

M-NCPPC



Montgomery County Department of Park and Planning  
THE MARYLAND NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

MCPB


Item: **D**


Date: April 28, 2005

8787 Georgia Avenue  
Silver Spring, Maryland 20901

**Memorandum**

TO: The Montgomery County Planning Board

VIA: Charles R. Loehr, Director, Department of Park and Planning 

FROM: William Mooney, Chief, Enterprise Division 

SUBJECT: Laytonia Park Development Next Steps

Purpose: Discussion of Option to Advertise for Proposals on Laytonia Park Development

**Requested Planning Board Action: Discussion of threshold question regarding acceptability of the partnership model for Laytonia Park.**

**Summary:** Since our last discussion regarding Laytonia Park development, we have requested some clarification from the submitting organization and have received additional materials. At this time, there are still a number of questions that must be answered before staff could make a recommendation as to the value of the offer and the acceptability of the partnership. I am convinced that these issues cannot be resolved until and unless we sit down with the offeror and discuss and negotiate the terms.

Also, as we discussed, the partnership policy is not fully in coordination with the procurement policy regarding competition for an unsolicited proposal. This rightly restricts our ability to negotiate the offer until there has been some process to determine if there are other proposals that should be considered. The procurement regulations should be followed in this circumstance due to the substance of this offer.

In the most recent letter from the offeror, they stated that they "would like to take this opportunity to recommend to that County that they [the County] proceed to the next stage of the process: the advertisement for public bids. If there is a better deal out there, than [offeror's] you should take it. If not, such a process will permit better face-to-face discussion between the Planning Board, the Montgomery County recreation community and [offeror]. In these discussions, a better understanding of the needs of each side can be presented, options analyzed and the public informed."

Staff is prepared to move forward with a process that would begin with advertising that a proposal has been made and seek competing proposals. As you will see in the attached draft, this would determine if there are other interested entities and enable the discussions as described above either with the current offeror or with a better competing proposal.

However, before we take this step, staff wanted to review with the board the threshold question. It is not clear that under any circumstance the Commission will be comfortable with a model for development of Laytonia (or other park) that commits our funds to the development of the park and has the design, development, maintenance, operation, and programming accomplished by a third party – profit or not-for-profit. That is the threshold question – can the Board envision, if the right deal can be found, having a third party manage the park as conceived in the offer? If yes, then staff recommends advertising for competing proposals. If not, the staff recommends advising the offeror that the Commission does not foresee a circumstance under which we could reach agreement.

DRAFT Advertisement

*The MNCPPC has received an unsolicited proposal for the design, development, maintenance, management and programming of the Laytonia Park. Laytonia Park, located at the intersection of Airpark Drive and Muncaster Mill Road in Montgomery County, Maryland is currently in the park Capital Improvement Program (CIP) for design and development of a complex including four ball fields, an inline skating rink, a playground and two tennis courts. The site is also the proposed location of the County's animal control facility. Funding for this project is in the out years of the CIP program and any change in the funding schedule would have to compete with other CIP priorities.*

*The proposal makes certain conceptual design changes regarding the mix of facilities and adds an indoor athletic facility. The proposal further anticipates that regular baseball league play will take place during the spring season. During the other approximately nine months, the proposer would manage and program the park providing camps, clinics, leagues, and other baseball related programming.*

*The proposer believes that the park as they conceive it will cost significantly more than the current budget that is \$9.4 million; due to inflation, increased environmental requirements, higher standards for the facilities and the indoor facility. The proposer offers to cap the costs to MNCPPC at an amount to be agreed upon. The proposer also offers to limit the maintenance expenses of MNCPPC at an amount less than the anticipated costs in the CIP budget.*

*MNCPPC desires to determine if there are any other entities interested in competing to design, build, manage, program and maintain the Laytonia Park. Therefore, MNCPPC requests expressions of interest in this project. Such expressions of interest will need to provide the following information:*

- *Design concept*
- *Listing of facilities*
- *Operational plan*
- *Description of the financial commitment of the proposer and the financial participation required of MNCPPC*
- *Programming concepts*
- *Proposer's experience in similar projects and capacity to move forward*

*Documents available for review regarding this project include:*

- *need a list of what is available and how to obtain them. I recommend putting it on the WWW.*
  - *Current design*
  - *Master Plan*
  - *Topo*
  - *Procurement regs*
  - *PROS plan*

*Responses due by date.*

*If the MNCPPC receives valid proposals, all proposals will be evaluated based on the following criteria:*

- *Value of proposal to community*
- *Compliance with the master plan*
- *Business plan*
- *Experience of the proposer*
- *Financial commitment of the proposer*
- *Financial benefit to the Commission*
- *Consistency with the MNCPPC Mission*

*A determination will be made as to issuing a formal RFP, negotiating with one or more proposers, or rejecting all proposals. If no additional proposals are received, MNCPPC will negotiate with the existing proposer to determine if the proposal is acceptable to the Commission. Under any circumstance, before a proposal is recommended to the Planning Board and the County Council for further action, a public review process will take place describing the proposal and soliciting public input on all aspects.*