

# REQUEST FOR PROPOSALS

## Parcel Group 5: Bunker Hill

**H HAYWARD**

Route 238 Corridor Lands Development



# Executive Summary

## Opportunity

The City of Hayward is offering 37 acres of vacant land in the Hayward Hills, known as Parcel Group 5: Bunker Hill (Parcel Group 5), for the development of up to 74 single family homes and 8 accessory dwelling units with unprecedented bay views, surrounding open space, and close proximity to the California State University East Bay campus. Future development on Parcel Group 5 should maintain a rural character marked by hillside open space that invites and retains existing wildlife and minimizes impacts to the adjacent existing neighborhood.

To provide developers with a level of certainty regarding the City's vision for Parcel Group 5, the City Council approved a Master Development Plan (MDP) on July 9, 2019 along with an addendum to the 2014 Hayward General Plan Environmental Impact Report (GP EIR Addendum) for the proposed project. A map of Parcel Group 5 and a conceptual site plan for its development can be found in Exhibits I and II. The remaining entitlements are anticipated to include site plan review; a zoning amendment to allow for a diversity of lot sizes between 4,500 to 20,000 square feet (with an average of no less than 10,000 square feet and a maximum of 30% lot coverage); and a tentative and final map.

## Selection Process

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

The selected developer (Developer) will be required to make a non-refundable deposit of \$10,000 for the exclusive right to negotiate with the City for Parcel Group 5. A copy of this agreement can be found in the Document Library.

The Developer will also be required to execute a Reimbursement Agreement under which the Developer will be required to reimburse the City for costs incurred by the City that are related to the City's disposition of Parcel Group 5. The Developer shall deposit with the City \$40,000 for the City's related costs and will replenish the deposit, if necessary, as well as be reimbursed for any unused portion. A copy of this agreement is can be found in Document Library.

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## Important Dates

### RELEASE DATE

Wednesday, July 10, 2019

### MANDATORY PRE-SUBMITTAL MEETINGS

Prospective developers are required to attend one (1) of the two pre-submittal meetings:

#### Tuesday, July 23, 2019

9:00 to 10:30 AM  
Conference Room 2A  
777 B Street  
Hayward, CA 94541

#### Thursday, July 25, 2019

9:00 to 10:30 AM  
Conference Room 2A  
777 B Street  
Hayward, CA 94541

### PROPOSAL DUE DATE

Seven (7) hard copies and one electronic PDF copy of your proposal are due at 4:00pm on **Wednesday, August 28, 2019** clearly marked with "Parcel Group 5—Bunker Hill Proposal." Responses must be delivered via mail or hand delivery to:

John Stefanski--Special Project Manager  
Route 238 Corridor Lands Development  
City of Hayward  
777 B Street, Second Floor CED  
Hayward, CA 94541

## Staff Contacts

This process will be managed by the following City Staff:

Jennifer Ott  
Deputy City Manager  
[Jennifer.Ott@Hayward-ca.gov](mailto:Jennifer.Ott@Hayward-ca.gov)

John Stefanski  
Special Project Manager  
[John.Stefanski@Hayward-ca.gov](mailto:John.Stefanski@Hayward-ca.gov)

Please contact John Stefanski at [John.Stefanski@hayward-ca.gov](mailto:John.Stefanski@hayward-ca.gov) with any written questions regarding to this RFP. The City's responses to these questions will be shared with all participants that have provided written confirmation of their intent to submit to John Stefanski at the email address provided above.

# Background

## About the City of Hayward

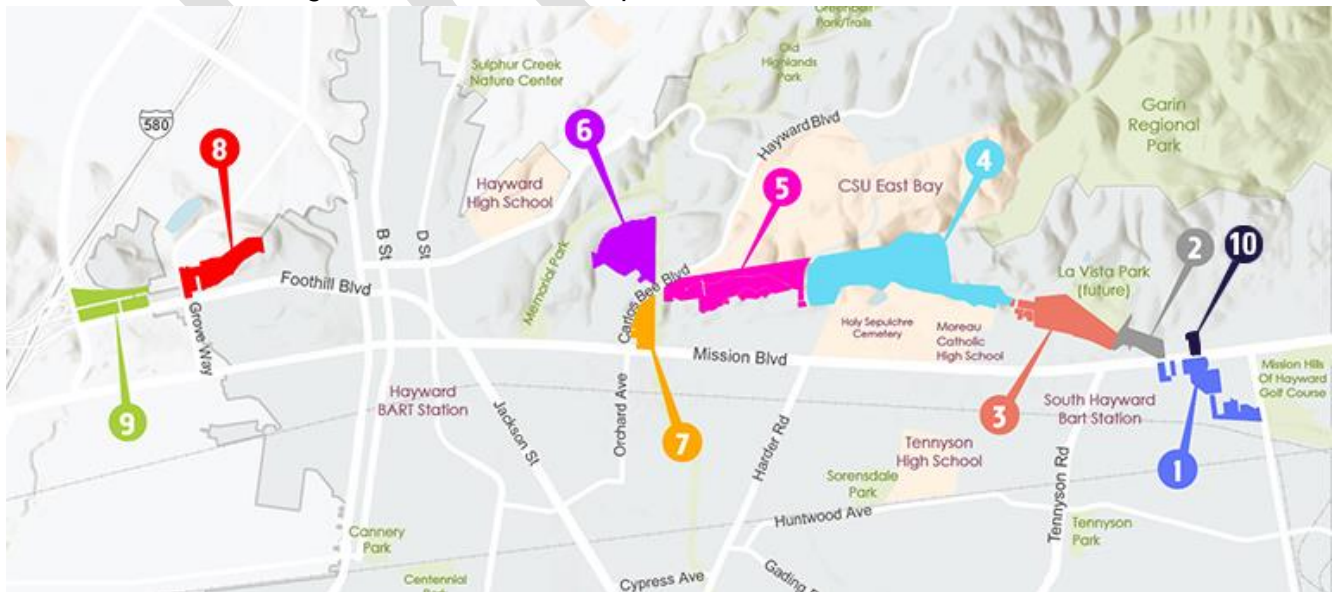
Comprising 45 square miles, the City of Hayward is an economically and ethnically diverse city of approximately 160,000 residents known as the “Heart of the Bay” because of its location at the juncture of an extensive network of freeways (I-880, I-580, SR 92), two BART stations, numerous AC Transit bus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

## About the Route 238 Corridor Lands

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

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

### *Purchase and Sale Agreement Parcel Groups*



## Development Vision

On July 9, 2019, the City Council approved a Master Development Plan (MDP) that encompasses the community's vision for development of the 37-acre Bunker Hill neighborhood (Parcel Group 5). The development of the MDP involved extensive community outreach and professional site planning. A copy of this MDP is available in the Document Library.

The development of Parcel Group 5 shall use its varying topography to its advantage, providing unprecedented bay views and access to open space. The surrounding community desires future development to maintain a rural character marked by hillside open space that invites and retains existing wildlife and minimizes impacts to the adjacent neighborhood.

## Existing Site Conditions

The following information will assist in the determination of the site's overall development potential. Respondents are ultimately responsible for their own investigation of the site. The City makes no warranties, including the suitability of the site for any particular use.

The information summarized in this section can be found in its entirety in the Parcel Group 5 Document Library at [www.hayward-ca.gov/PG5](http://www.hayward-ca.gov/PG5).

### Ownership and Conveyance

The City currently owns Parcel Group 5: Bunker Hill via Director's Deed Grant number DD-031029-01-01 pursuant to the Purchase and Sale Agreement between the City and Caltrans. This includes the following Assessor Parcel Numbers (APNs).

445-0260-084-03	445-0270-054-02
445-0250-060-00	445-0250-059-01
445-0260-109-01	445-0260-018-03
445-0250-024-01	445-0260-018-04
445-0250-041-01	

Copies of the deeds are included in the Document Library.

### Biological Resources

Parcel Group 5 contains potential biological impacts in northern and southern drainages which are surrounded by riparian forest and small areas of exotic woodland habitat. The proposed development envelope avoids these sensitive areas resulting in less than significant impacts. Measures should be included to ensure indirect impacts to trees and water quality are mitigated. More information regarding these biological resources can be found in the Document Library.

## Geotechnical

A Preliminary Geotechnical Exploration prepared for Parcel Group 5 included soil borings, excavation of test pits, and excavation of exploratory trenches to evaluate subsurface conditions and geologic hazards. Geologic hazards include ground rupture, strong ground shaking, earthquake-induced landslides, expansive soil, and potential adverse soil properties associated with existing fill. In spite of these geotechnical issues, a majority of Parcel Group 5 can support residential development following appropriate mitigation efforts. Portions of Maitland Drive requires project specific geotechnical analysis to determine proximity to fault trace setbacks. Further discussion on required mitigation efforts can be found in the Document Library.

## Infrastructure and Utilities

Parcel Group 5 contains existing public utilities which transect the site. The majority of the parcels have frontage on a public right-of way containing public utilities. The remaining, privately owned homes on Bunker Hill Blvd. are currently on private septic systems. New development will be required to install new utility infrastructure for all new homes and the 6 existing homes fronting Maitland Drive and Bunker Hill Blvd.

# Development Requirements

There are several development requirements that the Developer will need to meet in addition to any applicable regulatory requirements. For Parcel Group 5, they involve the following requirements:

## Planning Requirements

The new development should consist of up to 74 detached low-density single-family homes, 8 deed-restricted affordable accessory dwelling units, and be designed to blend in with the surrounding environment, to maximize bay views, to provide adequate parking for residents and guests, and to minimize impacts to the adjacent existing neighborhood. A diversity of architectural styles and lot sizes is required. Additionally, the development of Parcel Group 5 will provide amenities, such as construction of a segment of the 238 Foothill Trail with a secondary trail to the CalState East Bay campus.

Future development will be consistent with the existing 2014 General Plan and will be able to rely on the GP EIR Addendum for the proposed project presented in the MDP for any subsequent approvals. The City will not entertain any General Plan amendments or changes in use.

The City will require a zoning amendment to Planned Development (PD) to allow for varying lot sizes below the current 20,000-square-foot requirement that meets the following criteria:

- A range of lot sizes between 5,000 square feet and 20,000 square feet for an average lot size of no less than 10,000 square feet.
- A range of lot frontages between 60 and 100 linear feet.

- No more than a 30% to 40% lot coverage for any given lot.

The City expects any proposal to include a diversity of architectural types and lot arrangements. The size of new homes must be compatible to adjacent homes and the existing neighborhood. The development must utilize wildfire defensible landscaping where possible.

In determining appropriate creek/riparian setbacks, the selected developer will also be required to comply with Alameda County Flood Control District's criteria for developments along a watercourse to the extent feasible and approved by the City's Public Works Department.

### 238 Foothill Trail and Parkland Dedication Requirements

Parcel Group 5 is within the Hayward Foothill Trail Special Design District (SD-7). This district requires the establishment of a continuous trail through all of the Route 238 Corridor Lands parcel properties as outlined in HMC Section 10-1.2640. The trail location will require approval by the City and the Hayward Area Recreation and Park District (HARD).

The Developer will be responsible for constructing the trail within Parcel Group 5 and connecting to Parcel Groups 4 and 6. Connections to these trails may be done via existing sidewalks on Harder Road and Carlos Bee Blvd. Funding for the maintenance and protection of the trail will be through a Landscape and Lighting District, the Hayward Geologic Hazard Abatement District (GHAD), and/or other financing mechanism.

The Developer will be required to dedicate land or pay an in-lieu fee for creation of parkland (See Section 10-16-00 of the Municipal Code). Developments under 50 units may pay the fee, developments above 50 may dedicate land, pay the fee or a combination of both, at the City's discretion. The amount of land or fee required varies depending on unit type, shown in Table 2.

*Table 2 - Parkland Dedication Requirements*

Unit Type	In-Lieu Fee/Unit	Land Dedication/Unit (Square Feet)
Single Family Detached	\$11,953	748
Single Family Attached	\$11,395	713
Multi-Family	\$9,653	604

The City is conducting an update to its fee schedule and it is possible the in-lieu fees set forth in Table 2 will increase. Construction of the 238 Foothill Trail counts as a credit towards any Parkland Dedication requirements.

### Affordable Housing Requirements

The 2017-2019 City Council's Strategic Initiative for Complete Communities sets the goal of providing a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources. In November 2017, the City Council passed an update to the Affordable Housing Ordinance (AHO). The AHO applies to all residential development projects consisting of two or more dwelling units.



These policy considerations set the expectations for affordable housing development throughout the City.

For Parcel Group 5, there are two options for developers to satisfy the AHO requirements:

1. Construct deed restricted rental accessory dwelling units (ADUs) in an amount equal to 10% of the total unit count. Since ADU's are not like units consistent with the AHO, developers will also be required to pay 50% of the Affordable Housing In-lieu fee on the remaining 90% of their total unit count.
2. Propose an alternative that meets or exceeds the thresholds of the first option

Developers must identify one dedicated off-street parking space for each ADU. A copy of the AHO can be found in the Document Library.

## Green Development

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

- Reduce the use of energy, water, and natural resources
- Minimize the long-term maintenance and utility expenses of infrastructure, buildings and properties
- Create healthy indoor environments to promote the health and productivity of residents, workers, and visitors
- Encourage the use of durable, sustainably-sourced, and/or recycled building materials
- Reduce landfill waste by promoting practices that reduce, reuse and recycle solid waste

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

## Infrastructure Upgrades

The Developer will be required to construct all of the necessary water, stormwater, sewer, and street improvements to serve the new development and 6 existing residents along Maitland Drive and Bunker Hill Blvd.

Proposed developments shall not include gas utilities (electric only) to promote a more sustainable project. However, current utility service to existing residents shall remain and not be interrupted at any time during construction.



Additionally, the Developer is required to make reasonable and good faith efforts to obtain the right to construct access to Carlos Bee Blvd through Bunker Hill Blvd. via California State University land, in close coordination with the City and to construct the necessary improvements. Additional traffic circulation, safety and engineering analysis will be required to complete this work.

The estimated cost of these improvements is \$5,460,000. An outline of the anticipated infrastructure requirements is presented in the MDP and an estimate of the associated costs can be found in the Document Library. These cost estimates are for information purposes only and the Developer will be responsible for developing and verifying their own infrastructure cost estimates.

The Developer will also be responsible for contributing their pro rata share of the traffic mitigation improvements as outlined in the Addendum to the GP EIR. These costs are currently estimated at \$6,160.

### **Transportation Demand Management (TDM)**

The selected developer will be required to develop a Transportation Demand Management program that reduces vehicle miles traveled (VMT) and encourages residents to utilize alternative modes of transportation outside of single occupancy vehicles.

### **Hayward Resident Priority Preference Plan**

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

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

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# Transaction Process

The City will enter into an Exclusive Negotiation Agreement (ENA) with the selected Developer following City Council authorization and the Developer's payment of the \$10,000 non-refundable Good Faith deposit. The City and Developer will negotiate in good faith a Disposition and Development Agreement (DDA) and the negotiating period shall be nine (9) months and the Developer may extend this negotiating period by 90 days no more than twice. Each extension must include written notice as well as an additional non-refundable cash deposit of \$10,000.

Additionally, the developer will be required to execute a Reimbursement Agreement under which the Developer will be required to reimburse the City for costs incurred by the City that are related to negotiations for the disposition of Parcel Group 5. The Developer shall deposit with the City \$40,000 for said costs and will be reimbursed for any unused portion.

The ENA will include a non-binding DDA Term Sheet that outlines the key terms of the DDA to be negotiated and will prohibit any assignments or transfers of the rights under the ENA to another developer. The ENA limits the City's obligations to negotiating exclusively the terms of a DDA with the Developer and to considering approval of the development application.

During the ENA process, the Developer will be required to obtain concurrent approval of the DDA with the Parcel Group 5 site plan and TDM Plan. The zoning amendment and tentative map approvals may take place after the DDA is executed, but prior to closing at a date negotiated in the DDA. The City has no obligation to approve the DDA, site plan, and TDM Plan.

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

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

## Role of Developer

The Developer will become the City's private development partner and maintain primary responsibility for the following aspects of development of Parcel Group 5:

1. Establishing a fair, effective, and collaborative partnership with the City and Hayward community.
2. Proposing and negotiating a DDA Term Sheet with the City, based on the response to this RFP, to attach to the ENA immediately following selection of Developer.
3. Negotiating and obtaining approval of a DDA for Parcel Group 5 with the City during the ENA process.

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

## Role of City

The City will maintain primary responsibility for the following aspects of development of Parcel Group 5:

1. Negotiating a DDA Term Sheet with the Developer to attach to the ENA.
2. Negotiating exclusively and in good faith with the Developer regarding a DDA for Parcel Group 5 during the ENA process.
3. Actively participating in the preparation of the site plan and TDM Plan by Developer and consider approval of the site plan and TDM Plan during the ENA process.
4. Actively participating in all subsequent approvals during the DDA process.

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# Submission Requirements

## Section 1: Cover Letter

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

## Section 2: Development Team Qualifications and Experience

The following should be included in all proposals to assist the City in evaluating the experience and capacity of the development team:

### Developer Identification

- Identify the development entity's name, street address, mailing address, telephone number, and email address. Specify the legal form of the organization (e.g., corporation, partnership, joint venture, other), and identify persons with the authority to represent and make legally binding commitments for the development entity.
- Identify the principal point of contact and their relevant experience.
- Identify other members of the development team including architects, engineers, and any known participating developer entities.
- Provide relevant experience for each team member, a description of their previous projects, and their role in the cited projects.

### Relevant Development Experience

- List and describe the development entity's experience in developing and managing comparable development projects in California, with emphasis on the following:
  - The precise role that the entity and principals of the entity played in each project's development.
  - Project description, including dates of commencement/completion, location, concept, land uses, size and cost.
  - Financial structure of the project, including amount and source of equity and debt financing.
  - Architecture, landscape design and photographs of projects.
  - Experience with the implementation of affordable housing requirements pursuant to inclusionary housing requirements. Describe how the requirements were met and who on the development team has experience in this area.
  - Length of time to complete such projects.
  - Public/private ventures, including experience working with California local government entities.
  - Provide the names and telephone numbers of any references for each project discussed.

## Section 3: Conceptual Proposal

### Project Understanding and Approach

Describe your understanding of Parcel Group 5 and your approach to meeting the City's goals and objectives outlined in this RFP and MDP.

### Proposed Development Concept

All proposals should include a written description of the proposed development concept, including layout, size, key design elements and materials, scale of development (number and type of residential units, including affordable units, and the amount of area devoted to trails and open space), and information describing the proposed character and quality of the development. Applicants should discuss how the Developer plans to meet each of the development requirements described above. The narrative should also include a description of the affordable housing, open space dedication, amount of park and affordable housing in-lieu fees to be paid, and agreement with the DDA requirement to create a financing mechanism for trail maintenance and geological hazard abatement.

### Community Outreach and Engagement Plan

Describe how you will engage the surrounding neighborhoods and Hayward community throughout the development process.

### Graphic Illustrations and Elevations

All proposals should provide graphic illustrations of the proposed development, consisting of preliminary site plans, and sample elevations from comparable projects. Graphics should also depict auto and pedestrian circulation patterns, landscaped areas and recreation/public areas. If construction of the development will be phased, please provide a phasing plan graphically.

All drawings should be submitted in 11 x 17-inch format.

## Section 4: Preliminary Financing Plan, Pro Forma Analysis & Purchase Offer

The proposals must include an estimate of total project development revenues and costs, and a preliminary pro forma analysis of net income expected, including an unleveraged internal rate of return calculation. Additionally, proposals should include a preliminary financial plan and a statement of market conditions for the proposed project in order to establish and justify the developer's pro forma and cash flow assumptions. The anticipated sales price range or, if applicable, rental cost range for residential units should be included.

**Proposals should contain the developer's proposed purchase price for acquisition of the Site from the City.**

Please state any impact of the Hayward Resident Priority Preference Plan on the overall purchase price.

## Section 5: Financial Capacity of Developer

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

- Financial statements of the most recent calendar or fiscal year, for the development entity or for each of the principal parties (in the case of a company formed specifically for the project).
- Letters from the developer's lenders attesting to the developer's capacity to undertake this project, including the available capacity of lines of credit.
- List and explain any litigation or disputes that the development entity, or any named individual in the proposed project, is involved in that could result in a financial settlement having a materially adverse effect on the ability to execute this project.
- List of all projects that the development entity is currently involved in and highlight those that are located within Parcel Group 5's market area.
- State whether the development entity, or any of the named individuals in the proposed project, ever filed for bankruptcy or had projects that have been foreclosed. If yes, please list the dates and circumstances.

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

## Section 6: Anticipated Schedule of Performance

Provide a timeline showing projected start-dates and completion-dates for developer due diligence and all major design and site planning activities, including use and design approvals, completion of construction drawings and building permits, property acquisition, and start and completion of construction.

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# Submittal Timeline

## Release of RFP

Copies of this RFP will be released on **July 10, 2019** and will be available at [www.hayward-ca.gov/bunkerhill](http://www.hayward-ca.gov/bunkerhill).

## Mandatory Pre-Submittal Meetings

Prospective developers are required to attend one (1) of the following two pre-submittal meetings:

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9:00 to 10:30 AM  
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City staff and consultants will be available to answer questions at this meeting.

## Submittal Date and Location

Seven (7) hard copies and one electronic PDF copy of your proposal are due at 4:00pm on **Wednesday, August 28, 2019** clearly marked with “Parcel Group 5—Bunker Hill Proposal.” Responses must be delivered via mail or hand delivery to:

John Stefanski  
Special Project Manager  
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# Proposal Review, Evaluation, and Selection

## Tentative Review Timeline

### *Review of Responses—September 2019*

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

### *Interviews of Short List—October 2019*

A short list of developers will be invited to participate in an interview with a panel of City staff and members of the Hayward community. Staff is tentatively holding **October 9, 2019 and October 10, 2019** for interviews of the selected short list of developers. Please reserve these dates in the event your team is short-listed.

### *Staff Recommendation and ENA Authorization—November 2019*

Based on the proposal and interview, staff will make a recommendation to the Council and request authorization to enter into an ENA with the selected developer.

In the instance where Staff is unable to make a final decision, the top two proposals will be brought to the City Council in a public hearing for further negotiation of a Term Sheet with staff. The negotiated terms of the Term Sheet with the two finalists will also be used in making a staff recommendation to the City Council of a preferred developer.

## Selection Criteria

### *Minimum Qualifications*

The City has established the following minimum requirements for respondents to this RFP:

- At least one team principal must have a minimum of ten (10) years of experience in real estate development
- Successful acquisition, construction and operation of at least three (3) real estate development projects of similar size and scope to the proposed project site within the last 5 years.
- A development team that includes, but is not limited to, an experienced developer, an architect, engineer, and other technical experts needed to conduct relevant surveys and studies.

### *Evaluation Criteria*

Evaluation of proposals that meet the minimum qualifications will focus on the capability of the respondent, the strength of the proposed development concept, and the price offered for Parcel Group 5. The evaluation criteria below will be used to assess the responsiveness of each proposal. The City reserves the right to use any other relevant criteria as determined by the City.

### **Developer Experience**

- Technical capability and relevant experience of the project management team;

- Experience with complex projects that include public land acquisition, disposition and development agreements, construction and management.
- Sufficient staff and consultant resources to deliver the project.
- Demonstrated ability to solicit and incorporate stakeholder feedback from community organizations, businesses and residents.
- Demonstrated experience in incorporating green building standards into design and operation of a project.
- Demonstrated experience of working successfully with public entities.

### **Project Approach and Concept**

- Conceptual plan and project description that sets forth the proposed uses, layout of structures and circulation (pedestrian and vehicular), and location and treatment of open space.
- Consistency of the proposed project concept with the MDP and development requirements described above.
- Fit and synergies of the proposed buildings and uses with surrounding land uses and City vision expressed in the MDP and General Plan.
- Any other public benefits respondent is offering as part of the proposal.
- How the proposed project will further one or more economic opportunities under California Government Code Section 52200.2.

### **Feasibility**

Demonstrate the likelihood of respondent and proposed concept meeting the City objectives in an expedient manner.

- Evidence of financial capacity, resources, and relationships, and clear corporate/organizational structure;
- Probability of obtaining necessary approvals based on the project's design, density and regulatory constraints.
- Cash flow projections that demonstrate the project is feasible.

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



# Disclosures and Reservations

## Disclosures

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

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

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

## City Reservations

The City reserves the right to select the proposal, which, in its sole judgment, best meets the needs of the City. The highest proposed purchase price will not be the sole criterion for recommending the selection for negotiations. The recommended selection of the evaluation committee is final and subject only to review and final approval by the City Manager and the City Council.

The City reserves the right to reject any or all proposals and to waive technicalities and informalities when such waiver is determined by the City to be in the City's best interest. The City reserves the right to retain all accepted proposals, including proprietary documentation; regardless of which proposal is selected. No proposals will be returned to proposers.

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

The City reserves the right to reconsider any proposal submitted at any stage of the procurement. It also reserves the right to meet with select proposers at any time to gather

additional information. Furthermore, the City reserves the right to delete or add functionality (i.e., modules and components) until the signing of a DDA.

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

The City reserves the right to revise the RFP prior to the date that proposals are due.

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

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

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

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

The City shall not be liable for any pre-contractual/agreement expenses incurred by prospective vendors or selected developers/contractors, including but not limited to costs incurred in the preparation or submission of proposals. The City shall be held harmless and free from any and all liability, claims, or expenses whatsoever incurred by, or on behalf of, any person or organization responding to this RFP.

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

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

## Exhibits

1. Site Map
2. Conceptual Plan

## Document Library Index

All of these documents can be found at [www.hayward-ca.gov/PG5](http://www.hayward-ca.gov/PG5).

1. Form of Exclusive Rights to Negotiate Agreement
2. Form of Reimbursement Agreement
3. Parcel Group 5: Bunker Hill Master Development Plan
4. Addendum to Hayward 2040 General Plan Environmental Impact Report
5. Director's Deeds (9)
6. Biological Resources Analysis
7. Geotechnical Feasibility Report
8. Preliminary Geotechnical Exploration
9. Affordable Housing Ordinance
10. Infrastructure Improvement Engineer Estimate

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