



**Montgomery County Government**

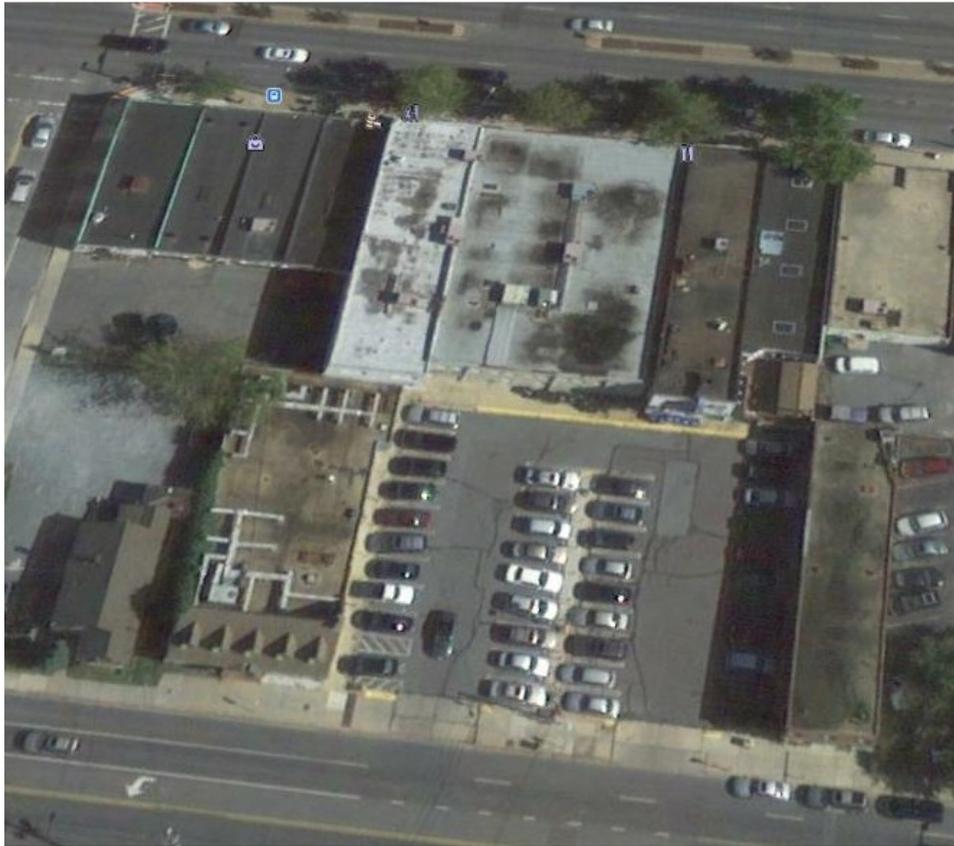
**REQUEST FOR DEVELOPMENT PROPOSALS**

**For**

**Public Parking Lot No. 43**

**8009 Woodmont Avenue**

**Bethesda, Maryland**



**ISSUED BY:**

**MONTGOMERY COUNTY GOVERNMENT  
DEPARTMENT OF TRANSPORTATION  
101 MONROE STREET, 10<sup>TH</sup> FLOOR  
ROCKVILLE, MARYLAND 20850**



**Montgomery County Government**

**RESPONSES DUE BY: OCTOBER 31, 2014 4:00 PM**

**MONTGOMERY COUNTY GOVERNMENT  
ISIAH LEGGETT, COUNTY EXECUTIVE  
PUBLIC PARKING LOT NO. 43, BETHESDA, MARYLAND**

**REQUEST FOR DEVELOPMENT PROPOSALS**

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## I. Overview

Montgomery County, Maryland, through this Request for Development Proposals (“**RFDP**”), seeks creative, viable development proposals from qualified teams for a mixed-use retail and residential development or for office space on County-owned property located at 8009 Woodmont Avenue, Bethesda, Maryland (“**Lot 43**” or the “**Site**”). Lot 43 is approximately 12,500 square foot site in size and is currently improved as a surface parking lot. If the Site is developed as a mixed-use retail and residential development, the County is seeking to include residential housing with a minimum of 20% of the units affordable to households whose income levels are no greater than 60% of the area median income for the Washington Metropolitan Statistical Area (“**AMI**”). The proposed development, whether mixed-use or office, must meet the parking requirements of Chapter 59 of the Montgomery County Code (“**Code**”) without relying on the parking provided in the area by the Bethesda Parking Lot District (“**Bethesda PLD**”) to meet the proposed development’s parking requirements.

## II. Requirements and Objectives

The County is seeking development proposals for the Site that, through the fee simple sale or long term ground lease of the Site, will achieve at least the following objectives:

A. Quality of Life. The County seeks to utilize County assets to advance the quality of life for its residents by increasing the housing stock in Bethesda, especially the number of affordable housing units, without further burdening the parking stock.

B. Parking Requirements. The County seeks to develop the Site singularly or as part of an assemblage of properties as a mixed-use development with retail space and residential units or as office space (“**proposed development**”). The proposed development, once completed, must meet the minimum parking requirements of Chapter 59 of the Code without relying upon the parking spaces provided by the Bethesda PLD. The proposed development must not place any additional parking burden on the Bethesda PLD. The County does not wish to participate in the proposed development by either owning or operating public parking as part of the proposed development.

C. Consideration. As required under Chapter 60 of the Code, the County must receive fair market value for Lot 43, which will be established by an independent appraisal for the highest and best use of the Site.

D. Affordable Housing Requirements. If the proposed development for the Site is a mixed-use development with a residential component, at least 20% of the residential units in the proposed development must be affordable to households whose income does not exceed 60% of AMI.

### III. Site Location and Description

Lot 43 is located at 8009 Woodmont Avenue in Bethesda and is approximately 12,500 square in size. The parcel is made up of Lots 487 through 491, in a subdivision known as “Woodmont” recorded as Plat Book 1, Plat No. 4, recorded among the Land Records of Montgomery County, Maryland and being more particularly described as follows in Maryland State Plane Datum (NAD83). The property is on the east side of Woodmont Avenue between St. Elmo and Cordell Avenues in the Woodmont Triangle section of the Bethesda Central Business District of Montgomery County, Maryland. The Woodmont Triangle is known for its eclectic mix of dozens of restaurants serving ethnic and international cuisines, as well as small retail shops and boutiques, and office and higher density residential buildings.

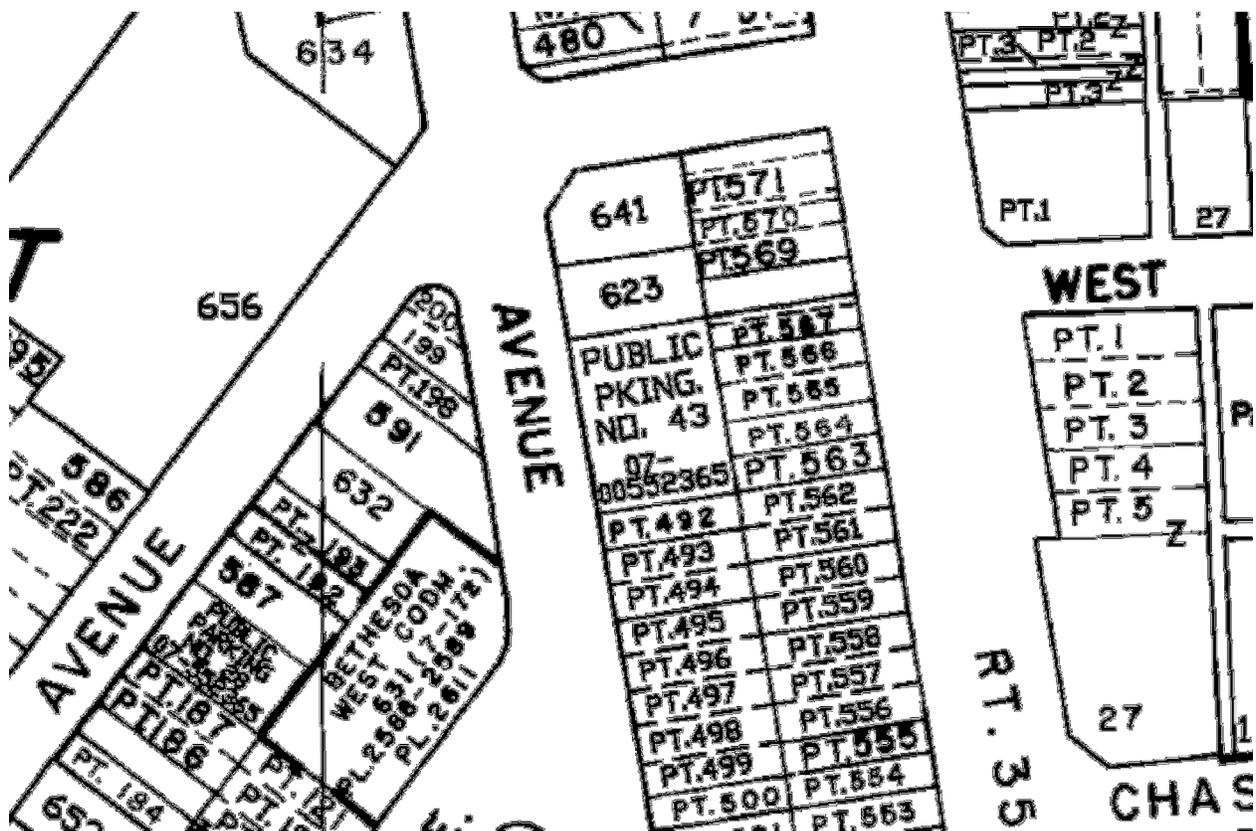


**Lot 43 Site**

The Site is currently used as a surface public parking lot with individual parking meters, asphalt pavement and marked with 39 spaces, including two ADA accessible spaces, with poured concrete sidewalks and curbing. The Site has about 125 feet of street frontage. Nearby parcels are improved with low-rise retail and office buildings and several high-rise residential buildings are situated a few blocks north of the Site. Montgomery County acquired the Site in 1958 and has used it as a public parking lot since that time.

#### IV. Master Plan and Zoning

Lot 43 is currently zoned CBD-1, Central Business District (CBD) and, effective October 30, 2014, it is anticipated that the Site will become one of the new CR Zones. Proposers will be required to be conversant with the new zoning and the uses and FAR applicable to the Site.



Public Parking Lot No. 43

## V. Submission Requirements

All Proposals must provide a thoughtful development concept and explanation of key factors and milestones for its successful implementation. The County reserves the right to request additional information during the RFDP review period.

A PROPOSER'S FAILURE TO SUBMIT ALL REQUIRED INFORMATION MAY RENDER THE PROPOSAL INCOMPLETE AND INELIGIBLE FOR FURTHER CONSIDERATION.

The Proposal must include the following elements:

A. Cover:

The cover should contain the RFDP title, the Proposer's name and the submission date.

B. Transmittal Letter:

The transmittal letter should not exceed two pages and should contain:

1. The name, title and contact information, including phone number and email address, of the individual with authority to bind the Proposer. This person should also sign the transmittal letter.
2. The address and legal form of the Proposer. If a joint venture is involved, provide the above information for all participating firms.
3. Statement acknowledging receipt of each addendum that the County may issue to the RFDP.
4. Statement that, if selected, the Proposer will negotiate in good faith with the County.
5. Statement that the firm is not in arrears in the payment of any obligation due and owing to the State of Maryland or Montgomery County, including tax payments and employee benefits, and that it shall not

become so during the term of the agreement if selected.

6. Statement that the Proposal is valid for a minimum of 120 days from the date of submission.
7. Statement that the firm grants to the County a non-exclusive right to use, or cause others to use the contents of its Proposal, or any part thereof, for any purpose.

C. Statement of Qualifications:

1. *Background Information:* A description of the Proposer, including organizational structure, identification of principals, and length of time in business. If the Proposer is a joint venture, information for each entity should be furnished, as well as an explanation as to why a joint venture is the preferred arrangement for the proposed development.
2. *Financial Capability:* A description of the Proposer's financial capability to complete the proposed development including, with examples, typical financing mechanisms the Proposer has used on similar projects. This section should provide evidence of the Proposer's ability to obtain sufficient financing for the proposed development. Under separate cover and marked "Confidential" the Lead Developer and if applicable, any member of the joint venture having an equity stake of 20% or greater in the business entity to be formed for the proposed development, must provide current Interim statements and audited annual financial statements for their respective firm's last three fiscal years. Developers with an equity interest of less than 20%, or having no equity stake at all, must provide current Interim and Review statements for their respective firm's last three fiscal years. An appropriately authorized officer/managing member of each firm providing financial information should certify

that their respective statements present an accurate representation of that firm's financial condition as of the date of the statements.

3. *Project Experience:* Description of the Proposer's experience with similar developments. This information should clearly describe the size, scope and financial structures of those projects, where located and when completed. For projects not yet complete, the Proposer should include the anticipated completion date. Additionally, provide references and contact information, including name, telephone number, and email address for each project described.
4. *References:* Provide the names, *phone* numbers and email addresses of at least three commercial or institutional credit references for the Proposer and, if applicable, any member of the proposed joint venture. Include a letter to each of the credit references authorizing them to respond to inquiries from the County.

D. Project Vision:

This section should describe the Proposer's vision for the proposed development and how this vision meets the County's objectives. This vision should identify the following:

1. Milestones necessary to implement the vision (such as pre-development requirements and land use approvals).
2. A concept plan that illustrates the proposed development plan, layout, square footage (including gross measured area, rentable area, and useable area), and other characteristics of the proposed development, including building height and density. The concept plan must identify the percentage of affordable housing units, to include a minimum of

20% of the total units, affordable to households whose incomes do not exceed 60% of AMI. Deeper levels of affordability are preferable.

3. A description of the parking that will be provided for the planned land use and a calculation of the minimum parking required under Chapter 59 of the Code.
4. Project budget showing sources and uses of development funds and a 15-year operating pro forma. The pro forma must include cost, revenue and inflation assumptions, as follows:
  - Pre-development costs;
  - Soft and hard costs;
  - Infrastructure costs; and
  - Cash flows to the Proposer and the County, including the payment of fair market value for the Site.

The proposed development must clearly identify the total number of affordable units and the percentage and income breakdown of the affordable units. Any assumptions/projections regarding stabilized rents or when stabilized rents will be achieved should be specified. Estimates of the proposed development's asset value to the Proposer and to the County should be included. In addition to providing a hard copy of the budget, the Proposal should include a soft copy in Excel format on a CD-ROM.

5. A proposed ownership structure.
6. A statement of whether the proposed development is contingent on any County or State government action (e.g., regulation changes and public funding such as grants and loans) and a listing of these contingencies.

E. Electronic Files:

One copy of the entire Proposal shall be submitted in PDF format on a CD-ROM as one single file

**VI. Evaluation Criteria**

Upon receipt of the Proposals, the County's Qualification and Selection Committee ("**QSC**") will review and evaluate the Proposals in accordance with the criteria listed below. Interviews may be conducted with Proposer development teams. Decisions and recommendations by the QSC will be consensus-based.

The County's goal is to select the best Proposal from the most qualified Proposer that meets the County's objectives for this Site. The following evaluation criteria will help the County achieve its objectives for the Site:

- |    |   |                   |
|----|---|-------------------|
| 1. | Overall vision and quality of the proposed development:   | 30 points         |
| 2. | Meeting the County's objectives for the Site:             | 40 points         |
| 3. | Expertise and financial capacity to implement the vision: | 20 points         |
| 4. | Proposed timeframe for completion of the development:     | <u>10 points</u>  |
|    |   | Total: 100 points |

**VII. Administration of the RFDP**

**Proposals are due by 4:00 pm on October 31, 2014.** If a Proposer and a proposed development is selected from the Proposals submitted under this RFDP and a memorandum of understanding or other form of agreement acceptable to the County cannot be successfully negotiated with the top-ranked Proposer, the County may proceed to negotiate with the Proposer that submitted the next highest ranked Proposal. Alternatively, and in the County's discretion, until an initial letter of intent or memorandum of understanding is entered into, the County may elect to negotiate with more than one Proposer at a time.

Any amendments to the RFDP will be posted on the MCDOT website, which can be located through the County's website at:

<http://montgomerycountymd.gov/dot-parking/rfdp.html>

The County expects the RFDP to meet the following schedule, but reserves the right to amend this schedule or, in its sole discretion, to cancel the solicitation at any time.

RFDP Release	October 1, 2014
Pre-Submission Meeting (Optional)	October 15, 2014 at 3:00 P.M.
Deadline for Questions	October 24, 2014 at 4:00 P.M.
<b>Proposals Due</b>	<b>October 31, 2014 at 4:00 P.M.</b>

### **VIII. Submittal Instructions**

All Proposals shall include one original and six (6) copies in 8½” by 11” format with no smaller than 11-point font; not exceed 25 pages, not including credit references, Memoranda of Understanding (“MOUs”), renderings, Excel-based worksheets/models, tables, charts, etc. Submissions must be bound and sealed, and must be mailed or delivered to:

Mr. Al Roshdieh  
Deputy Director  
Montgomery County Department of Transportation  
101 Monroe Street, 10<sup>th</sup> Floor  
Rockville, Maryland 20850

The envelope must state “RFDP – Public Parking Lot 43.” Written Proposals will be evaluated upon only what is submitted. It is incumbent upon the Proposer to submit sufficient information to enable the County to fully evaluate the Proposer’s capabilities and experience. Proposals to this RFDP received after the date and time specified are considered late and may not be considered. The County will not accept Proposals sent via facsimile or e-mail. Unless requested by the County, additional information cannot be submitted by the Proposer after the deadline set for receipt of Proposals. Proposer will be notified in writing of any change in the specifications contained in this RFDP.

Prior to the time and date designated for receipt of Proposals, Proposals submitted early may be modified or withdrawn only by notice to the County receiving Proposals at the place and prior to the time designated for receipt of Proposals.

Timely modifications or withdrawals of a Proposal must be in writing and must be received by the County on or before the date and time set for receipt of Proposals.

Withdrawn Proposals may be resubmitted up to the time designated for the receipt of Proposals provided that they are then fully in conformance with the RFDP.

## **IX. Optional Pre-Submission Conference**

There will be an optional pre-submission conference on October 15, 2014 at the offices of the Montgomery County Department of Transportation, 101 Monroe Street, 10th Floor, at 3:00 PM.

## **X. Conditions and Limitations**

The County reserves the right to reject any or all Proposals submitted in response to this RFDP, advertise for new Proposals or accept any Proposal deemed to be in the best interest of the County. A Proposal submitted in response to this RFDP does not constitute a contract and does not indicate or otherwise reflect a commitment of any kind on behalf of the County. Furthermore, this RFDP does not represent a commitment or offer by the County to enter into an agreement with a Proposer or to pay any costs incurred in the preparation or submission of a Proposal to this RFDP. Furthermore, this RFDP does not commit the County to pay for costs incurred in the negotiation or other work in preparation of, or related to, a final agreement between the selected Proposer and the County.

Any commitment made by the County will be subject to the appropriation of funds by the Montgomery County Council to carry out any such commitments and to the execution of a contract acceptable to the County.

Written questions regarding the RFDP should be directed, via email, to Rick Siebert at [rick.siebert@montgomerycountymd.gov](mailto:rick.siebert@montgomerycountymd.gov). No verbal questions, outside of the Pre-Submission Meeting, will be accepted.

All questions, and the responses from the County, will be posted on County's website at:

<http://montgomerycountymd.gov/dot-parking/rfdp.html>

The Proposals and any information made a part of the Proposals will become a part of the project's official files. The County is not obligated to return the Proposals to the Proposers. This RFDP and the selected team's response to this RFDP may, by reference, become a part of any formal agreement between the Proposer and the County.

The County reserves the right, in its sole and absolute discretion, to reject any and all Proposals received in response to this RFDP and to cancel this RFDP at any time, for any or no reason, prior to entering into a formal contract. The County further reserves

the right to request clarification of information provided in Proposals submitted in response to this RFDP without changing the terms of this RFDP.

If a Proposer contends that any part of its Proposal is proprietary or confidential and, therefore, its disclosure is limited under the Maryland Public Information Act, Md. Code Ann. State Gov't §§10-611 *et seq.* ("**MPIA**"), the Proposer must identify all information that is confidential or proprietary and provide justification for why such materials should not be disclosed by the County under the MPIA. The County, as custodian of Proposals submitted in response to this RFDP, reserves the right to determine whether or not material deemed proprietary or confidential by the Proposer is, in fact, proprietary or confidential as required by the MPIA and, therefore, should not be disclosed. The County will favor disclosure of all Proposals in response to any request from a third party for disclosure made under the MPIA.

Proposers must familiarize themselves with the Site and form their own opinions as to suitability for any proposed development on the Site. The County makes no representations as to the Site. The County assumes no responsibility for site conditions including, but not limited to, environmental and soil conditions on the Site. Proposers are responsible for their own background investigation as to title, zoning, subdivision, transportation, develop ability, utilities, and physical conditions, and any restrictions, if any, for the Site. Proposers may not rely upon any information provided by the County concerning Lot 43 in this RFDP. Soils tests and other invasive tests may not be conducted upon the Site during the RFDP stage.

Proposers are subject to the provisions of law pertaining to ethics in public contracting, including but not limited to, the provisions of the Code's Chapter 11B, Article XII and the applicable provisions of Chapter 19A.

## **XI. Minority, Female, and Disabled Participation**

The County encourages contracting and development opportunities with business interests reflecting its diverse population and interests. Therefore, the County encourages Proposers to include where possible meaningful minority, female, and disabled ("MFD") participation in the proposed development. This participation could include, but not be limited to, the Proposer teaming with MFD developers, builders and subcontractors for the proposed development.