

## **Request for Offers**

### **To Lease Space for the Operation of Market**

**Between 900 U St NW and 918 U St NW at Square/Lot 0361/0833**

**("U Street Market")**



**Issued: Wednesday, 6/12/13**

**Issued by:**

**District of Columbia Department of General Services**

**ATTENTION: Barry Margeson**

**2000 14<sup>th</sup> Street NW, Suite 800**

**Washington, DC 20009**

<http://DGS.dc.gov>

**Offers due by: Friday, 7/12/13; no later than 12:00 PM**

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## Section 1: Overview

The Government of the District of Columbia (“District”), through its Department of General Services (“DGS”), invites interested Offerors (“Offerors”) to respond to this Request for Offers (“RFO”) with offers (“Offers”) to enter into a one year License Agreement for the parking lot between 900 U St NW AND 918 U St NW AT SQUARE/LOT 0361/0833 to activate the site through the operation of a farmer’s market and/or an arts and crafts market and/or a flea market from 7am to 7pm on Saturdays and Sundays. The District plans to redevelop the Grimke School at some point in the future and the parking lot may be part of that redevelopment. The License Agreement will have a 60 Day right to cancel so that the District is able to be flexible and include this lot as part of the future development.

The District will select the offer that is determined, in the District’s sole discretion, to be in the best interest of the District for negotiation of a lease agreement.

Please see [Exhibit A: Property Details](#) for aerial maps, floor plans, and photos of the Site.

## Section 2: General Property Descriptions & Space Conditions

### GENERAL PROPERTY DESCRIPTIONS

Square/Lot 0361/0833 is an approximately 5,500 square foot parking lot just east of Nellie’s Sports Bar on Washington DC’s vibrant U Street corridor and half a block from the U Street Metro Station’s 10<sup>th</sup> Street entrance.

The site is located in the 14th and U Streets/MidCity neighborhood. The density and demographics of this neighborhood and its environs have led to 3,845 new and refurbished loft apartments and condominiums as well as over 150 new retail businesses opening their doors since 2001.

### SPACE CONDITION

The Site will be leased in an “AS-IS”, “WHERE-IS” condition with all faults, without any representations or warranties. Any subsequent alterations to the Site must be reviewed and approved by the District, in its sole and absolute discretion. **All costs for the Offeror’s use will be done at the Offeror’s sole cost and expense.**

All costs, expenses and obligations of every kind and nature whatsoever relating to the Site shall be paid by the Offeror (including without limitation possessory taxes assessed against the Site, insurance premiums, utility expenses, and any and all costs of operating, maintaining, repairing or replacing all or any portion of the Site, including capital expenditures as well).

## Section 3: Information to include in Submitted Offers

An Offer shall be in a narrative form responding to each Offer Criterion in this Section # 3. An Offer must be submitted timely and comply with the terms of this RFO. Please see Section # 4 for additional information on submitted Offer format, delivery, and site visit requirements.

### **OFFER CRITERION 1: OFFEROR QUALIFICATIONS AND OPERATIONS PLAN**

This section outlines what information the Offeror must provide with their Offer as it pertains to the Offeror’s qualifications and operations plan.

**1) EXPERIENCE:**

Describe the names and locations of markets the Offeror currently operates. Provide the names, titles, job descriptions, and resumes of key personnel who will run the business. Provide an estimate (in weeks) for how long the Offeror anticipates it will take from lease execution to have the market operational.

**2) USE:**

-Describe the type of market the Offeror will operate. A use that is unique to the area will be given more consideration than a use that duplicates what is already available to the area. Describe what makes market unique

-Describe the number and type of vendors that will be on-site

**3) OPERATIONS:**

-Describe in detail the load-in and load-out process

-Describe any other amenities that will be on-site

-Submit vendor application, pricing, and documentation required by applicants

-Provide photographs of other markets the Offeror currently operates

-Describe security measures to be taken in operation of the market

-Describe how garbage will be collected and hauled at the end of the day

**4) FINANCIAL CAPACITY:**

Offerors must describe and demonstrate their financial capacity to pay lease rent.

**5) FIRST SOURCE AND CERTIFIED BUSINESS ENTERPRISE UTILIZATION:**

The District is committed to promoting hiring of District residents and to ensuring participation and inclusion of Certified Business Enterprises (“CBE”) – and, in particular, Local Small Disadvantaged Business Enterprises (“LSDBE”) – in the contracting opportunities derived from the reuse of District-controlled property. Offerors who commit to contracting with CBE’s and/or LSDBE’s will be viewed more favorably than those who do not. For more detailed information on CBE utilization please visit DSLBD’s website at <http://dslbd.dc.gov> or call (202) 727-3900.

**6) CONSTRUCTION AND TENANT BUILD OUT BUDGET:**

As indicated in Section # 2, General Property Description & Space Condition, the District will lease the Site “AS-IS”. **All costs for the Offeror’s use will be done at the Offeror’s sole cost and expense.** Offeror’s must provide an initial budget for the costs that will be incurred to begin operation of the market.

**7) FINANCIAL STATEMENTS:**

Offerors should provide the following financial statements:

a) Federal Tax Returns for the past two years.

b) Certified or Audited Financial Statements for the past two years.

The above financial statements should be for either an existing business operation or, if none, then the Offeror's individual financial statements. If the Offeror will be a business partnership with more than one principal, then financial statements must be provided for all principals. For new businesses, where certified or audited financial statements are not available, Offeror must provide personal financial statements demonstrating net worth.

**DGS reserves the right to request additional financial information, in its sole discretion.**

#### **OFFEROR IDENTIFICATION INFORMATION:**

Offeror must provide the following information to the District.

**1) CONTACT INFORMATION:**

Offeror's full address and contact information.

**2) PRIOR LANDLORD REFERENCES:**

References of at least 2 landlords where the Offeror has leased space for the placement and operation of a market.

**3) CERTIFICATE OF GOOD STANDING (DC):**

A Certificate of Good Standing which demonstrates the individual and/or business has no outstanding tax liability with the District of Columbia. A Certificate of Good Standing may be obtained by contacting the District's Office of Tax and Revenue at (202) 727-4829 or at the following website: <http://otr.cfo.dc.gov/otr/cwp/view,A,1329,Q,637465.asp>

**4) BUSINESS LICENSE:**

A copy of any business licenses applicable to the proposed operation. Business licenses are issued through the District of Columbia's Department of Consumer and Regulatory Affairs (DCRA). DCRA may be contacted at (202) 442-4400 or at website: <http://www.dc.gov/DC/DCRA>

**5) DISTRICT RESIDENT STATUS:**

Offeror should indicate if, and to what extent, the principals and key personnel are District residents. District residency will receive a preference over non-District residents.

#### **OFFER CRITERION # 2: FINANCIAL OFFER**

Offeror's submitting an Offer must submit a financial offer for what is proposed for monthly rent. **An Offer which does not include these components will be deemed an "Unresponsive Offer".**

**\*Property Tax:** Offeror's leasehold interest may be subject to possessory interest tax pursuant to applicable law, including DC Official Code: § 47-1005.01.

#### **Section 4: Submission Requirements**

All Submission Requirements apply to all Offerors.

## Formatting

- **Copies:** Offerors should provide two (2) hard copies in 12 point font size on 8.5" x 11" paper.

## Delivery

- **Delivery:** Each Offer shall be delivered by hand or courier to the contact identified in the box below. Each Offer shall be submitted in a sealed envelope conspicuously marked: **"Offer in Response to RFO for U Street Market Site dated 6/12/13"**.
- **Deadline:** Hard copies of Offers must be submitted no later than the response deadline specified in Section # 5.

## Clarifying Questions

Any questions regarding this RFO should be submitted **via e-mail only** to the contact listed in the box below. Offerors shall not direct questions to any other person affiliated directly or indirectly with the District. The text of any Offeror questions, responses thereto, and other clarifications will be posted to the Department of General Services website at: <http://DGS.dc.gov>.

Barry Margeson  
Department of General Services  
2000 14<sup>th</sup> Street NW, Suite 800  
Washington, DC 20009  
[barry.margeson@dc.gov](mailto:barry.margeson@dc.gov)

## Section 5: Selection Process

### Timetable for Evaluation of RFO Responses

The District will endeavor to follow the timetable set forth below; however, this timetable is a guideline only and is subject to change in the District's sole discretion. Any changes will be posted at the DGS website: <http://DGS.dc.gov>.

<b>RFO ISSUED:</b>	JUNE 12, 2013
<b>OFFERS DUE:</b>	JULY 12, 2013, NO LATER THAN 12:00 PM
<b>NOTIFICATION:</b>	[TBD]

### Selection and Negotiation

The District will evaluate all proposals based on the responses to the Offer Criteria in Section # 3. The Offer Criteria will be weighted as follows for evaluation purposes:

OFFER CRITERION # 1: OFFEROR QUALIFICATIONS AND OPERATIONS PLAN	50.0%
OFFER CRITERION # 2: FINANCIAL OFFER	50.0%
<b>Total</b>	<b>100.0%</b>

Only Responsive Offers will be evaluated. The District will determine, in its sole discretion, whether each Offer received in response to this RFO is a Responsive Offer.

A Selection Panel will be established to review and evaluate the Offers. The composition of the Selection Panel will be determined by the District, in its sole discretion. In addition, the Selection Panel may consult with professional outside consultants for technical assistance in the District's sole discretion.

Upon receipt of Offers, the District, in its sole and absolute discretion, may choose to:

1. Require oral presentations by Offerors to the Selection Panel;
2. Select a short list of Offerors and require additional information from the short-listed Offerors or that they modify their Offers or provide a "Best and Final Offer" for the District's review;
3. Enter into exclusive negotiations with one or more selected Offeror(s) without requesting more detailed information or selecting a short list of Offerors;
4. Request more detailed information leading to a final Offeror(s) selection;
5. Take no action on the Offers received.

The Selection Panel will select, in its sole and absolute discretion, one or more Responsive Offers. Upon completion of the review and selection processes, DGS shall notify the selected Offeror, if any.

If one or more Offerors is thereby chosen, the parties shall proceed to negotiate final terms consistent with the selected Offeror's proposed terms. If the District and the selected Offeror(s) are unable to agree on the final lease within sixty (60) days of the receipt by Offeror(s) of the selection letter(s), the District, in its absolute and sole discretion, may terminate negotiations and (i) select a different Offeror(s) that responded to the RFO; (ii) re-issue the RFO; or (iii) take such other measures as it deems reasonable, appropriate, and/or necessary.

### **Updates and Modifications**

The Department of General Services shall post on its website (<http://DGS.dc.gov>) any notices or information regarding cancellations, withdrawals, modifications to deadlines, and other modifications to this RFO. Offerors shall have an obligation to check the website for any such notices and information, and the District shall have no duty to provide direct notice to Offerors.

### **No Conflicts Of Interest**

By submitting an Offer, the Offeror represents and warrants the following to the District.

1. The compensation to be requested, offered, paid or received in connection with this RFO has been developed and provided independently and without consultation, communication or other interaction with any other competitor for the purpose of restricting competition related to this RFO or otherwise.
2. No person or entity employed by the District or otherwise involved in preparing this RFO on behalf of the District (i) has provided any information to potential Offerors which was not made available to all entities potentially responding to this RFO, (ii) is affiliated with or employed by or has any financial interest in any potential Offeror, (iii) has provided any assistance to potential Offeror in responding to this RFO, or (iv) will benefit financially if any Offeror is selected in response to this RFO.
3. The Offeror has not offered or given to any District officer or employee any gratuity or anything of value intended to obtain favorable treatment under this RFO or any other solicitation or other

contract, and Offeror has not taken any action to induce any District officer or employee to violate the rules of ethics governing the District and its employees. Offeror has not and shall not offer, give or agree to give anything of value either to the District or any of its employees, agents, job shoppers, consultants, managers or other person or firm representing the District, or to a member of the immediate family (i.e., a spouse, child, parent, brother or sister) of any of the foregoing. Any such conduct shall be deemed a violation of this RFO. As used herein, "anything of value" shall include but not be limited to any (a) favors, such as meals, entertainment, transportation (other than that contemplated by this RFO, if any, or any other contract with the District), etc., which might tend to obligate a District employee to Offeror, and (b) gift, gratuity, money, goods, equipment, services, lodging, discounts not available to the general public, offers or promises of employment, loans or the cancellation thereof, preferential treatment or business opportunity. Such term shall not include work or services rendered pursuant to any other valid District contract.

## **Section 6: Reservation of Rights and Miscellaneous Provisions**

- **DGS reserves the right to:**

- Cancel or withdraw the RFO at any time prior to or after the submission deadline;
- Modify or issue clarifications to the RFO prior to the submission deadline;
- Reject any submission it deems incomplete or unresponsive;
- Reject all submissions that are submitted under the RFO;
- Consider one or more Offers that are noncompliant with the Solicitation requirements;
- Modify the deadline for submissions or other actions;
- Reissue (i) the RFO, (ii) a modified RFO, or (iii) a new solicitation or request for offers whether or not any submissions have been received in response to the initial RFO issuance;
- Subdivide the Solicitation into multiple, separately negotiated and leased components; and
- Enter into negotiations with one or more Offerors based on Offers submitted in response to the Solicitation.

DGS may exercise one or more of these rights, in its sole discretion, as it deems necessary, appropriate, or beneficial to the District.

- **Change in Offeror Information**

If information provided in a submission changes (e.g., change or addition to any of the Offeror's team members or new financial information) the Offeror shall provide updated information in the same format for the appropriate section of the RFO and DGS may consider the modified submission.

- **Ownership and Use of Submissions**

All submissions shall be the property of the District. The District may use any and all ideas in any submission, whether the submission is selected or rejected. No Offeror shall be entitled to compensation or reimbursement of costs in connection with its submission of an Offer in response to this RFO.

- **Further Efforts**

DGS may request that Offerors clarify their submissions and/or submit additional information pertaining to their submissions. DGS may request best and final submissions from any Offeror and/or request an oral presentation from any Offeror.



- **Restricted Communications**

Upon release of this RFO and until the end of the notification period set forth in Section 5, above, potential Offerors shall not communicate with DGS, or other District staff about the RFO or issues related to the RFO except as authorized in this RFO or in public meetings called in connection with this RFO.

- **Limitation on the District's Authority to Convey**

Offerors should be aware that the District's disposition of certain real property interests is subject to prior Council authorization in accordance with D.C. Official Code § 10-801 (2007 Supp.). Nor can the District obligate itself to expend any funds without first obtaining a congressional appropriation of funds for such purpose. DGS makes no commitment (nor is authorized to make any commitment) to enter into any contract and does not intend to proceed with any proposed project until all applicable laws have been satisfied.

- **Confidentiality**

Submissions and all other information submitted in response to this RFO are subject to the District's Freedom of Information Act (D.C. Official Code § 2-531 et seq.) ("FOIA"), which generally mandates the disclosure of documents in the possession of the District upon the request of any person, unless the content of the document falls within a specific exemption category. An example of an exemption category is "trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained." If an Offeror provides information that it believes is exempt from mandatory disclosure under FOIA ("exempt information"), the Offeror shall include the following legend on the title page of the submission:

THIS OFFER CONTAINS INFORMATION THAT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER THE  
DISTRICT'S FREEDOM OF INFORMATION ACT

In addition, on each page that contains information that the Offeror believes is exempt from mandatory disclosure under FOIA, the Offeror shall include the following separate legend:

THIS PAGE CONTAINS INFORMATION THAT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER THE  
DISTRICT'S FREEDOM OF INFORMATION ACT

On each such page, the Offeror shall also specify the exempt information and shall state the exemption category within which it believes the information falls.

Although DGS will generally endeavor not to disclose information designated by the Offeror as exempt information, DGS will independently determine whether the information designated by the Offeror is exempt from mandatory disclosure. Moreover, exempt information may be disclosed by DGS, at its discretion, unless otherwise prohibited by law, and the District shall have no liability related to such disclosure.

- **Non-Liability**

By participating in the RFO process, the Offeror agrees to hold the District, its officers, employees, agents, representatives, and consultants harmless from all claims, liabilities, and costs related to all aspects of this RFO.

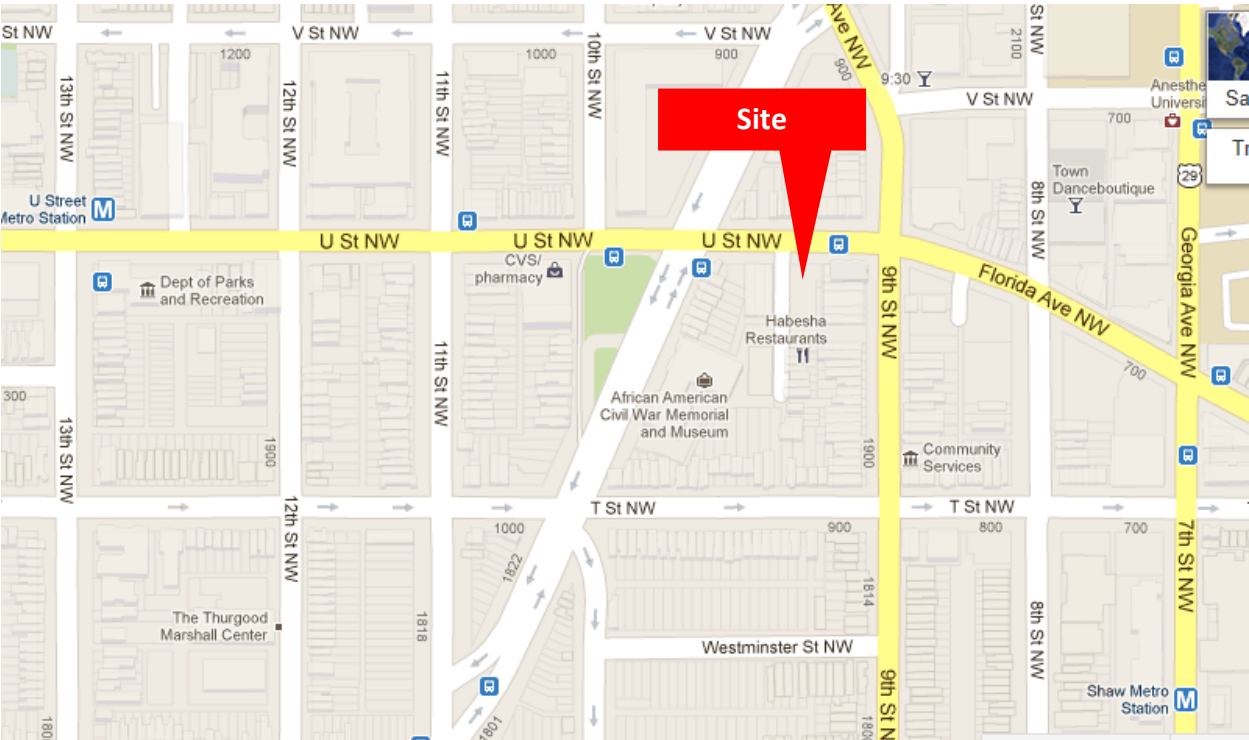
- **Brokers and brokerage fees**

Offeror will be responsible and shall pay for any and all commission or fees due to Offeror's broker, if any, pursuant to a separate agreement. The District does not offer, nor will it provide any broker compensation, commission or fee.

- **Selection Non-Binding**

The selection by the District of an Offeror does not constitute a commitment by the District to execute a final agreement or contract with the Offeror.

Exhibit A: General Property Descriptions & Space Conditions



**U STREET MARKET PHOTO:**

