

CITY OF GAINESVILLE UNSOLICITED PROPOSAL POLICY

SECTION 1: AUTHORITY AND PURPOSE

AUTHORITY: The City of Gainesville is a “responsible public entity” as defined by Florida Statute 255.065 and is authorized to follow the processes described in Florida Statute 255.065 to establish a public-private partnership for a “Qualifying Project” as defined in Florida Statute 255.065.

PURPOSE: To establish the policy for handling of Unsolicited Proposals to the City, including submission, receipt, evaluation, and acceptance or rejection of Unsolicited Proposals.

SECTION 2: DEFINITIONS

The following words, terms, and phrases, when used in this policy, shall have the meanings ascribed to them as noted in this section, except where the context clearly indicates a different meaning:

<u>Term</u>	<u>Definition</u>
Additional Review Fees	The fee or fees paid by the Proposing Entity submitting a Detailed Proposal for additional City review, architectural and engineering expert review or preparation of studies as described in Section 5 and further identified in the P3 Statute.
City	A Florida Municipal corporation, with offices located at 200 E. University Avenue, Gainesville, FL, 32601.
City Commission	The seven member governing body of the City which provides policy direction and is the final approver for projects and contractual agreements.
Conceptual Proposal	An Unsolicited Proposal that includes conceptual information sufficient for the City to determine whether the proposed ideas are attractive enough to justify investment of City resources to undertake a process that may lead to a Detailed Proposal. The form and content of the Conceptual Proposal must meet the minimum defined criteria outlined in Appendix A.
Competitive Review	Refers to the third and final review out of three (3) potential reviews that a Detailed Proposal may undergo. (See the definition for “Responsiveness Review” for first review and the definition for “Substantive Review” for second review.)
Comprehensive Agreement	The agreement following competitive ranking of the proposals. The agreement is between the top-ranked proposal entity and the City and is developed after entering into negotiations.

Detailed Proposal	An Unsolicited Proposal that contains detail beyond a conceptual level sufficient for the City to compare the proposal competitively to others. The form and content of the Conceptual Proposal must meet the minimum defined criteria outlined in Appendix B.
Direct Costs	"Direct costs" may include, but are not limited to: (i) the cost of staff time required to process, evaluate, review, and respond to the proposal, (ii) the costs of advertising the proposal, and (iii) the costs of attorneys, engineers, financial advisors and other consultants retained by the Authority to assist the City in the review and evaluation process.
Evaluation Team	The team comprised of City staff and subject matter experts undertaking the Competitive Review of a Detailed Proposal, as described in Section 6.
Manager	City Manager of General Government or General Manager of Gainesville Regional Utility.
Negotiation Team	The team comprised of City staff and subject matter experts undertaking the negotiation of a Comprehensive Agreement with the top-ranked Proposal Entity following Competitive Review, as described in Section 7.
P3	A public-private partnership, which is an agreement between the City and a Proposing Entity that allows for greater private sector participation in the delivery of a Qualifying Project.
P3 Statute	Chapter 2013-223, Laws of Florida, section 2, as amended by Chapters 2016-153 and 2016-154, Laws of Florida, as codified in section 255.065, Florida Statutes, and as may be further amended from time to time by the Florida Legislature.
Public Interest Entity	A public or privately held, tax-exempt organization bound to serve the public interest.
Proposing Entity	Any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, non-profit entity, or other private business entity. A Proposing Entity may also be a Public Interest Entity as defined in this section.
Proposal Review Fee	The fee or fees paid by the Proposing Entity submitting an Unsolicited Proposal.
Qualifying Project	A facility or project that serves a public purpose, or a facility or infrastructure that is used or will be used by the public or in support of a public purpose or activity, as defined in the P3 Statute.

Responsiveness Review	Refers to the first of three (3) potential reviews that an Unsolicited Proposal will undertake. The Responsiveness Reviews serve as a gate check to confirm that an Unsolicited Proposal is generally responsive to the minimum content requirements outlined in Appendices A and B (as applicable) and meets this Policy's definition for an Unsolicited Proposal. (See the definition for "Substantive Review" for second review and the definition for "Competitive Review" for third review.)
Substantive Review	Refers to the second of three (3) potential reviews that an Unsolicited Proposal will undertake. The Substantive Review evaluates the proposed Qualified Project in detail with City resources using criteria based on the project type. For Detailed Proposals, the Substantive Review process will determine whether the proposed Qualifying Project may proceed to Competitive Review. (See the definition for "Responsiveness Review" for first review and the definition for "Competitive Review" for third review.)
Unsolicited Proposal	<p>A proposal for a prospective Qualifying Project submitted by a Proposing Entity to the City without an explicit request by the City. An Unsolicited Proposal shall not involve a project that:</p> <ul style="list-style-type: none">• Is not independently originated and developed by the Proposing Entity;• Is prepared with City supervision, endorsement, direction, or direct City involvement;• Is an advance proposal for a known City requirement that can be acquired by competitive methods,• Addresses a previously published City requirement; and is already under procurement.

SECTION 3: PROPOSAL REVIEW FEES

The City reserves the right to charge an initial processing fee, which will be due at the time of submission of any Conceptual Proposal or Detailed Proposal. In addition to the initial processing fee, the City reserves the right to charge the Proposing Entity additional fees to cover the costs of processing, reviewing, and evaluating any Unsolicited Proposal, including a fee to cover the costs of attorneys, engineers, consultants, and financial advisors incurred by the City for review and response to the unsolicited proposal.

The fees charged for the review and response to an Unsolicited Proposal, will be calculated by the City's Department of Financial Services' Procurement Division and will not be greater than the direct costs associated with evaluating the unsolicited proposal. If the Proposing Entity does not tender the additional requested amount within thirty (30) calendar days of the written request, the City may in its sole discretion, stop its review of the proposal until such funds are received. The Manager may decide to waive the proposal review fees for an Unsolicited Proposal from a Public Interest Entity that is a nonprofit entity.

SECTION 4: UNSOLICITED CONCEPTUAL PROPOSALS

A Proposing Entity may submit a Conceptual Proposal to the City to gauge the City's potential interest in pursuing the proposed Qualifying Project as a P3.

A Proposing Entity may forgo submitting a Conceptual Proposal and submit an unsolicited Detailed Proposal, as outlined in Section 5.

Conceptual Proposals may be submitted to the City via email at **purchasing@cityofgainesville.org** in addition to ten (10) hard copies of all relevant documents and materials to **Department of Financial Services, Procurement Division, City Hall, 200 East University Avenue, Room 332, Gainesville, Florida 32602.**

A Conceptual Proposal must contain information about (1) the overall character of the proposed Qualifying Project, (2), the general experience of the Proposing Entity, and (3) the general strategies to ensure successful project delivery. The Conceptual Proposal must contain the minimum defined submission requirements identified in Appendix A.

A Proposing Entity must tender a proposal review fee of \$1,000 with its Conceptual Proposal. The City will not review a Conceptual Proposal that is not accompanied by the payment of this fee. Payment must be made by cash, cashier's check, or other non-cancelable instrument. Personal or business checks will not be accepted.

Within fifteen (15) business days after receipt of the Conceptual Proposal, the City will undertake a Responsiveness Review of the submission to determine if the Conceptual Proposal:

- A. Meets the criteria for a genuine Unsolicited Proposal; and
- B. Contains the minimum defined submission requirements outlined in Appendix A.

Based on this review, the City will then either (1) summarily reject the Conceptual Proposal and return the Conceptual Proposal review fee or (2) accept the Conceptual Proposal for Substantive Review. The City will notify the Proposing Entity of the anticipated time required for the City to complete the Substantive Review of the Conceptual Proposal, such time period to be not less than fifteen (15) business days.

A Conceptual Proposal submitted by a Public Interest Entity may immediately qualify for Substantive Review, and the Manager may elect to waive the proposal review fees in accordance with Section 3.

Refunds of Proposal Review Fees will be made to the Proposing Entity within thirty (30) calendar days of (1) the City's rejection of the Conceptual Proposal or (2) the Manager's decision to waive the proposal review fees, whichever is earlier.

The Substantive Review will provide a preliminary assessment of whether (1) the proposed project is a Qualifying Project, (2) the proposed delivery model offers advantages over traditional procurement models (including favorable risk transfer, lower cost, shorter schedule, increased

investment, etc.) and (3) the proposed project is likely to satisfy the criteria established by the P3 Statute.

Upon completion of the Substantive Review of the Conceptual Proposal, the City will notify the Proposing Entity in writing of the City's position regarding the proposed project. The City may:

- A. Decide not to pursue the proposed project;
- B. Decide to pursue the proposed project, or a similar project, using other procurement methods (in which, if open to private companies, the Proposing Entity may compete if otherwise qualified); and
- C. Decide to continue considering the proposed project under the P3 Statute and request the Proposing Entity to submit a Detailed Proposal (which request shall not constitute a formal solicitation).

If the City elects not to pursue the Conceptual Proposal following Substantive Review, the submitting Proposing Entity will not be entitled to a refund of the proposal review fee.

The City's disposition of a Conceptual Proposal does not limit its discretion or authority with respect to future projects, whether solicited or unsolicited.

SECTION 5: UNSOLICITED DETAILED PROPOSALS

A Proposing Entity may submit a Detailed Proposal to the City, to initiate the City's consideration of whether to deem the proposed project as a Qualifying Project and whether to pursue it further under the P3 Statute. The City is not obligated to pursue a project under the P3 Statute, even if the project satisfies the statute definition of a Qualifying Project.

Detailed Proposals may be submitted to the City via email at **purchasing@cityofgainesville.org** in addition to ten (10) hard copies of all relevant documents and materials to **Department of Financial Services, Procurement Division, City Hall, 200 East University Avenue, Room 332, Gainesville, Florida 32602.**

When submitting a Detailed Proposal, a Proposing Entity must tender a Proposal Review Fee of \$5,000. The Proposal Review Fee is reduced to \$4,000 if the Detailed Proposal was requested by the City under Section 4 in relation to a previously submitted Conceptual Proposal. The City will not review a Detailed Proposal that is not accompanied by the payment of this fee. Payment must be made by cash, cashier's check, or other non-cancelable instrument. Personal or business checks will not be accepted.

The Detailed Proposal must outline: (1) the detailed quality and character of the proposed Qualifying Project; (2) the detailed experience and capacity of the Proposing Entity; and (3) the detailed financial and implementation strategies to ensure successful project delivery. The Detailed Proposal must contain the minimum defined submission requirements identified in Appendix B.

Within fifteen (15) business days after receipt of the Detailed Proposal which was not requested by the City under Section 4, the City will undertake a Responsiveness Review of the submission to determine if the Detailed Proposal:

- A. Meets the criteria for a genuine Unsolicited Proposal; and
- B. Contains the minimum defined submission requirements outlined in Appendix B.

Based on that review the City will then either (1) summarily reject the Detailed Proposal and return the Proposal Review Fee or (2) accept the Detailed Proposal for Substantive Review.

The Proposal Review Fee is refundable if the City does not evaluate the Detailed Proposal or if the Detailed Proposal is deemed unresponsive.

For Detailed Proposals requested by the City under Section 4 in relation to a previously submitted Conceptual Proposal, the Detailed Proposal will proceed immediately to Substantive Review.

Prior to a Detailed Proposal proceeding to Substantive Review, it will first be evaluated on whether additional City resources or external advisors are required (in accordance with the P3 Statute) to determine the commercial, financial and technical feasibility of the proposed Qualifying Project in order to proceed to Competitive Review (the "Additional Review Fees"). Dependent on the scope and complexity of the Project, the City reserves the right to charge the following Additional Review Fees to the Proposing Entity in relation to a Detailed Proposal:

- A. If the initial Proposal Review Fee is insufficient to cover the City's internal costs with respect to City staff and resources to evaluate the proposal, the City will request, in writing, the additional amounts required. If the Proposing Entity does not tender the Additional Review Fee amount with thirty (30) calendar days of the written request, the City may, in its sole discretion, stop its review of the proposal.
- B. If a Detailed Proposal involves architecture, engineering or landscape architecture, the City will engage licensed professionals for review and evaluation of the initial and any subsequent proposals, in accordance with section 255.065(3)(a)5., Florida Statutes.
- C. In considering a Detailed Proposal, the City may require a technical study from the Proposing Entity prepared by a nationally recognized expert with experience in preparing analysis for bond rating agencies. In evaluating the technical study, the City may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of external advisors or consultants who have relevant experience.

If the City identifies the need Additional Review Fees, the City will identify the scope and requirements of this additional due diligence to the Proposing Entity in writing within fifteen (15) business days of accepting the Detailed Proposal for Substantive Review. The Proposing Entity may formally accept or reject these additional requirements and the associated costs. If the Proposing Entity rejects the Additional Review Fees, the City may halt its review of the Detailed Proposal or reject it in its entirety.

If the Proposing Entity accepts the additional review requirements, the Proposing Entity shall, in consultation with the City, establish the schedule and process for the selection of recognized experts to perform the additional due diligence. Experts appointed via this process will be jointly

appointed by the Proposing Entity and the City, acting reasonably, and will possess an overall duty of care to the City while the Proposing Entity will be responsible for the payment of all professional fees.

Following negotiation of the additional review requirements and appointment of any experts, the Substantive Review process will commence. The City will notify the Proposing Entity in writing of how much time will be required to perform the Substantive Review. The timeframe will be determined by the City on a project-by-project basis based upon the complexity of the Qualifying Project and will be no less than thirty (30) calendar days. The City may determine that it requires more than thirty (30) calendar days to complete its review of the Detailed Proposal and provide its assessment. At the culmination of the Substantive Review process, the City will notify the Proposing Entity in writing of the City's decision either to reject the Detailed Proposal or to accept the Detailed Proposal for Competitive Review.

During the Substantive Review, the City may meet with the Proposing Entity to gain a deeper understanding of the Detailed Proposal, and the City may request that the Proposing Entity submit additional information. These meetings will be preliminary in nature and will not include or constitute substantive negotiation of agreement terms. In considering whether to accept the Detailed Proposal for Competitive Review, the City will assess whether: (1) the proposed project is a Qualifying Project, (2) the proposed delivery model offers advantages over traditional procurement models (including favorable risk transfer, lower cost, shorter schedule, increased investment, etc.) and (3) the proposed project is likely to satisfy the criteria established by the P3 Statute.

If the City decides to accept an unsolicited detailed proposal for Competitive Review, the City will advertise the potential opportunity and accept competing detailed proposals.

- A. The advertisement will include: a general description of the Qualifying Project; an invitation to submit a competing detailed proposal for the Qualifying Project, which may propose the identical project, a functionally equivalent project, or an alternative project that achieves the same purpose or uses the same City resources as the proposed project; information about how to obtain more detailed information; and a due date for responding, which ordinarily will be 45 calendar days after initial publication, but which maybe up to 120 calendar days as the circumstances warrant.
- B. The City will advertise the potential opportunity in the Florida Administrative Register at least once a week for three consecutive weeks; in a newspaper of general circulation within the City at least once a week for three weeks prior to the due date for competing proposals; and on the City's website in the same manner as competitive solicitations.

An Unsolicited Proposal may be rejected by the City at any time. The City has complete discretion and authority to reject any Unsolicited Proposal it receives.

SECTION 6: COMPETITIVE REVIEW OF DETAILED UNSOLICITED PROPOSALS

Whether received in response to a solicitation under the P3 Statute or in response to an advertisement concerning an Unsolicited Proposal, within fifteen (15) business days after the receipt of all competing detailed proposals, the City will designate an "Evaluation Team" to review

the Detailed Proposal. The Evaluation Team will be assigned by the Manager and will consist of at least three but no more than seven persons. The Evaluation Team will include the Director of Equity and Inclusion or their designee.

The Evaluation Team will initially review the detailed proposals and determine whether to allow oral presentations for the purpose of gaining deeper understanding of the detailed proposals however the Evaluation Team is not required to allow oral presentations. Any oral presentations will be limited to reviewing and discussing information contained in the detailed proposals, and will not include or constitute substantive negotiations related to any detailed proposal or the Qualifying Project.

Within thirty (30) calendar days after its appointment or after the final oral presentation, whichever is later, the Evaluation Team will rank the detailed proposals in order of preference. In order to discuss details and strategies related to the detailed proposals and the Qualifying Project, the Evaluation Team may meet as often as it deems necessary before ranking. The Evaluation Team will strive for consensus, but a majority of the team will establish the ranking. The Evaluation Team may use any reasonable method to rank the detailed proposals, and is not required to numerically score them. In ranking the detailed proposals, the Evaluation Team will consider the Proposing Entity team members' professional qualifications and experience, the proposed general business terms, innovative project delivery terms (including finance, design, construction, maintenance, and operation, as applicable to the particular circumstance), and any other factors indicated in the advertisement or solicitation.

The Evaluation Team's meetings are temporarily exempt from the Sunshine Law as provided in section 255.065 Florida Statutes (the P3 Statute). The City will record and preserve as required by law any exempt portion of an Evaluation Team Meeting.

Following its ranking of detailed proposals, the Evaluation Team will present to the City Commission a recommendation on whether or not to accept the proposal and enter into negotiations with the Proposing Entity responsible for the top-ranked proposal.

In deciding whether to enter into a Comprehensive Agreement, the City Commission will consider and determine all reasonable factors, including but not limited to:

- A. Whether the proposed project is a Qualifying Project.
- B. Whether the Qualifying Project is in the public's best interest.
- C. Whether the Qualifying Project involves a facility that is owned by the City or for a facility for which ownership will be conveyed to the City.
- D. Whether the Comprehensive Agreement has adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default by the Proposing Entity or cancellation of the Qualifying Project by the City.
- E. Whether the Comprehensive Agreement has adequate safeguards in place to ensure that the City or the Proposing Entity has the opportunity to add capacity to the Qualifying Project or other facilities serving similar predominantly public purposes.
- F. Whether the Qualifying Project will be owned by the City upon completion or termination of the project and payment of amounts financed.

- G. Whether there is a public need for or benefit derived from the Qualifying Project.
- H. Whether the estimated cost of the Qualifying Project is reasonable in relation to similar facilities.
- I. Whether the Comprehensive Agreement will result in the timely acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, or operation of the Qualifying Project.

The City Commission will be the final determining body on whether or not to move forward with a Detailed Proposal.

SECTION 7: NEGOTIATION OF DETAILED UNSOLICITED PROPOSALS

If the City Commission determines to move forward with a Qualifying Project, the Manager will designate a negotiation team to conduct negotiations of the Comprehensive Agreement for the Qualifying Project. The Negotiation Team will consist of at least three persons including at least one City employee who collectively has knowledge and experience in contract negotiations and at least one subject matter expert related to the Qualifying Project. No person with a financial interest in the outcome of the Negotiation Team's efforts or in the Qualifying Project may participate on the Negotiation Team.

Negotiations will be conducted in accordance with the P3 Statute.

The Negotiation Team's meetings are temporarily exempt from the Sunshine Law as provided in section 286.0113(2) Florida Statutes and section 255.065(15) Florida Statutes. The City will record and preserve as required by law any exempt portion of a Negotiation Team meeting.

The Negotiation Team may rely on the Evaluation Team, subject matter experts and staff for information gathering and administrative work but the Negotiation Team alone will possess and exercise authority for negotiating and drafting all agreements concerning the detailed proposals.

In its discretion, the Negotiation Team may recommend that the City and the Proposing Entity enter into an interim agreement as described in the P3 Statute. The Negotiation Team is not authorized to enter into or otherwise bind the City to an interim agreement. Any recommendation to enter into an interim agreement will be brought to the City Commission for consideration. Only the City Commission is authorized to approve an interim agreement.

The Negotiation Team may recommend that the City and the Proposing Entity enter into a Comprehensive Agreement as described in the P3 Statute. The Negotiation Team is not authorized to enter into or otherwise bind the City to a Comprehensive Agreement. Any recommendation to enter into a Comprehensive Agreement will be brought to the City Commission for consideration. Only the City Commission is authorized to approve a Comprehensive Agreement.

SECTION 8: PUBLIC RECORDS

Information made or received by the City in connection with "transaction of the city's official business" is subject to the Florida Public Records Law. Unsolicited proposals received by the City are temporarily exempt from the Public Records Law as provided in section 255.065(15), Florida Statutes.

If a Proposing Entity believes that any information it submits to the City is exempt from the Public Records Law under any additional statutory exemptions, the Proposing Entity must expressly identify the statutory basis of the claimed exemption and segregate the exempt information.

APPENDIX A: CONCEPTUAL PROPOSAL REQUIREMENTS

A Conceptual Proposal submitted by a Proposing Entity to the City must include the following requirements in order to be considered responsive under the Policy.

1. General Requirements

- 1.1. A description of the qualifying project, including the conceptual design of the facilities or a conceptual plan for the provision of services, and a preliminary schedule for the initiation and completion of the qualifying project.
- 1.2. The name, email address and mailing address of a person who may be contacted for additional information concerning the proposal.

2. Public Interest and Ownership

- 2.1. A preliminary assessment of the public need for the proposed project, including a description of the benefits to the City of Gainesville and alignment with the City's infrastructure policies, plans and objectives, including:
 - The City of Gainesville Mission Statement;
 - The City of Gainesville Strategic Plan; and
 - Any other City plans, policies, or statements relevant to the proposed Qualifying Project.
- 2.2. A description of the environmental and social features of the proposed project, including the proposed project's contribution to sustainability, cultural growth, equity and inclusion.

3. Feasibility

- 3.1. Economic/Commercial
 - A preliminary assessment of economic feasibility of the proposed project or a cost-benefit analysis.
 - The proposed P3 contractual structure for the Comprehensive Agreement to be entered into between the City and the Proposing Entity (availability-based, revenue, ground lease, etc.) and the proposed categories of major subcontracts (design-build, operations and maintenance, etc.).
- 3.2. Technical
 - A preliminary estimate of the costs to deliver the proposed Qualifying Project including design, construction, financing, operations, maintenance, and lifecycle (as applicable). Preliminary estimates may be a rough order of magnitude or range based on benchmarking of past projects.
 - A preliminary technical description of the proposed project, including project delivery approach, high level design and construction schedule and requirements for connections to existing assets/infrastructure or services (if required);
 - A preliminary service and operating plan for the proposed Qualifying Project;
 - A preliminary description of the method by which the Proposing Entity proposes to secure the necessary property interests that are required for the proposed Qualifying Project.
- 3.3. Financial
 - A description of the Proposing Entity's general plans for financing the proposed Qualifying Project, including the sources of the Proposing Entity's funds and the identity

of any dedicated revenue source or proposed debt or equity investment on behalf of the Proposing Entity.

- A preliminary description of the proposed payment mechanism for the Qualifying Project including any proposed user fees, lease payments, or other service payments over the term of a Comprehensive Agreement.

4. P3 Suitability

- 4.1. A preliminary assessment of risks associated with the Qualifying Project (financial, technical, performance, etc.) and the proposed risk allocation between the Proposing Entity, the City, and affected third parties.
- 4.2. A preliminary assessment of the suitability of the proposed Qualifying Project to be procured as a P3 in a competitive bid environment.

5. Affordability / Value for Money

- 5.1. One of the following:
 - Confirmation that the proposed Qualifying Project does not require any City support, or
 - A preliminary description of the type and extent of City support that the proposed Qualifying Project is expected to require.
- 5.2. If City support is required, the Conceptual Proposal should:
 - Identify what is being sought from government to facilitate the proposal (which may include financial support, assets, legislative/regulatory amendments or other support); and
 - Demonstrate that the proposal involves an acceptable and optimal sharing of costs and risks between the government and the participant.

6. Additional Materials

- 6.1. In accordance with the P3 statute, any additional information that the City reasonably requests following receipt of the Conceptual Proposal in order to inform the City's Substantive Review.

APPENDIX B: DETAILED PROPOSAL REQUIREMENTS

A Detailed Proposal submitted by a Proposing Entity to the City must include the following requirements in order to be considered responsive under the Policy.

1. General Requirements

- 1.1. A description of the qualifying project, including the conceptual design of the facilities or a conceptual plan for the provision of services, and a detailed schedule for the initiation and completion of the qualifying project.
- 1.2. The name, email address and mailing address of the primary person who may be contacted for additional information concerning the proposal.

2. Public Interest and Ownership

- 2.1. A detailed assessment of the public need for the proposed project, including a comprehensive business plan outlining how the project satisfies the public interest and how the project will be aligned to meet the City's long-term infrastructure policies, plans and objectives, including:
 - The City of Gainesville Mission Statement;
 - The City of Gainesville Strategic Plan; and
 - Any other City plans, policies, or statements relevant to the proposed Qualifying Project.
- 2.2. The business plan must contain information sufficient to demonstrate that the Qualifying Project:
 - Is for an asset or facility that is either (1) owned by the City, or (2) for which ownership will be conveyed to the City.
 - Has adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or cancellation of the Comprehensive Agreement by the City.
 - Has adequate safeguards in place to ensure that both the City and Proposing Entity have the opportunity to add capacity to the proposed Qualifying Project or other facilities serving similar predominantly public purposes.
 - Will be owned by the City upon completion, expiration, or termination of the Comprehensive Agreement and upon payment of the amounts financed.
- 2.3. A description of the environmental and social features of the proposed project, including the proposed project's contribution to sustainability, cultural growth, equity and inclusion.

3. Feasibility

- 3.1. Economic/Commercial
 - A detailed economic impact report for the proposed Qualifying Project incorporating a cost-benefit analysis and appropriate market research supporting the need/demand for the proposed project/services. The economic impact report should also identify impacts over the life of the Qualifying Project and projections surrounding the following:
 - a) Property Taxes
 - b) Sales Taxes
 - c) Project Revenues
 - d) Annual Rents paid to the City

- e) Any other anticipated financial or non-financial returns to the City
- The recommended P3 contractual structure for the Comprehensive Agreement to be entered into between the City and the Proposing Entity (availability-based, revenue, ground lease, etc.) and a list of proposed major subcontracts (design-build, operations and maintenance, etc.) along with the key articles of these agreements.

3.2. Technical

- A detailed technical overview of the proposed Qualifying Project and delivery strategy including the approach to site access, impacts to existing infrastructure, and management of the design and construction activities.
- A detailed description of the method by which the Proposing Entity proposes to secure the necessary property interests and permits that are required for the proposed Qualifying Project including a listing of all proposed obligations and requirements of the City and any other governmental agencies, including, but not limited to, contributions to the project financing, staffing and permitting.
- A schematic-level design submission incorporating the following key components:
 - a) A site plan indicating the location, layout, and orientation of the proposed Qualifying Project;
 - b) Schematic architectural drawings of the asset/facility including programmatic layouts, floor plans, elevations, and architectural renderings (as appropriate);
 - c) An indicative schedule of mechanical and electrical requirements (as appropriate); and
 - d) Indicative technical and performance requirements.
- Detailed estimates of the capital and operational costs required to deliver the proposed Qualifying Project, including:
 - a) A conceptual-level estimate for the design and construction costs of the proposed Qualifying Project based on the schematic design prepared by the Proposing Entity. This cost estimate shall be based on measured quantities for items of work, benchmarking, and/or parametric modeling as appropriate and meet the minimum standard requirements for a Class 4 estimate as established under AACE International's Cost Estimate Classification System.
 - b) A design and construction cash flow in the form of an S-Curve. The S-Curve shall indicate estimated cumulative design and construction expenditures as a percentage of total design and construction costs over the construction schedule.
 - c) If applicable, an indicative annual operations and maintenance budget for the proposed Qualifying Project, broken out by key labor or service categories. The estimate may utilize a combination of first principles or benchmarking as appropriate and shall be in sufficient detail to enable comparison
 - d) If applicable, an indicative lifecycle cost estimate and schedule identifying expenditures on a per annum basis over the proposed operational term of the Comprehensive Agreement.

The provided estimates shall include a basis of estimate which describes the methodologies utilized, assumptions, exclusions and an indication in the level of uncertainty in the costs.

- A detailed critical path schedule for the design and construction of the Project, if applicable. This schedule should provide appropriate definition for all major activities and key milestones such as design development, construction, permitting, and commissioning in order for the City to assess its overall viability.

- A narrative describing any anticipated or potential environmental impacts resulting from the undertaking of the proposed Qualifying Project.
- If applicable, a preliminary service, operations, maintenance and lifecycle plan for the proposed Qualifying Project which includes the following minimum requirements:
 - a) A list and description of the proposed programs and services by category,
 - b) Details regarding the organizational and staffing structure proposed for the operational phase;
 - c) Anticipated public use/visitation levels (if applicable);
 - d) Overview of the Proposing Entity's management approach for the operation and maintenance of the proposed Qualifying Project, including quality control and quality assurance.
 - e) Overview of the Proposing Entity's long-term lifecycle approach to ensuring the proposed Qualifying Project is maintained to applicable standards throughout its effective life and at handback.

3.3. Financial Feasibility

- A Project Pro-Forma containing the following:
 - a) Cost estimates to implement and operate the proposed Qualifying Project (as described in Section 3.2 above).
 - b) Anticipated financing costs for the Proposed Qualifying Project.
 - c) Business and/or operational plan with proposed programs and services, projected use and visitation levels, proposed staffing levels, and projected revenues and expenditures for the first five years, showing how the proposed project will be sustained and managed
 - d) The estimated capital value of the assets at the end of the beginning of the operational phase.
 - e) The estimated capital value of the assets once the project is at the end of proposed concession length.
 - f) Any costs being covered by the proposing organization to implement and operate the proposed Qualifying Project.
- A description of the Proposing Entity's plans for financing the proposed Qualifying Project including:
 - a) A description of the payment mechanism for the Qualifying Project including any proposed user fees, lease payments, or other service payments over the term of a Comprehensive Agreement.
 - b) High level explanation of development budget with breakdowns of hard and soft costs.
 - c) High level explanation of financing plan with details of capital structure.
 - d) Identify any dedicated revenue source or proposed debt or equity investment on behalf of the Proposing Entity.

4. P3 Suitability

- 4.1. A quantitative and qualitative assessment of risks associated with the Qualifying Project (financial, technical, performance, etc.) and the proposed risk allocation between the Proposing Entity, the City, and affected third parties.
- 4.2. A detailed assessment of the suitability of the proposed Qualifying Project to be procured as a P3 in a competitive bid environment.

5. Affordability / Value for Money

- 5.1. The Proposing Entity will provide one of the following:
 - Confirmation that the proposed Qualifying Project does not require any City support, or
 - A description of the type and extent of City support that the proposed Qualifying Project is expected to require.
- 5.2. If City support is required, the Detailed Proposal should:
 - Identify what is being sought from government to facilitate the proposal (which may include financial support, assets, legislative/regulatory amendments or other support);
 - Identify all means by which the costs of the proposed Qualified Project will be borne by persons other than the City; and
 - Demonstrate that the proposal involves an acceptable and optimal sharing of costs and risks between the government and the participant.

6. Qualifications of Proposing Entity

- 6.1. Names of the members of the project team, an organizational chart, and resumes for key personnel including contact information;
- 6.2. Any such information as may be necessary to evaluate the qualifications of the critical personnel to be engaged in the project; and
- 6.3. A detailed narrative outlining the members of the Proposing Entity's experience in developing, operating, and/or maintaining projects similar to the one proposed;
- 6.4. Descriptions and samples of similar projects performed within the past five years;
- 6.5. References with up-to-date contacts, telephone numbers, email addresses, project descriptions, contract duration, contract amounts, and the date of project for all similar projects listed above;
- 6.6. A list of all engineering, construction firms and consultants proposed to be employed on the project, together with profiles, experience data, qualifications and a description of their role in the proposal;
- 6.7. Audited financial statements from the Proposing Entity for the last three (3) years.
- 6.8. Details of the Proposing Entity's capacity to provide performance and payment bonding which meets the requirements of the P3 Statute.

7. Additional Materials

- 7.1. In accordance with the P3 statute, any additional information that the City reasonably requests following receipt of the Detailed Proposal in order to inform the City's Substantive Review.