



**REQUEST FOR STATEMENT of QUALIFICATIONS**

**FOR**

**Master Developer Services**

**for**

**Airport 31.45 Acre Parcel**

**RSOQ NUMBER: 2021-06**

**August 2021**

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**PUBLIC NOTICE**

**City of Flagstaff**

**NOTICE of REQUEST for STATEMENT of QUALIFICATIONS (RSOQ 2021-06):  
MASTER DEVELOPER SERVICES  
For Airport 31.45 Acre Parcel**

The City of Flagstaff (Owner) is seeking Statements of Qualifications (SOQ) from firms that are experienced in the development of municipal owned properties. The Owner is issuing this RSOQ to solicit qualifications from development firms and consulting teams that have a proven and positive track record and reputation for developing vibrant and successful development projects. Specifically, this RSOQ is regarding a 31.45-acre parcel, owned by the City of Flagstaff, situated at the northwest corner of John Wesley Powell Boulevard and South Pulliam Drive adjacent to the City of Flagstaff Pulliam Airport, 6200 S. Pulliam Drive, Suite 204, Flagstaff, Arizona (Airport).

A site assessment and market analysis were conducted, and the Flagstaff City Council on April 2020 gave direction to solicit master developers to create an effective development plan. The intent of this RSOQ is to determine qualified master development teams capable of designing and executing a cohesive plan for the leasing and development of this 31.45-acre parcel. Qualified teams will be evaluated, and a short list of respondents may be created. After which the Owner may then invite top respondents to give more detailed information about the proposed development project, timeline, impacts, benefits, and other pertinent information. The successful applicant will present their proposal to the Flagstaff City Council, where the final project design will be contingent on feedback and approval given by the Flagstaff City Council.

The services provided through this Services Contract (Contract) will include, but is not limited to:

The Owner is looking to work with a master development team through a long-term lease with the intent of bringing new office, retail, lodging, research, light manufacturing and other potential employers as outlined in the parcel site assessment. These businesses would benefit from the proximity to the airport and highway infrastructure already established. The parcel is zoned Highway Commercial (HC) and can have a multitude of development types and uses within its boundaries.

The selected Firm will be expected to enter into a base Contract that will be awarded at the Owner's discretion. Contracted services and associated fees will be negotiated after a qualified Firm is selected.

**SCHEDULE OF STATEMENT DEADLINES**

Advertise for Services:	August 16 and August 23, 2020
Pre-Submittal Conference Call	1:00 p.m. September 2, 2020
Last Day for Questions:	3:00 p.m. September 10, 2020
Statements of Qualifications Due:	3:00 p.m. September 15, 2020
Interviews (if necessary):	To Be Determined
Anticipated Award of Services Contracts:	To Be Determined

Complete RSOQ packets are available for download from the PlanetBids online bid platform website at <https://www.planetbids.com/portal/portal.cfm?CompanyID=27606>.

SOQs must be submitted electronically on the PlanetBids online bid platform website by 3:00 p.m. Local Time, Tuesday, September 15, 2020.

PRE-SUBMITTAL CONFERENCE CALL: Wednesday, September 2, 2020 at 1:00 p.m. Arizona on Microsoft Team Meetings. The pre-submittal meeting can be attended by requesting an invite, at least one (1) day before pre-submittal meeting, from the Purchasing Manager, Matthew Luhman [mluhman@flagstaffaz.gov](mailto:mluhman@flagstaffaz.gov).

**This is not mandatory.**

The Owner reserves the right to reject any or all SOQs, to waive or decline to waive irregularities in any submittals, or to withhold the award for any reason it may determine.

Published August 16 and August 23, 2020 in the Arizona Daily Sun

## **INTRODUCTION**

Pursuant to provisions of the City Charter, as well as provisions contained in this document, the Owner intends to establish a Contract for Master Developer Services. Included in this RSOQ document is the Scope of Work and Site Information for the 31.45-acre parcel to be developed.

### **I. GENERAL INFORMATION**

The Owner is seeking SOQs from firms that are experienced in the development of municipal owned properties. The Owner is issuing this RSOQ to solicit qualifications from development firms and consulting teams that have a proven and positive track record and reputation for developing vibrant and successful development projects. Specifically, this RSOQ is regarding a 31.45-acre parcel, owned by the City of Flagstaff, situated at the northwest corner of John Wesley Powell Boulevard and South Pulliam Drive adjacent to the City of Flagstaff Pulliam Airport, 6200 S. Pulliam Drive, Suite 204, Flagstaff, Arizona.

#### **A. Project Description**

The City of Flagstaff is located in the heart of Coconino County and is known as the gateway to the Grand Canyon. Flagstaff is continuing to expand and attract industries and businesses in sectors such as biosciences, manufacturing, healthcare and environmental technologies, to name just a few. Flagstaff is home to Northern Arizona University (NAU) and Coconino Community College (CCC), and has a well-educated workforce with more than 44% of residents holding a bachelor's degree or higher.

Flagstaff is an attractive and vibrant city with a mid-sized population that serves as the geographical, retail, legal, medical, cultural, and recreational center of Northern Arizona. Flagstaff is surrounded by national forests and sits at the foot of Arizona's highest mountain, 12,634-foot Humphrey's Peak, which provides a wonderful backdrop. At an elevation of 7,000 feet, The Grand Canyon is only an hour away with numerous other tourism sites abounding in the region. Flagstaff is conveniently located along I-40 and I-17 in the northern part of Arizona. It is 78 miles south of the Grand Canyon and 125 miles north of Phoenix. It is imperative to have a healthy and reliable airport in the Flagstaff community and to also have businesses near the Flagstaff airport that continue to help it thrive.

The Flagstaff Airport adds to the multi-modal transportation system for its community. Currently, the Flagstaff Airport offers commercial air service through United Airlines and American Airlines with several rental car and general aviation partnerships. This air service offers leisure and business travel routes to larger airports in Phoenix, Arizona, Dallas/Fort Worth, Texas, and Denver Colorado.

A site assessment and market analysis were conducted for the 31.45-acre parcel and the Flagstaff City Council on April 2020 gave direction to solicit master developers to create an effective development plan. The intent of this RSOQ is to determine qualified master development teams capable of designing and executing a cohesive plan for the leasing and development of this 31.45-acre parcel. Qualified teams will be evaluated, and a short list of respondents may be created. After which the Owner may then invite top respondents to give more detailed information about the proposed development project, timeline, impacts, benefits, and other pertinent information. The successful applicant will present their proposal to the Flagstaff City Council, where the final project design will be contingent on feedback and approval given by the Flagstaff City Council.

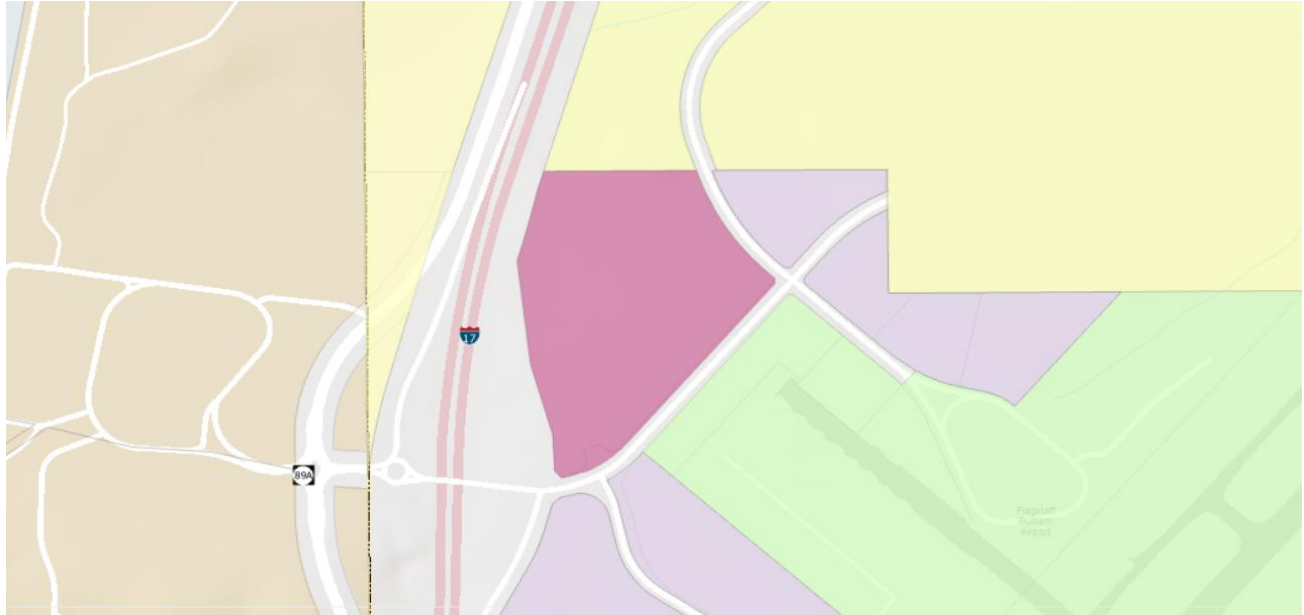
The services provided through this Services Contract will include, but are not limited to:

The Owner is looking to work with a master development team through a long-term lease with the intent of bringing new office, retail, lodging, research, light manufacturing and other potential employers as outlined in the parcel site assessment. These businesses would benefit from the proximity to the airport and highway infrastructure already established. The parcel is zoned Highway Commercial and can have a multitude of development types and uses within its boundaries.

The selected Firm will be expected to enter into a base Contract that will be awarded at the Owner's discretion. Contracted services and associated fees will be negotiated after a qualified Firm is selected.

## B. Scope of Services

**Project Description:** The Owner is looking to work with a master development team through a long-term lease or other potential financing option with the intent of bringing new office, retail, lodging, research, light manufacturing and other potential employers as outlined in the parcel site assessment. These businesses would benefit from the proximity to the airport and highway infrastructure already established. The parcel (highlighted magenta in the first graphic below) is zoned Highway Commercial (HC) and can have a multitude of development types and uses within its boundaries.



**Subject Site Information:**

Parcel Number: 116-61-006A

Cross Streets: South Pulliam Dr. / West JW Powell Blvd.

Distance to Interstates/Freeways: Less than a mile from I-17, 2 miles from I-40

Distance to Flagstaff Airport: Less than a mile. Should comply with airport zoning overlay and additional FAA requirements.

Utilities: Natural Gas (Unisource), Telecommunications (Suddenlink/Century Link) Water & Wastewater (City of Flagstaff) / Electric (APS).

This property is located within a federal census tract designated as a Qualified Opportunity Zone and investments in this area may qualify for preferential federal tax treatment.

**Vision and Expectations:**

The Owner desires to select a development firm that demonstrates the necessary qualifications, experience, business acumen, industry position, and resources to best develop this site in accordance with the City's vision and expectation outlined below.

Our desire is to develop and lease an excellent commercial space that encompasses the entire 31.45-acre parcel. The ideal project would broaden and diversify the economic base for the City of Flagstaff, but also help expand on the targeted sectors that the city encompasses. The developer selected for this project should be able to incorporate the below elements into their plan. The COF is open to a variety of elements as long as the focus is to increase employment and support the airport.

Examples of desired project elements include:

- Professional Office Space
- Lodging
- Retail and Restaurant
- Light Industrial (Zoning appropriate)
- Research and Development
- Other Airport related industries encouraged

The City of Flagstaff conducted a site assessment through a third-party organization (Coffman & Associates and ESI Corporation). This assessment is attached and should be viewed prior to submitting the RSOQ to help gain a better understanding of some of these potential uses and concepts. A phased development approach may be acceptable, however all solicitations for this project must contemplate development and lease for the entire site.

**Design:**

The project design should incorporate the above-mentioned elements and should ultimately look, feel, and operate like a commercial district within the City of Flagstaff. At 31.45-acres, this is the largest parcel the City currently owns that can be developed.

**Financial Consideration and Transaction Structure:**

The City is seeking development of this parcel and for the selected firm to lease this land to potential employers. An ideal candidate will be able to not only design an effective plan and attract potential employers but also effectively manage the available real estate. The City is willing to entertain leases of 50 to 99 years.

The City will negotiate with the selected firm on compensation to be paid to the firm for its services, as part of any overall development agreement. The City has no upfront funding for the selected firm's services, therefore most likely funding will be generated by project revenues. Although the City reserves the right to participate in projects that create significant public benefit, such as public infrastructure beyond what would be necessary for the proposed development, there is currently no identified City funding for the development resulting from this RSOQ or resulting development.

**Marketing:**

Selected firm should have experience with attracting and retaining industries, specifically airport related industries, as well as serving the economic vitality needs of comparable sized cities.

The firm should share marketing strategies and best practices they have used on previous projects to show they have the skillset to market the parcel effectively and ongoing.

The firm should also share how much marketing would be suggested in order to have a successful implementation of the parcels and long-term strategy to fill the 31.45 acre parcel. This can include types of media they would recommend, costs, and other marketing objectives.

Failure to meet these minimum qualifications will result in a Statement being disqualified as nonresponsive. The Owner will not evaluate nonresponsive SOQs.

**C. Project Schedule**

Estimated project schedules will be determined at time of project scope and cost negotiations. It should be noted that any initial schedules are approximate and are dependent on funding availability from granting agencies.

**II. STATEMENT OF QUALIFICATIONS REQUIREMENTS**

**A. General Requirements**

The Contract will be awarded to the responsible Firm whose SOQ is responsive to this RSOQ and will be most advantageous to the Owner. The responsibility of the Firm will be determined based on factors described in Article 16 of the Procurement Code Manual.

The responsibility criteria include:

1. The Firm's capacity to do the work, including adequate finances, equipment, facilities, employees and competing commitments;
2. The competency and responsibility of the Firm's proposed subcontractors;
3. The Firm's experience in performing similar work;
4. The Firm's integrity and record of performance;
5. Positive factors, include, but are not limited to, timely completion within budget, quality of work, prompt resolution of problems, good working relationships, and the ability to resolve disputes without litigation;
6. Negative factors, include, but are not limited to, past contract terminations or deductions due to failure to perform; termination for cause due to breach; failure to comply with the contract; documented poor performance; customer complaints and/or negative references; unresolved disputes with project owners or subcontractors; and threats of litigation without merit. In addition, any of the grounds set forth in Article 30 of the Procurement Code Manual for suspension or debarment may be considered.
7. The Firm is qualified legally to contract with the Owner;
8. Whether the Firm has truthfully supplied all information concerning its responsibility requested by the Purchasing Agent; and

9. Whether the Firm holds any required and active valid State of Arizona license(s) to conduct business or to perform the work proposed.

Any single factor or combination of factors may be grounds for determination of non-responsibility. Additional factors shall include the Firm's past performance, specifically on the Owner's, or other public agency contracts. This includes threats of litigation, contract terminations for any reason, and the lack of ability to resolve disputes without litigation.

Responses to this RSOQ must be in the form of a SOQ, as outlined in this RSOQ and as allowed by A.R.S. Section 34-603(C). Submittals must be clear and concise, organized as indicated in the outline in Part III, and with all identified sections included. If, in the judgment of the Owner, a SOQ does not conform to the format specified herein, or if any section is absent or significantly incomplete, the Owner reserves the right to reject the submittal.

Interested Firms are required to submit information relative to their qualifications, experience and ability to meet the project goals and objectives and other criteria as listed. All information must be provided as requested for all Firm members and their key personnel to be assigned to the project. If selected, the Firm's key personnel identified and listed are required to perform their identified roles unless otherwise agreed to in writing by the Owner.

### **B. Interpretation of RSOQ Documents/Communications with the City**

Firms who desire clarifications of the project, selection criteria, or submittal requirements shall restrict their inquiries to **written email communications only** to Matthew Luhman, Purchasing Manager, at [mluhman@flagstaffaz.gov](mailto:mluhman@flagstaffaz.gov).

Address all queries that are project-specific (other than delivery of the SOQ), by email only to the Owner's Purchasing Section at the email address noted below:

City of Flagstaff  
Matthew Luhman, Purchasing Manager  
[mluhman@flagstaffaz.gov](mailto:mluhman@flagstaffaz.gov)

Requests for clarifications/questions must be received no later than **3:00 P.M. Thursday, September 10, 2020**.

The following procedures apply:

1. The Firm submitting the question will be responsible for its prompt delivery prior to the stated deadline for clarifications.
2. Interpretation or correction of the RSOQ Documents will be made only by issuance of a written addendum which will be made available on the PlanetBids website at <https://www.planetbids.com/portal/portal.cfm?CompanyID=27606> It is the Firm's responsibility to periodically check the website for updates and addenda. Issuance of addenda will not be provided to individuals or entities by the Owner. The Owner is not responsible for any explanations or interpretations of the RSOQ documents other than those made by written addendum and posted on the Owner's website.

### **C. Delivery of Submittals**

SOQs must be submitted electronically on the PlanetBids online bid platform website at <https://www.planetbids.com/portal/portal.cfm?CompanyID=27606> by: **3:00 p.m. Local Time, Tuesday, September 15, 2020**. No hard copies will be accepted.

All information regarding the content of the specific submittals will remain confidential until an award is made, or all are rejected.

### **III. STATEMENT OF QUALIFICATIONS ORGANIZATION AND FORMAT**

#### **A. General**

The SOQ should present clearly and accurately the experience, knowledge and capability of the Firm by providing a brief, straightforward, concise description of the Firm's ability to meet the requirements of this RSOQ. SOQ emphasis should be on quality, completeness, clarity of content and responsiveness to the requirements.

The SOQ should be fully self-contained, follow the format outlined below, and be without addenda. Presentations within the statement should reflect consideration of the specific evaluation criteria identified in Part IV, Evaluation Criteria.

#### **B. Format**

The Evaluation Committee will evaluate Firms submitting responses to this RSOQ based on the information provided in their SOQ and interviews, if conducted. To allow for a standard basis of evaluation, all SOQs are requested to follow a similar format.

SOQs will not exceed **fifteen (15) pages total** in length excluding front and back cover pages, section dividers, the title page, table of contents, signed transmittal letter, Affidavit of Non-Collusion, and Disclosure Form. The section dividers will not include text or graphics, other than the text identifying the appropriate section. Margins will be one inch and allowable pages will be 8 ½" x 11", and the font size no less than 11 point.

Combinations of text and graphic material may be used at the Firm's discretion. Firms are encouraged to employ any methods they consider appropriate in communicating facts and qualifications.

**Do not include any design concepts, fees, or pricing related to this project with SOQ submittals.** These materials will not be considered, and failure to comply with this provision may result in the rejection of the submittal.

**FIRMS MUST SUBMIT SIGNED COPIES OF THE NON-COLLUSION AFFIDAVIT AND DISCLOSURE FORM WITH THEIR SOQ.** These are contained in this RSOQ as **Attachment A** and **Attachment B**.

#### **C. Organization**

SOQs should be organized with sections/dividers as follows **(Include all of the following)**:

##### **Cover:**

The cover should contain the following relevant data as a minimum:

- Statement indicating response to: RSOQ for Master Developer Services – Airport 31.45 Acre Parcel
- RSOQ 2021-06
- Submittal due date and time
- Firm name
- Other information/graphics as desired

##### **Title Page:**

**(One page maximum)**

Include Firm name, addresses, email/website addresses, phone number, and name(s) of Principals. Provide a single point of contact name, title, phone number, and e-mail of person for correspondence during RSOQ solicitation.

##### **Transmittal Letter:**

**(One page maximum)**

Provide a transmittal letter on the Firm's letterhead identifying the Firm and introducing proposed key personnel. Include the proposed key personnel length of experience in both their respective industries and in their current companies. Confirm the availability of the key personnel identified in the SOQ. Briefly summarize the Firm's background and any distinguishing qualities or capabilities that uniquely qualify the Firm for this project. Provide an expression of the Firm's interest in being selected. Specifically, state that reasonable diligence has been exercised in the preparation of the SOQ and that all contents are true, accurate, and complete to the best of the signer's knowledge. Specifically, state that no exceptions are taken to the contents of the RSOQ, or specifically identify and explain any RSOQ item to which an exception is taken. Note: Exceptions taken may render a SOQ non-responsive, or exceptions taken may be considered in scoring the SOQ under relevant scoring criteria.

This letter is to be signed by the individual with authority to bind the Firm contractually. Please address the letter to:

**Matthew Luhman, CPP, CPPB**  
**Purchasing Manager**  
**City of Flagstaff – Purchasing Division**  
**211 West Aspen Avenue**  
**Flagstaff, AZ 86001**

#### **Table of Contents:**

The Table of Contents shall include all SOQ sections as listed below. (***Please tab the following SOQ sections as indicated below***)

#### **IV. EVALUATION CRITERIA**

##### **A. Previous Project Experience** **(Maximum 30 points)**

1. Describe projects (no more than three) which best represent the firm's direct applicable experience and capability to acquire, finance, and develop a commercial development as contemplated by this solicitation. Include brief project descriptions, a statement regarding the duration, financial and operational involvement with each such project following completion, and the name, address and telephone number of principal investors, owner(s), architects, and principal consultants for each project listed.
2. Provide a statement of direct previous experience in the creation of successful public/private partnerships.
3. Highlight a project of similar development size and scope that directly relates to this solicitation. This description does not need to be identical to this project, but rather something similar the firm has completed recently. Additional weight will be given to firms that have that have completed a comparable project in a similar environment.

##### **B. Team Qualifications** **(Maximum 20 points)**

1. Key personnel's professional qualifications and experience and availability for the proposed project; their reputation and professional integrity and competence; and their knowledge of FAA and other related regulations, policies, and procedures.
2. Respondents must submit a list of members of the development firm including (as applicable) company name; legal status; organizational chart, company or corporation number; address; full names of officers, and brief biographical summaries of officers including development and management professionals, and any other applicable individuals whom would be considered key leaders who would be directly involved in this project if selected. Qualifications and experience of each with applicable projects should be briefly described.

**KEY PERSONNEL IDENTIFIED AND LISTED ARE REQUIRED TO PERFORM THE IDENTIFIED ROLES UNLESS OTHERWISE AGREED TO IN WRITING BY THE CITY OF FLAGSTAFF.**

**C. Financial Capacity  
(Maximum 15 points)**

1. The respondent should describe the ability of the firm to develop and implement a realistic plan for the financial approach to the development of the property including the ability to deliver financial resources needed to acquire and develop the proposed project. Respondent should demonstrate the firm's financial strength to withstand market fluctuations and stay on track during the development process.
2. Respondent will provide an income statement and balance sheet for each of the three most recently completed fiscal years. (Confidential section).
3. Respondent to provide any letters of credit as evidence that funding is available for the project.

**D. Adherence to Vision  
(Maximum 35 points)**

1. The respondent should describe its general approach to development of the site, specifically how it intends to meet the City's vision and expectations listed above. Timeline for this development process, along with key milestones and checkpoints should be included.
2. The respondent should also describe its understanding of the local environment and local factors relevant to the prospective success of the project including but not limited to, local market conditions, business resources to retain, expand and attract clients, and real estate development best practices.
3. Understanding of FAA and other related regulations, policies, and procedures and how this can be leveraged to benefit the City's airport and other beneficial businesses.
4. Capability to incorporate and blend aesthetic and architectural concepts with the current project design traditions of Flagstaff while accomplishing the basic requirements that transportation facilities be functional, safe, and efficient.
5. Familiarity with local community needs, standards, historical challenges, local codes and site conditions that could impact the development of this parcel.

**V. EVALUATION AND SELECTION PROCESS**

**A. Overview**

This is a qualifications-based selection process as authorized by ARS Section 34-603. The initial activity will involve an evaluation and scoring of each Firm's qualifications and relevant experience, as indicated in its SOQ. A single final list of a minimum of three and a maximum of five (5) Firms, or as otherwise allowed by law, will be prepared pursuant to A.R.S. Section 34-603(C)(2)(b).

If interviews are elected to be conducted by the Owner, the Evaluation Committee will rank three firms in order of preference to generate a Final List per A.R.S. Section 34-603(C)(1)(a) or as may be allowed by A.R.S. Section 34-603(C)(2)(c)(i-iii).

Negotiations will commence with the highest ranked firm on the Final List in accordance with ARS Section 34-603(E) and will proceed as set forth therein; or the solicitation may be cancelled pursuant to 34-603(H).

**B. Qualification for Evaluation**

To qualify for evaluation, the SOQ must have been submitted on time and materially satisfy all requirements identified in this document.

**C. Evaluation Committee**

The Evaluation Committee may consist of up to seven members and will be composed of the Owner's staff and may include a minimum of one non-staff person.

**D. RSOQ Evaluation and Ranking Process**

The Owner intends to award a Contract to the most qualified Firm on the basis of demonstrated competence and qualifications. SOQ submittals that are responsive to the requirements of this RSOQ will be evaluated by the Evaluation Committee and awarded points for each stated criteria item as follows:

	<b>Maximum Achievable Points</b>
Previous Project Experience.....	30
Team Qualifications.....	20
Financial Capacity.....	15
Adherence to Vision.....	35
<b>Total Available Points</b>	<b>100</b>

**E. Interviews**

Selected Firms may be required to participate in an interview, pursuant to A.R.S. Section 34-603(C)(2)(c)(i). If the Owner conducts interviews, each Firm is required to be represented in its interview by the key personnel with whom the Owner’s staff will be directly conducting the day-to-day business of the project, including the Project Manager.

If conducted, interviews will be sixty (60) minutes in duration. A formal presentation will be part of the interview and limited to twenty (20) minutes. The remainder of the interview period will be dedicated to discussion of project-specific criteria and response to questions from Evaluation Committee in attendance.

**F. Interview Instructions**

If the Owner decides to conduct interviews, each selected Firm will be provided a specific schedule and additional instructions.

**G. Interview Ranking and Firm Selection**

Should interviews be elected by the Owner, the Evaluation Committee will rank the Firms with the following final ranking criteria:

	<b>Maximum Achievable Points</b>
A. Submitted RSOQ score .....	100
B. Firm Presentation .....	40
C. Responses to Interview Questions.....	60
<b>Total Available Points</b>	<b>200</b>

Following the evaluation process, the Evaluation Committee will select a Final List of three Firms (or as otherwise allowed by law) deemed most qualified to provide the services, ranked in order of preference based on the SOQ evaluation and/or the interview evaluation. The Owner will proceed to negotiate a Contract with the highest ranked Final List Firm, or will terminate the solicitation. If the Owner is unable to negotiate a satisfactory Contract with the highest ranked Firm, with terms and conditions the Owner determines to be fair and reasonable, negotiations with that Firm will be formally terminated. The Owner will then undertake negotiations with the next most qualified Final List firm in sequence, until a Contract is reached or a determination is made to reject all SOQs and terminate the solicitation.

## **VI. ADDITIONAL INFORMATION**

### **A. Instructions**

The Owner will not be held responsible for any oral instructions. Any changes to this RSOQ will be in the form of an addendum to the SOQ. The Owner is not responsible for any explanations or interpretations of the RSOQ documents other than those made by written addendum and posted on the Owner's website.

### **B. The Owner's Rights**

The Owner reserves the right to reject any or all SOQ, to waive any informality or irregularity in any SOQ received, and to be the sole judge of the merits of the respective SOQs received.

### **C. Release of Project Information**

The Owner will provide the release of all public information concerning the project, including selection announcements and Contract awards. Release of SOQ submissions, selection results and Contract award will not take place until after the formal award by the City Council and the Contract has been fully executed by both parties. Those desiring to release information to the public must receive prior written approval from the Owner.

### **D. Contact with City Employees and Consultants**

All persons and/or Firms that are interested in this project (including the Firm's employees, representatives, agents, lobbyists, attorneys, and sub-consultants) will refrain, under penalty of disqualification, from direct or indirect contact for the purpose of influencing the selection or creating bias in the selection process with any person who may play a part in the selection process. This includes but is not limited to the Evaluation Committee, the City Manager, Assistant City Manager(s), Deputy City Manager(s), Division Directors or other staff. This policy is intended to create a level playing field for all potential Firms, assure that contract decisions are made in public, and to protect the integrity of the selection process. All contact on this selection process should be addressed to the authorized representative identified in Section II.

### **E. Contact with Elected Officials (Mayor, City Council)**

Any contact pertaining to this selection process with elected officials must be scheduled, in person, through the Flagstaff City Clerk's Office, 211 W. Aspen Avenue, Flagstaff AZ 86001, and are posted by the City Clerk at least 24 hours prior to the scheduled meeting. The Clerk's posting shall include and detail the participants, the subject matter, and shall invite the public to participate. No contacts made by telephone, other than to schedule a public meeting, are permitted. Copies of contacts made by letter, e-mail, or other written method shall be made available to the public, press, and all submitting Firms, upon written request to the City Clerk.

### **F. Reservation of Rights**

There will be no express or implied intent to contract until expressly stated in writing by the Owner, an award is made, and all conditions stated herein are satisfied. The Owner reserves the right to reject any or all SOQs, or to withhold the award for any reason it may elect, and to waive or decline to waive irregularities in any proposal.

### **G. Protests**

1. A protest will be in writing and will be personally delivered or served upon the City Purchasing Director.
2. A protest of a solicitation must be received before the solicitation opening date.
3. A protest of a proposed award or of an award must be received within ten days after the protester knows or should have known the basis of the protest.
4. A protest will consist of the following:
  - a. The name, address and telephone number of the protester;
  - b. The signature of the protester or its representative;
  - c. Identification of the solicitation or Contract number;

- d. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
- e. The form of relief requested.

# ATTACHMENT A

## NON-COLLUSION AFFIDAVIT

### PROFESSIONAL ENGINEERING SERVICES FOR AIRPORT ENGINEERING DRAINAGE IMPROVEMENT STUDY

State of Arizona  
County of \_\_\_\_\_

\_\_\_\_\_, affiant, the

\_\_\_\_\_  
(TITLE) of

\_\_\_\_\_  
(NAME OF COMPANY)

The person, corporation or company responsible for the accompanying Statement of Qualifications, having first been duly sworn, deposes and says:

That such Statement of Qualifications is genuine and not sham or collusive, nor made in the interest of or on behalf of any person not herein named, and that the Firm has not directly or indirectly induced or solicited any other Firm to put in a sham submittal, or any other person, firm or corporation to refrain from submitting, and that the Firm has not in any manner sought by collusion to secure for itself an advantage over any other Firm.

\_\_\_\_\_  
\_\_\_\_\_  
(TITLE)

Subscribed and sworn to before me this  
\_\_\_\_ Day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC  
IN AND FOR THE

COUNTY OF \_\_\_\_\_

STATE OF \_\_\_\_\_

(My Commission Expires \_\_\_\_\_, 20 \_\_\_\_).

# ATTACHMENT B

## DISCLOSURE (FORM)

For any item checked YES, you must provide information. Answering YES to one or more questions does not necessarily mean you will be disqualified from this Solicitation. **FAILURE TO PROVIDE TRUE AND COMPLETE INFORMATION MAY RESULT IN DISQUALIFICATION FROM THIS SOLICITATION.**

1. Has your company or any affiliate\* in the past 5 years: (i) had a permit revoked or suspended, (ii) been required to pay a fine, judgment or settlement of more than \$100,000, (iii) been convicted of a criminal offense (including a plea of guilty or *nolo contendere*), or (iv) been found in contempt of court, as a result of or in connection with any of the following:
  - a. Any offense relating to integrity or honesty, including fraud, bribery, embezzlement, false claims, false statements, falsification or destruction of records, forgery, obstruction of justice, receiving stolen property, theft, price fixing, proposal rigging, restraint of trade or other antitrust law violation? YES\_\_\_\_\_ NO\_\_\_\_\_
  - b. Violation of the terms of any public contract? YES\_\_\_\_\_ NO\_\_\_\_\_
  - c. Failure to pay any uncontested debt to a government agency? YES\_\_\_\_\_ NO\_\_\_\_\_
  - d. Violation of any law or regulation pertaining to the protection of public health or the environment? YES\_\_\_\_\_ NO\_\_\_\_\_

\*An "affiliate" of your company means any person, company or other entity that, either directly or indirectly (for example, through stock ownership by family members), controls, is controlled by, or is under common control with, your company.

2. Has your company or any affiliate in the past 5 years been named as a party in any lawsuit related to performance of a contract (you do not need to list subcontractor lien claims which have been fully paid/satisfied)?  
YES\_\_\_\_\_ NO\_\_\_\_\_
3. Has your company or any affiliate of your company in the past 5 years been debarred or suspended from submitting proposals on public contracts?  
YES\_\_\_\_\_ NO\_\_\_\_\_

**I hereby verify that the foregoing information, and any explanation attached are to the best of my knowledge, true and complete.**

\_\_\_\_\_  
Signature of Person Authorized to Sign Offer

**END OF RSOQ**