

 <p><b>City of Phoenix</b></p> <p>COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT</p>	<p>UNSOLICITED DEVELOPMENT PROPOSAL POLICY FOR CITY- OWNED LAND</p> <p>Policy #: <u>2018-01</u> Effective Date: <u>March 16, 2018</u> Rev. <u>n/a</u></p>
<p>Approved: <i>Christine Mackay</i></p>	<p>Christine Mackay, CEDD Director</p>

## INTRODUCTION

Historically, the City has used three tools to dispose of property: contracted brokers, sealed bids, and requests for proposals (RFPs). City Council authorized the implementation of this Policy, which adds the unsolicited development proposal process as an additional tool, on December 13, 2017. This Policy applies to all City-owned land except property controlled by the Parks and Recreation Department as well as property controlled by the Aviation Department and identified in a Federal Aviation Administration-approved airport layout plan, airport master plan, or comprehensive asset management plan, or supporting the needs of the flying public or airport operations. This Policy also applies to any unsolicited development proposals received between December 13, 2017 and the Effective Date listed above.

## PURPOSE

As an extension of the City's commitment to being good stewards of public assets, this Policy provides a mechanism for developers to submit unsolicited development proposals for City-owned property for which the City has not announced its intention to issue a solicitation. Benefits to the City will include increased speed to market for properties with interested buyers while maintaining transparency and allowing for competition and community input.

## POLICIES

The City will comply with all applicable federal and state regulations applicable to any parcel identified in an unsolicited development proposal and reserves the right to reject an unsolicited development proposal at any time prior to contract execution.

## Process

The Community and Economic Development Department (CEDD) is responsible for finalizing, and updating as needed, the Unsolicited Development Proposal Submittal Instructions and Unsolicited Development Proposal Procedure. These documents will be posted at [phoenix.gov/solicitations](http://phoenix.gov/solicitations) along with this Policy. Departments that control land subject to this Policy are encouraged to include a link to these documents on their respective webpages as well.

CEDD will be responsible for receiving all unsolicited development proposals, notifying the appropriate parties when an unsolicited development proposal is received, and determining whether an unsolicited development proposal meets all the requirements listed in the Unsolicited Development Proposal Submittal Instructions. The City Manager's Office will identify the lead department for each unsolicited development proposal. In the event CEDD is named lead department for property controlled by another department, CEDD will collaborate with that department on the unsolicited development proposal. The City's Solicitation Transparency Policy will be triggered for the unsolicited development proposal's owner and its partners upon submitting the unsolicited development proposal.

All responsive unsolicited development proposals will be presented to the applicable City Council Subcommittee and at a formal full City Council meeting. Each presentation report will include:

1. The names of the proposer and the proposed partners
2. The address(es) of the City-owned property included in the proposal,
3. An overview of the proposed use, and
4. Staff's due diligence research including current uses, anticipated future needs, and any potential benefits resulting from disposition of the property. Staff's report should also indicate:
  - a. if the proposal is consistent with requirements previously approved by City Council in the form of existing plans, Council-adopted policies, the General Plan conformance, and zoning; and
  - b. any restrictions, funding or otherwise, that may limit the City's options for disposition and/or development.

The report will also include proposed evaluation criteria, the number of days the proposal should be open for competition, the proposal guarantee amount, and any proposed minimum qualifications.

The lead department shall be responsible for preparing all Subcommittee and City Council reports and presentations as well as for advertising and managing the process for any unsolicited development proposal approved by City Council for competition and the accompanying proposer instructions, which shall reflect any direction provided by City Council. Whenever an unsolicited development proposal is posted for competition, the accompanying proposer instructions must include the City's protest process and Solicitation Transparency Policy.

## **Confidentiality**

The following confidentiality rules apply to unsolicited development proposals.

### **A. Unsolicited Development Proposals Rejected as Non-Responsive**

Unsolicited development proposals rejected by staff as non-responsive will become available for public disclosure once the procurement officer has notified the unsolicited development proposal's owner and posted the disqualification on the City's website.

## **B. Unsolicited Development Proposals Not Approved by City Council for Competition**

Unsolicited development proposals not approved by City Council for competition will become available for public disclosure once the City Council's formal action has been completed.

## **C. Unsolicited Development Proposals Approved by City Council for Competition**

Unsolicited development proposals approved by City Council for competition will become available for public disclosure once the assigned Procurement Officer has posted the unsolicited development proposal for competition. The procurement file will be available after a recommended proposer from the competitive process has been posted.

### **AUDITS**

The City Auditor may perform internal audits to determine compliance with this policy.

### **COMPLIANCE**

All City staff are required to comply with this policy. Questions should be directed to CEDD's Procurement Manager at 602-495-0747.

### **ATTACHMENT**

- A. Unsolicited Development Proposal Procedures
- B. Unsolicited Development Proposal Submittal Instructions