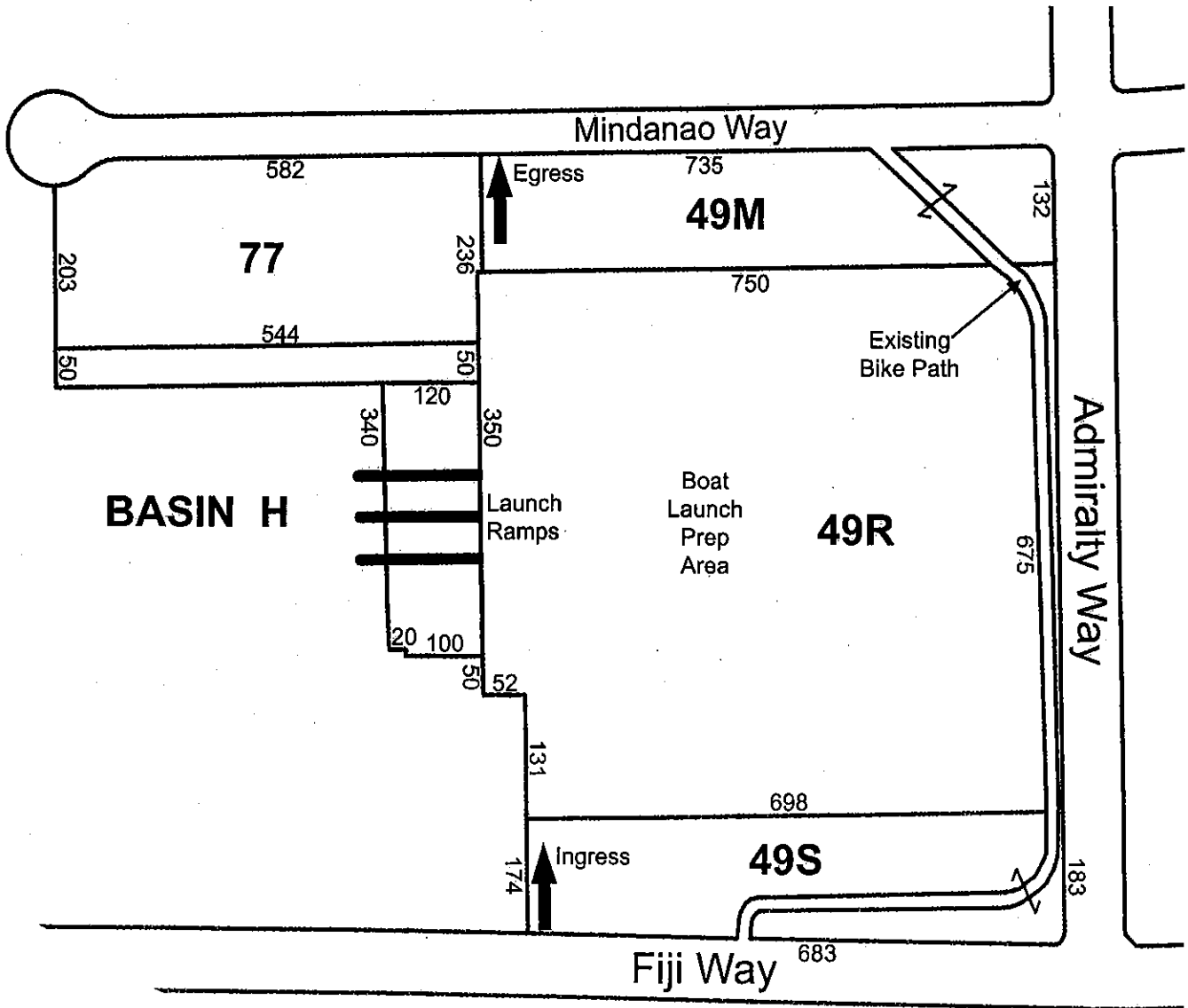
- Attachment 1: Site Map of Property
- Attachment 2: Form of Cover Letter
- Attachment 3: Notice re: California Public Records Act
- Attachment 4: Form of Financial Information Release Authorization





Attachment 1

Site Map



Attachment 2

\_\_\_\_\_, 2009

Los Angeles County  
Department of Beaches & Harbors  
13837 Fiji Way  
Marina del Rey, CA 90292

Attention: Don Geisinger

Re: Response to Request for Qualifications

Enclosed is our response to the Request for Qualifications ("RFQ") issued by the Los Angeles County Department of Beaches & Harbors ("County") relating to its Parcels 49 and 77 southwesterly of Admiralty Way between Mindanao and Fiji Way in Marina del Rey, California (the "Property").

We understand and commit that if we are selected to be the developer of the Property, we will prepare, collaboratively with the County, a Plan as will be described in a forthcoming Request for Proposals. Specifically, we understand that it will be our obligation: (a) to be informed about any governmental requirements that may be imposed as a precondition to the execution of this Project; (b) to commence and conclude the Plan process, including preparing the Plan, which shall include pre-schematic designs, a development plan for the Project, business and financial terms of the transaction, all relevant California Environmental Quality Act documentation, and compliance with any other regulatory requirements that may be imposed on this Project by the County of Los Angeles in its governmental role, the California Coastal Commission or any other governmental entity having jurisdiction; (c) to fund and carry out any necessary environmental analysis, review, and remediation; (d) to incur any pre-development costs, (e) to coordinate and fund construction and development guaranties, demolition of existing structures, site preparation, market analysis, marketing; construction of the Project, infrastructure and off-site improvements, and on-going Project maintenance and operation; and (f) to secure all required permits and entitlements. We further understand that we are responsible for all costs we incur in design, negotiation, pre-development, environmental analysis and development of the Project, including all costs associated with development of the Plan. We commit to diligently proceed to prepare and negotiate the Plan and to meet the schedule for performance described in the Plan.

We further understand that the Property is presently used primarily for public parking and for boat storage and launching and that our proposed development Plan must provide replacement parking and boat storage launching facilities.

Very truly yours,

## Attachment 3

### **Notice to Proposers Regarding The California Public Records Act**

#### **RESPONSES TO BECOME PUBLIC RECORDS**

Responses to this RFQ become the exclusive property of the County. At such time as the DBH Director recommends a Proposer to the Small Craft Harbor Commission and to the Board of Supervisors and such recommendation appears on the Commission and the Board agenda, all materials submitted in response to the RFQ and any subsequent RFP become a matter of public record and shall be regarded as public record except as indicated below.

#### **DESIGNATION OF CONFIDENTIAL INFORMATION**

The County will recognize as confidential only those elements in each proposal which are trade secrets as that term is defined in the law of California and which are clearly marked as "TRADE SECRET", "CONFIDENTIAL," or "PROPRIETARY." Vague designations and blanket statements regarding entire pages or documents are insufficient and shall not bind the County to protect the designated matter from disclosure.

#### **COUNTY NOT LIABLE FOR REQUIRED DISCLOSURE**

The County shall not in any way be liable or responsible for the disclosure of any records if they are not plainly marked "TRADE SECRET," "CONFIDENTIAL," OR "PROPRIETARY," or if disclosure is required by the California Public Records Act or by an order of any court of competent jurisdiction.

Attachment 4

**FINANCIAL INFORMATION RELEASE AUTHORIZATION**

Contact Person  
Financial Institution  
Address

Dear \_\_\_\_\_,

(Proposer's or appropriate name) has submitted a proposal to the County of Los Angeles ("County") to enter into negotiations for a ground lease for the purpose of development of certain real property in Marina del Rey, California. As part of the screening process, the County may need to contact you about our banking relationship. I (we) authorize you to provide the County or its consultants with the information they require, with the understanding that all information provided will be kept confidential to the extent permitted by law.

Sincerely,

\_\_\_\_\_