



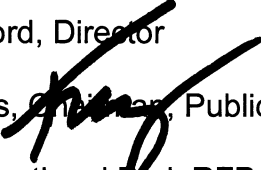
MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
ITEM: 22
Date: July 26, 2007

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Mary R. Bradford, Director

FROM: Terry H. Brooks, , Public/Private Partnership Committee

SUBJECT: Laytonia Recreational Park RFP & South Germantown
Recreational Park Pad Site RFP – Staff Request to Release both
RFP's for Private Entity Park Facility Development Proposals

Staff Recommendation: APPROVAL

Background:

Laytonia Recreational Park RFP:

The Commission has received unsolicited expressions of interest to develop Laytonia Recreational Park from private entities. In response to these expressions of interest, the Department drafted an RFP to develop the park.

On April 26th, the Department requested Planning Board approval to release the subject Laytonia RFP for the development of Latonia Recreational Park. The Board gave tentative approval to the staff recommendation subject to the Department coming back to the Board and providing them with: (1) an answer to the issue of the Commission using parkland acquired by tax-exempt bonds for private development use. Staff has conferred with both the Commission's Secretary-Treasurer and the Montgomery County Finance Department's Bond Council on this issue and modified the RFP to reflect their advise on this matter; and (2) the Board requested a revision to the RFP so it no longer offers, exclusively, the Commission's projected FY07– FY11 CIP program request for \$9.3 million development funding for the programmed development of a new 50.6 acre recreational park in Derwood.

The proposed RFP provides a caveat for all prospective proposers interested in submitting a proposal to develop the park by informing them that all proposals will be reviewed for tax-exempt bond funding restrictions by both the Secretary-Treasurer and the County's Bond Council for IRS law conformity. **(See Sections 2.1. p.10 and 2.1B, p.12 of the RFP – Attachment 1). (See Original 04/26/07 Staff Report – Attachment 2)**

South Germantown Recreational Park -Tennis Facility Pad Site RFP:

On March 22, 2000, the Commission issued an RFP for the private development of a tennis center. As a result of this solicitation, a private developer was selected. Kevin Tighe was selected and a lease agreement and park facility development were executed.

Contained in the lease agreement was a provision allowing Mr. Tighe to withdraw his development proposal if it was found that either the market and/or reasonable financing for the facility were neither practical nor feasible respectively. In April 2007, Mr. Tighe exercised this option and withdrew his project proposal.

The Department has received several unsolicited offers to develop the subject site and requests the Board's permission to issue an RFP for the development of the subject site.

The revised RFP requests: (1) a more in-depth assessment of the prospective proposer's analysis of the market proposed to be served by their facility; and (2) requests more quantification of the proposed financing for the development, management, maintenance, operations, and service fee charges to use the proposed facility relative to the profits and operations obligations of the facility. **(See Attachment 3)**

Staff Recommendation:

Staff requests the Planning Board's approval to release both RFP's, in order to submit for Planning Board's review and consideration, proposals for both projects in the Fall.

Attachments: Mr. Tighe's Withdrawal Letter of 4/13/07
Draft RFP – South Germantown
Draft RFP – Laytonia
Laytonia 4/26/07 Montgomery County Planning Board Staff Report

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April 13, 2007

Mr. Bruce Crawford
Executive Director
Maryland National Capital Park & Planning Commission
6611 Kenilworth Avenue
Riverdale, MD 20737

Dear Mr. Crawford:

Pursuant to the lease dated November 20, 2000, and amendments one and two related thereto by and between Maryland National Capital Park & Planning Commission as Landlord, and the Germantown Recreational Park Racquet & Fitness Center LLC as Tenant, this letter will serve as official notice pursuant to Paragraph 1(b), of Tenant's Termination of the Lease due to Tenant's inability after numerous attempts over a period of four (4) years to obtain and close on financing necessary to move the project forward. As Paragraph 1(b) states: "Upon termination of this lease by the Tenant pursuant to this subparagraph (b), neither Landlord nor Tenant shall have any liability to the other except as maybe otherwise set forth in this Lease. Paragraph 11 states that if the Lease terminates pursuant to Paragraph 1(b), then the Landlord shall be required to return the storm water management deposit to the Tenant within ten (10) days after notice of termination is received by the Landlord.

Please find enclosed a copy of my letter dated January 30, 2001 to attorney Anthony P. Pologus as well as a copy of the lease deposit check in the amount of \$50,000 dated January 30, 2001.

As I am sure you and many others are aware, for the last five years all efforts and attempts to secure numerous types of alternative financing proved unachievable. In addition, well over \$150,000 in expenses have been incurred in preparation for construction drawings, schematics, consultant fees, demographic studies, as well as thousands of man hours. Currently among other issues, investors seem very concerned about the Germantown market as it relates to this issue of sub-prime mortgages. There is a great fear that much of the Germantown market will be impacted with the refinancing of their mortgages at higher interest rates and required principal payments, thus eliminating expendable income to join a club such as Germantown.

Mr. Bruce Crawford
April 13, 2007
Page 2

Nonetheless, it has been a pleasure working with many of you at Park & Planning over the years and I sincerely hope that a different avenue or approach can be implemented to construct this fine concept of a club.

Please have the lease deposit made out to the Germantown Recreational Park Racquet & Health Club LLC, and it may be forwarded directly to me at my firm.

I wish to thank all of the members of Park & Planning that I have worked with over the years for their insights and kind considerations in extending the leasehold timeframe while ongoing attempts were made to obtain acceptable financing.

Sincerely,



Kevin P. Tighe

KPT/pf

Enclosures

cc: Ms. Trude Morgan-Johnson
Secretary Treasurer, M.N.C.P.P.C.

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

Department of Finance, Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1603 Fax: 301-454-1606

DRAFT The Maryland–National Capital Park and Planning Commission (Commission) hereby invites proposals from interested firms in accordance with this Request for Proposal (RFP) as set forth herein. The enclosed sections contain information related to the below Project and this information is provided to all prospective Offerors.

Proposal No.: RFP ____
Proposal Name: South Germantown Recreational Park –Pad Site Development

Request for Proposals (RFP)

Pre-Proposal Conference:

**Maryland-National Capital Park and Planning Commission
Montgomery County Regional Office
8787 Georgia Avenue
Silver Spring, Maryland 20910**

Due Date: Written Proposals must be received no later than 11:00 a.m on to the Commission’s Purchasing Division.

Number of Copies: One (1) original and six (6) copies bound and sealed.

Delivery of proposals to the Purchasing Division, 6611 Kenilworth Avenue 3rd floor, Suite 300, Riverdale, Maryland 20737, may only be made during Commission business hours, 8:00 A.M. to 5:00 P.M., Monday through Friday. The submittal should have the Proposal RFP No. ____ indicated on the outside of the package or envelope.

Proposals delivered to any location other than the Purchasing Division Office listed above will not be considered. Oral, telephonic, telegraphic and facsimile proposals will not be accepted. If a proposal is sent by mail or courier service, the Offeror assumes full responsibility for its timely delivery to the designated location. Proposals received after the date and time specified for receipt of proposals will be rejected and returned unopened.

Offerors are to conform to the procurement conditions herein, including those for Subcontracting. The proposal shall clearly indicate the proposed subcontractors to be utilized to accomplish the Scope of Services.

This RFP has significant subcontracting opportunities and, therefore each Offeror must demonstrate compliance with the Commission’s Non-Discrimination in Subcontracting Program. An MFD subcontracting level of participation of ten percent (10%) has been

established for this RFP. A Nondiscrimination in Subcontracting Bid Form must be completed and signed by an authorized person in order to be deemed responsive.

For the Professional Services category, African American, and Disabled owned firms, that meet certain requirements and have been approved as eligible by the Fair Practice Office, receives an evaluation preference. A copy of the letter of approval issued by the Fair Practice Office must be attached to the Offeror's response in order to receive an evaluation preference.

All inquiries regarding this proposal are requested be made to Jana Harris, Principal Procurement Specialist, (301) 454-1603 phone, fax (301) 454-1606 or e-mail Jana.Harris@MNCPPC.org, or CentralPurchasing@MNCPPC.org.

Jana M. Harris
Principal Procurement Specialist

Part 1

GENERAL INFORMATION and GENERAL CONDITIONS

PART 1: GENERAL INFORMATION

PRE-SUBMISSION INFORMATION

Examination of Proposal Documents

Offerors must examine all of the solicitation documents very carefully and must tailor their proposal to the location and requirements of the proposed work. The submission of a proposal indicates that the Offeror thoroughly understands all of the terms and conditions, instructions, notices, and specifications of the proposal.

Commission Assistance in Proposal Preparation

Commission staff will not assist any Offeror or Offeror's agent in the actual preparation of the proposal. Offerors or their agents will not be permitted to use Commission telephones or other facilities in the preparation of the proposal.

Interpretation of Proposal Documents and Correction of Proposal Documents

Should a Offeror require an interpretation or clarification of any provisions of the RFP documents or related information provided by the Commission, or believe that there is an ambiguity, error, inconsistency or discrepancy in these documents or information, the Offeror must notify the Commission in writing at least five (5) working days prior to the date set for receipt of proposals.

A Offeror who fails to request any such interpretation or clarification waives any claim for additional cost or time spent addressing any ambiguity, error, inconsistency or discrepancy in any such documents or information which is found to have been apparent at the time of receipt of proposals.

All interpretations, clarifications, corrections, changes or other directions related to these requests of Offerors will be provided in writing by the Commission and sent to all prospective Offerors who obtained copies of the documents and information from the Commission.

Extension of Proposal Opening

The Commission may extend the proposal opening date at its option. If the date is extended, the Commission will notify all prospective Offerors who have obtained copies of the proposal documents from the Commission.

Response to Solicitations

In the event a firm does not submit a proposal on this solicitation, the firm should respond with an explanation as to why the firm is unable to do so. Because of the large number of firms listed on the Commission's bidders list, it may be necessary to delete from this list the name of those firms that repeatedly fail to respond to Commission solicitations for proposals. The return of a "No Proposal" is not considered a failure to respond.

PREPARATION and SUBMISSION of PROPOSALS

The Offeror should submit an original and (6) copies of the proposal as indicated in the RFP announcement. The proposal must be:

Initialed by the Offeror where there are erasures or other changes in the proposal.

Signed in ink by authorized principals with the Offeror's legal name fully stated. Corporations must give the state in which incorporated, using phrase "A Corporation organized under the laws of the State of _____". Partnerships must give names of partners, using phrase "Co-partners, doing business under the firm name of _____". Individuals using a trade name must give the individual name, using phrase "An individual doing business under the trade name of _____".

Submitted in accordance with the format as specified in the section titled Proposal Format. Proposals may be submitted as the Offeror may determine, but the proposals must follow the prescribed format as to the requirements of content and order of content.

Fully completed by the Offeror, including all information requested and any attachments that may be required.

Enclosed in a sealed envelope, the face of which shall indicate the RFP Number, time, and date of opening, and title of the proposal.

Received on or before the time, date and at the location specified in the RFP Announcement herein. Facsimile or electronic proposals will not be accepted.

RECEIPT and OPENING of PROPOSALS

Proposals received prior to the date and time specified for the receipt of proposals will be securely kept, unopened. The Commission representative, whose duty it is to open the proposals, will decide when the specified opening time has arrived. If the Offeror to whom an award is made should fail to execute the contract (see Attachment section for sample contract) or deliver any insurance certificates within the time specified:

1. The award may be annulled and the project awarded to the Offeror ranked second under the evaluation criteria, who shall be required to fulfill all stipulations as if such Offeror were the original Offeror to whom the award was made, or
2. The Commission may reject all remaining proposals.

Unless otherwise stated in the Scope of Services Section, the Commission reserves the right to award in the aggregate or to make separate awards.

The Commission reserves the right, when reviewing proposals for award, to waive minor informalities or irregularities in the proposals and in the proposing procedure. The Offeror to whom the award is made will be notified at the earliest possible date.

The Commission reserves the right to reject any or all proposals, and to reject any or all optional items included in the proposal.

BID PROTESTS

Any actual or prospective Offeror who is aggrieved in connection with the solicitation of bids or award of a purchase may protest to the Commission's Purchasing Manager. Protesters are urged to seek resolution of their complaints initially with the Purchasing Manager. A protest related to a Request for Proposals shall be submitted in writing prior to the closing date for the proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to closing date for proposals. The protest shall be submitted in writing and received within 10 business days after such aggrieved person knows or should have known of the facts giving rise to the protest.

The protest must include:

- The name and address of the protester;
- Identification of the solicitation or purchase;
- Statement of reasons for the protest;
- Any supporting documentation to substantiate the claim made, unless the documentation is not available within the protest delivery time, in which instance the expected date the material will be available is to be stated; and
- The remedy sought.

The Purchasing Manager shall, upon written request, make available to the protester information submitted that bears on the substance of the protest except where information is proprietary or otherwise confidential. The protester shall submit any additional information requested by the Purchasing Manager within five calendar days after receipt of the request for such information. Failure of the protester to respond to a request for information may result in the resolution of the protest on the basis of available information.

The decision of the Purchasing Manager shall be final and conclusive; unless fraudulent, or:

- Within 10 business days from receipt of the written decision, the protester mails or otherwise furnishes a written appeal to the Executive Director, or
- Any person adversely affected by the decision commences an action in court.

The decision of the Executive Director shall be final and binding.

PART 1: GENERAL CONDITIONS

ETHICS IN PROCUREMENT

By submitting a bid, the Offeror agrees to adhere to the Commission's policy on ethics in purchasing. This policy prohibits any person from offering, giving, or agreeing to give any Commission employee or former Commission employee a gratuity or an offer of employment in connection with any aspect of Commission procurement. Further, payment or offers to pay contingent fees related to procurement of Commission purchases are prohibited except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business. Potential Offerors are urged to review the ethics policy in detail. Copies may be requested from the Purchasing Division (phone: 301/454-1600).

SPECIFICATIONS

All work must be furnished in accordance with the Scope of Services Section of the RFP.

COMPLETION OF WORK

Upon award of the proposal, Offeror must be prepared to complete/deliver the work within the time stated in the proposal.

ANTI-DISCRIMINATION PROGRAM

This RFP falls into the major procurement category of Professional Services. For the Professional Services category, African American and Disabled owned firms, which meet certain requirements and have been approved as eligible by the Fair Practice Office, receive an evaluation preference. A copy of the letter of approval issued by the Fair Practice Office must be attached to the Offeror's response in order to receive an evaluation preference.

By submitting a proposal, an Offeror shall understand and agree to:

- Not discriminate against minority, female and disabled-owned firms (MFDs) in the selection of subcontractors on Commission contracts. For contracts with subcontracting opportunities, Offerors are required to provide MFDs the opportunity to submit proposals as subcontractors and to award those MFDs submitting low proposals the subcontracts unless there are legitimate reasons not to do so. On certain contracts, the Commission will require Offerors to submit standard forms with the proposals that indicate how they have complied with the subcontracting non-discrimination requirements. The Special Instructions section

of the RFP specifies whether these forms must be submitted.

- Not discriminate against MFDs in their performance of work as subcontractors on Commission contracts.
- Submit forms verifying payment to subcontractors throughout the course of a contract. Not discriminate against any employee or applicant for employment because of age, sex, race, creed, disability or national origin. If a firm is determined by a final order of an administrative agency or a court to be in violation of federal, state or county non-discrimination laws, any agreement entered into by the Commission with a firm may be terminated or suspended in whole or in part by the Commission, and the firm may be debarred from proposing on future contracts with the Commission.

This RFP has significant subcontracting opportunities and, therefore each Offeror demonstrate compliance with the Commission's Non-Discrimination in Subcontracting Program. The subcontracting non-discrimination program shall apply not only to the initial contract award, but also to certain major change orders and amendments that serve to increase the dollar value of the initial contract.

Any violation of the Commission's Anti-Discrimination Program may result in suspension or debarment of the violator as well as other civil or administrative remedies. A minority-owned business is any entity that engages in commercial transactions and is at least 51 percent owned and controlled by one or more individuals from the following groups: African Americans (all persons having origins in and of the black racial groups of Africa), Hispanics (all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race), Asians or Pacific Islanders (all persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands), and Native Americans (all persons of American Indian, Aleut, Eskimo or Native Hawaiian background). A female-owned business is any entity that engages in commercial transactions and is at least 51 percent owned and controlled by one or more women. A disabled-owned business is any entity that engages in commercial transactions and is at least 51 percent owned and controlled by persons with physical or mental impairment that substantially limits one or more of the major life activities of the individual, as defined in the Americans with Disabilities Act of 1990.

The Anti-Discrimination Program includes an evaluation preference program for eligible MFDs. The purpose of the evaluation preference program is to remedy the effects of private marketplace discrimination that impact the opportunity for certain groups of firms to effectively compete for Commission purchases. To be approved as eligible for the price preference program, a firm must meet specific criteria with respect to ownership status, geographic location of business, annual gross receipts, and certification status. An MFD Price Preference Program Eligibility Verification Form is attached and describes the eligibility requirements. Forms are also available from the Fair Practices Office 301/454-1740.

Part 2

REQUIREMENTS

- 2.1 Introduction**
- 2.2 Scope of Services-Requirements**
- 2.3 Proposal Format & Content**
- 2.4 Evaluation Criteria**
- 2.5 Special Conditions**

**REQUEST FOR PROPOSALS
SOUTH GERMANTOWN RECREATIONAL PARK
PAD SITE DEVELOPMENT**

2.1 Introduction

Maryland-National Capital Park and Planning Commission (“ the Commission”) is seeking proposals to develop the South Germantown Recreational Park pad site in the South Germantown area of Montgomery County. The Commission is considering the option of selecting a partner to develop and manage this Park pad site in accordance with the goals of the Commission’s approved 1995 Park Master Plan for the South Germantown Recreational Park; and 1999 amendment of the South Germantown Recreational Park Master Plan.

The Commission is interested in development proposals from entities that can clearly demonstrate their ability to develop, manage, operate, and maintain a significant, indoor recreational and/or outdoor recreational tennis facility at the subject pad site park that could be provided by the proposer at no cost to the Commission. If a private development partner is chosen it is the goal of the Commission to use no additional public funds other than the funding already provided by the Commission in the form of the existing utility infrastructure provided at the pad site (see a detailed description of the pad site in Section ____).

In order to qualify to participate in a public/private partnership with the Commission a development proposal must provide the following:

- A market analysis, which clearly demonstrates the market demand for the proposed uses along with an assessment and evaluation of the proposed recreational facility’s market share compared to similar recreational facilities in the pad site market area;
- A financial analysis of the proposed facility’s development cost, debt service cost, retail promotion, operational and maintenance cost which demonstrates or supports the position that a privately developed, managed and maintained recreational tennis facility can be developed and/or operated more effectively with private sector involvement; or

That the development and operation of a new, or different type of recreational facility not identified in the adopted master plan for the South Germantown Recreational Park is needed; has demonstrated market support, and can be developed and/or operated more effectively with private sector involvement. If a different type of development program and concept plan can accomplish or exceed the goals and objectives of the adopted master plan for the South Germantown Recreational Park the proposer must clearly demonstrate their proposal is superior to the adopted tennis facility use identified for the subject pad site and that their proposal can be developed and/or operate more effectively with private sector involvement.

The Commission will determine in its sole discretion if there is significant advantage to a public/private partnership. Absent such a determination, it will proceed with the design and construction of a tennis facility on the subject site independently.

A. South Germantown Recreational Park Development Background

In 1995 the Commission approved the Master Plan for the development of the South Germantown Recreational Park which included the establishment of a public / private partnership with the Maryland Soccer Foundation, Inc. to create the SoccerPlex a major soccer recreational facility for the northern part of Montgomery County. The development of the park included the initial development of 13 irrigated soccer fields, and an indoor soccer arena with ancillary parking and rest room facilities. Additional master planned facilities included a central park and pond area, an archery range, golf driving range, ice rink, adventure playground, a splash park, miniature golf, an indoor pool, nature center, a BMX bike track and a maintenance facility. In 1995 the master plan was amended to include the development of a total of 22 soccer fields, a championship field, 2 community use football fields soccer fields, a BMX bike track, a miniature golf course, a nature center, and an indoor/out door tennis facility, (See Part 4, Exhibits A-1 & A-2).

B. Program Goals, Objectives and Joint Development Expectations

The 1998 Park, Recreation and Open Space Plan identified the following goal for Montgomery County Parks: To acquire and maintain a system of natural areas, open spaces, and recreation facilities developed in harmony with the County's natural resources to perpetuate an environment fit for life and fit for living.

The Commission's objectives with regard to this Request for Proposals are as follows:

- To create an opportunity to fulfill a recognized public need and demand for a tennis facility at the subject pad site without the use of taxpayer funding for the project;
- Determine whether joint, public/private development for a new tennis facility at South German town Recreational Park is a superior method to service the park, recreation, and open space needs of County citizens;
- Obtain a Park development program and concept that satisfies the Park, Recreation, and Open Space Strategic Plan needs as articulated in the 2005 Land Preservation, Parks and Recreation Plan;
- Realize better citizen access to park, recreation and open space assets through better facilities and programs, more efficient management, more effective marketing, lower user fees, or a revenue flow to the Commission;
- Select a Development Partner and a joint development arrangement that:
 1. Privately fund 100% of the proposed facility;

Pad Site –Existing Conditions Description

1. See Part 4, Exhibit A – Description of Leased Premises;
2. See Part 4, Exhibit B – South Germantown Recreational Park Vicinity Map;
3. See Part 4, Exhibit C – South Germantown Arial View of the Pad Development Site;
4. See Part 4, Exhibit D – Pad Site Water And Sewer Concept Plan;
5. See Part 4, Exhibit E – SoccerPlex fields 18 to 2 Erosion And Sediment Control Plan 3 Phase 1;
6. See Part 4, Exhibit F – South Germantown Indoor Swim Center Site Plan & Details;
7. See Part 4, Exhibit G – South Germantown Indoor Swim Center Landscape Plan/Planting Plan;
8. See Part 4, Exhibit H – Originally Proposed Germantown Athletic Complex – Concept Plan Part – 1 of 2; and
9. See Part 4, Exhibit I – Originally Proposed Germantown Athletic Complex – Part 2 of 2.

2.2. Scope of Services (Requirements)

Responses to this Request for Proposals will be required to submit a Development Program, Park Operating Proforma, Site/Facility Concept Plan, and a specific Joint Development Business Proposal. The Development Program and Site/Facility Concept Plan will describe and illustrate the recreation facility and open space proposed and include a statement of the public purpose of the program supported by a detailed explanation of how the Development Program and Concept Plan will satisfy County needs as described in the South Germantown Recreational Park Master Plan.

The Joint Development Business Proposal will detail the private sector’s responsibilities with regard to capital investment, management, marketing and maintenance of its facility. The Developer’s capital and operating costs will be identified. Attendance projections and user fees for the facility is required in the Joint Development Business Proposal. As part of the Joint Development Business Proposal the Offeror must identify the name and the type of entity the Commission will be partnering with. In addition, the nature of the business arrangement as it relates to the ownership and/or lease of land and facilities must also be detailed.

Each RFP development proposal response must address the goal stated above and respond to the following questions in their submission:

1. Is the project economically feasible? (provide a project development, management and maintenance proforma identifying and justifying all sources and uses of funds;
2. Will the general public and immediate community be well served by the presence the proposed park project?
3. Will there be sufficient access to the proposed facility for the local community and will they receive the recreation amenities that they need in their neighborhood? and
4. Will there be sufficient access to the facility and the programs offered by the proposed park development proposal for all groups regardless of their ability to pay?

2.2. a. Proposal Submission Requirements:

Responses to this Request for Proposals will be required to submit: (1) A Facility Development Market Analysis; (2) A Facility Management, Maintenance and Income Budget Proforma; (3) A Site/Facility Design and Development Concept Plan (and phasing plan, if needed) and a total facility development cost estimate; (4) A proposed Joint Development Business Plan identifying the obligations of the facility development developer and requested obligations of the Commission; (5) A Facility Development Financing Plan (including the identification and certification of funding commitments by a financial institution certifying funding for: (a) immediate-term construction financing and (b) long-term facility financing.

The Development Program and Site/Facility Concept Plan will describe and illustrate the recreation facilities and open space proposed and include a statement of the public purpose of the program supported by a detailed explanation of how the Development Program and Concept Plan will satisfy County needs as described in the 2005 Land Preservation, Parks and Recreation Plan will be required.

The Joint Development Business Proposal will detail the private sector's responsibilities with regard to capital investment, management, marketing and maintenance of its facility. The Developer's capital and operating costs must be identified and certified as supported and secured by a financial institution. Facility attendance projections and user fees for the facility are also required in the Joint Development Business Proposal. As part of the Joint Development Business Proposal the offeror must also identify the name and type of entity the Commission will be partnering with. In addition, the nature of the business arrangement as it relates to the ownership and/or lease of land and facilities must be detailed.

2.3 b. A Detailed Facility Development Schedule

If an attractive joint development concept and business proposal is identified, the Commission intends to award to a Developer the exclusive rights to lease the pad site and construct all land and building improvements on behalf of both parties. The Commission will own the land and, at its sole discretion, may, or may not, contribute to the leasehold improvements. The developer would be empowered to develop the Park using either the design/build method or the design/bid/construction method.

The developer will be charged with the timely completion of all construction activities within a mutually negotiated Detailed Project Schedule under a Development Agreement between the developer and the Commission. Such developer would be held to the schedule or face default provisions. As envisioned under a Lease Agreement, at the end of the lease period the leasehold interests will revert to the Commission for the sum of \$1 and other considerations, or the improvements upon the property shall be removed. The maximum least-term period allowed by law is 40 years.

2.3 c. Pre-Bid Meeting:

A pre-bid meeting at the site will be conducted by the procurement, partnership and park development staffs in order to respond to any technical partnership and/or existing site development issues.

2.3 d. Public Meetings

Proposers found to be qualified as responsive will be required to make a presentation of their proposal at two (2) public meetings hosted by the Commission as follows: (1) in a preliminary the local community public and (2) before the Montgomery County Planning Board at a public hearing for Planning Board approval before a public-private partnership project can be approved.

2.3 e. Public / Private Partnership Policy & Public/Private Partnership Committee Review

All proposals must comply with not only the scope of services and criteria contained in this RFP but also comply with the Maryland National Capital Park and Planning Commission's 2007 adopted Policy for Public Private Partnerships. (See attachment ____). The Montgomery County Department of Park Public/Private Partnership Committee will serve as the Commission's review panel for this RFP solicitation.

2.5 Proposal Format and Content

Offerors will provide seven (7) sets of its proposal, one (1) original and six copies for evaluation. All pages of the proposal must be numbered. The proposal submitted should be specific and complete in every detail. It should be practical and should be prepared simply and economically, providing a straight forward, concise delineation of proposed program of service and the capabilities to satisfactorily perform the services being offered.

To aid in the evaluation, it is desired that all proposals follow the same general format, as described below and contain the following information:

Section 1. Letter or Transmittal

An introductory letter indicating the name of the Offeror's firm, address, phone, fax and e-mail contact address. The letter must be signed by a person authorized to make such a submission.

Section 2. Executive Summary/Corporate Capability

An Executive Summary, which describes the Offeror's qualifications and discusses major facts or features of the Proposal. Include any conclusions, assumptions, and recommendations the Offeror desires to make. Provide a brief history of the firm highlighting experience in projects similar to the one herein proposed.

The Offeror should demonstrate their ability to undertake the project as described in the Development Program as well as their ability to operate and maintain the project if so proposed. Other relevant, similar projects with references must be presented. For each project reference the role of the Offeror in the design, financing, construction, operations and maintenance of the project in detail. To the extent that the Offeror has subcontractors, the qualifications of any subcontractors are to be presented with references.

Identify the designated Project Manager and his/her specific experience in implementing projects of this nature.

Submit a Development Program Statement summarizing the Offeror's qualifications and the Offeror's Site/Facility Concept and how it satisfies the Commission's goals for this project. The Program Statement will describe the development program, operations and the roles and responsibilities of the private and public sector. The Development Program Statement must, at a minimum, concisely describe:

- a. How the Development Program satisfies the adopted Park, Master plan;
- b. How the Development Program demonstrates that joint, public/private development at South Germantown Recreational Park is a superior method to service the park, recreation, and open space needs of County citizens;
- c. How the Development Program provides for better citizen access through better facilities and programs, more efficient management, more effective marketing and/or lower user fees.
- d. The proven capabilities of the Offeror to enter into a joint development arrangement to create a superior park, recreation, and open space product in South Germantown.
- e. How the Development Program saves the Commission money or better leverages its investment.

Section 3. Development Program

Offerors shall describe the facility their Development Program proposes for the Park. Respondents must describe their proposed development program and how it satisfies the Commission's objectives. A table must accompany the description of the program enumerating key aspects of the Development Program.

Section 4. Capital Costs

Offerors shall detail the capital costs associated with developing each component of the Development Program as well as the funding sources. Capital costs must include both hard and soft costs and a contingency reserve. Offerors should assume all responsibility related to design and engineering. The proposal must detail in a table which costs are to be covered by the Offeror and which costs are to be covered by the Commission. Offerors must explain why the capital cost allocation between the Commission and the Offeror is equitable.

Section 5. Park Operating Proforma (Utilization Profile)

The Commission is interested in understanding who will be using the proposed facilities and when. For example, if the Offeror proposes a tennis complex, the Commission is interested in understanding how much of the time the tennis courts would be used for team or league play. Proposals must also include a utilization profile that demonstrates facility use by user group, by day of week and by time of day.

a. Cost to Access

The Commission is interested in understanding how much it will cost for a Montgomery County citizen to access the proposed tennis facility. It may be that it costs the average citizen nothing to access the facilities. It may be that it costs to access the facilities and it is pay-as-you-go. It may be that it costs to participate in a league, but when the facilities are not used by the league(s) it costs citizens nothing. Offerors must describe in detail the costs to access the facilities proposed in their Development Program. **If leagues are to use facilities league costs must be identified. If there are costs to access facilities, please describe why these costs are necessary and reasonable.** All offerors must also identify scholarship programs ear-marked for the underserved public describing how many scholarships will be offered and how the program will be managed in order to insure public facility utilization inquiry in the park.

b. Marketing and Maintenance Responsibilities

M-NCPPC is interested in understanding the marketing and maintenance of the Offeror's Development Program. Please describe the marketing and maintenance of the facility in the Development Program. Identify the costs to market and maintain the Park during pre-opening, start-up and during stabilized operations must be provided on a monthly basis.

c. Operating Proforma

Given the Offeror's assumptions with regard to capital costs, utilization, fees, and operating and maintenance costs, please provide an Operating Proforma for the facility. The Operating Proforma will detail projected operating revenues and operating costs. The proforma should clearly demonstrate how revenues and costs are allocated by the Offeror. The sources to cover costs must be identified. The plan should include a build up for reserves capital replacement and operating reserves to offset revenue shortfalls and/or unanticipated expenses.

Section 6. Business Proposal

In this section Offerors must clearly articulate all aspects of their Business Proposal. At a minimum, the following must be provided:

- a. The name of the entity with which the Commission will partner;
- b. A legal description of the type of entity with which the Commission will partner;

- c. The identification and qualifications of the person representing the entity;
- d. A description of the entity's or Commission's financial and management responsibilities as it relates the design, financing, construction, management, marketing and maintenance of the Park facilities.
- e. Financial guarantees and the persons or entities providing same;
- f. The specific fees the entity will program as it relates to the construction, management, marketing and/or management of the tennis facility. These fees will be considered binding;
- g. As appropriate the land and facility conveyance method(s) (for example land lease or user agreement);
- h. A binding project schedule detailing the timing associated with the design and construction of the facility.
- i. Default provisions; and
- j. Other aspects of the business arrangement deemed relevant

Section 7. Site/Facility Concept Plan

The scale, appearance, and environment created by the Development Program must be clearly understood by the Selection Committee. All elements depicted in the Site/Facility Concept Plan and illustrative sketches must be reflected in the Offeror's Business Proposal. Depictions of facilities must be consistent with the capital costs presented in the financial section of this RFP. Elements contained in the Site/Facility Concept Plan and illustrative sketches that are not reflected in the respondent's proposed Business Proposal will be borne by the developer upon their selection. (For example, if an illustrative site plan identifies extensive landscaping as part of the proposed development and the cost of the landscape improvements were not properly captured in the proposed project development budget, the Offeror is obligated to cover the cost of the improvement as presented). Therefore, Offeror must submit the following design products.

a. Conceptual Site Development Plans

Respondents are required to develop a Conceptual Site Development Plan with all uses depicted and clearly labeled. The Site Plan must incorporate the adjacent Montgomery County Swim Center. Site plans must clearly label the recreation facility and the existing adjacent park amenities. Parking, vehicular and pedestrian access must be identified. Conceptual Site Development Plans must seek to reflect the Commission's mission "to improve the quality of life by conserving and enhancing the natural and developed environment for current and future generations." **Site plans must be at a scale of 1"=200'.**

b. Illustrative Sketches (Three Minimum)

A minimum of three illustrative sketches of the Park facility are required. Two (2) sketches should be from a street-level perspective; and one (1) should be a birds-eye view perspective. These sketches are to illustrate the environment that the Proposer wishes to create given open

space, recreation facility design and building orientation on the pad site, and parking and circulation requirements. Respondents may provide additional illustrative sketches, as they deem necessary to communicate the environment they seek to achieve on the site(s).

Illustrative sketches must be at a scale of 1"=200'.

Section 8. References

- a. Provide a list of references, which demonstrate the Offeror's experience with projects similar in nature. The Offeror should submit at least four (4) governmental agencies, banks, commercial or recreation operations firms with whom the Offeror has conducted related business transactions during the past three years.
- b. If any surety or bonding company has ever been required to satisfy a claim on the Offeror's behalf or perform upon default of the Proposer or any principals of or individual associated with the Offeror, provide the name and address of the surety or bonding company, and describe the circumstances of such claim or default.
- c. If the Offeror or any of its principals or individuals associated with the Offeror has ever declared bankruptcy, either personally or as a principal of a business entity describe the circumstances of the bankruptcy including but not limited to the amount of indebtedness, the court where filed, date filed, and the name and address of the party (ies) that filed bankruptcy.
- d. Provide detailed information regarding litigation, liens, or claims involving the Offeror, or any principals associated with, the Offeror.

Section 9. Minority Status and Participation

For the Professional Services category, Minority (African American-owned), and Disabled-owned firms, which meet certain requirements and have been approved as eligible by the Fair Practice Office, receive an evaluation preference (ten points under the evaluation criteria). A copy of the letter of approval issued by the Fair Practice Office must be attached to the Offeror's response in order to receive an evaluation preference. **The evaluation preference programs does not pertain to Minority, Female or Disabled owned firms participation as subcontractors, but to prime Contractors only.**

The Commission has a strong economic and social program prohibiting discrimination of any kind. This RFP has significant subcontracting opportunities and, therefore, each Offeror must demonstrate compliance with the Commission's Non-Discrimination in Subcontracting Program. An MFD subcontracting level of participation of 20 percent (20 %) has been established for this RFP. A Nondiscrimination in Subcontracting Bid Form must be completed and signed by an authorized person in order to be deemed responsive.

The Commission encourages an equity ownership structure of the developer entity, which includes a minority business enterprise. For purposes of this provision, a minority business

enterprise shall have the meaning ascribed to that phrase in Section 14-301 of the State Finance and Procurement Article of the Annotated Code of Maryland.

2.3 Evaluation Criteria

All proposals will be evaluated by an evaluation committee according to the criteria as listed under the Evaluation Criteria. After the initial review of proposals, the Commission may request discussion, presentations, or clarification of the portions of the proposals with the Offeror's who submit proposals determined to be reasonably capable of being selected for award.

Oral presentations may be requested by the evaluation committee. It is expected that proposed key project team member would be present at the oral presentation and be able to respond to questions from the evaluation committee. Offerors are advised that an award may be made without discussions. Therefore, the initial proposal should provide the evaluation panel with sufficient information to recommend an award without discussions.

Proposal evaluation will be based on the following weighted criteria: (where are we building in the reasonableness of the financial plan and the financial benefit to the public of the partnership?

- | | |
|--|-------------|
| 1. Corporate Capability, Experience, Past performance and References | 0-20 points |
| 2. Proposed Development Program and Public Accessibility | 0-30points |
| -A. reasonableness of the financial plan; | |
| -B. financial benefit to the public from a partnership | |
| 3. Capital Costs and Cost to Access the Facility | 0-25 points |
| 4. Qualifications and References of Proposed Development Team | 0-15 points |
| 5. Minority Status (approved prime contractors only) | 10 points |

Confidentiality:

The Commission is aware that due to the nature of this solicitation that some areas of a proposer's proposal may contain proprietary corporate and financial information. Please identify those sections of your proposal, which you would like to be kept confidential. These sections will be kept in confidence.

Developer Selection Process:

The selection committee will identify either one (1) or up to 1-3 most qualified developers for this solicitation. Upon selection of the most qualified developer the selection committee will conduct a public meeting with the public in order for each qualified developer to present their proposal for public information and comments for the Commission's consideration.

The selection committee will then recommend the most responsive developer for the Planning Board's review and consideration. The final selection of the most qualified developer will result in a decision from the Planning Board in a public hearing with the advice and recommendation of Commission staff and public comments.

2.4 Special Conditions

1. Draft Contract and Term. Attached is a sample Contract. Offerors are asked to review the sample contract and submit any objections to the contract, with their proposal. If no objections are submitted with the proposal, the successful Offeror will be required to sign a final contract within seven (7) calendar days after notification of award.

2. Insurance Requirements. The Contractor shall be required, simultaneously with the execution of the contract, to furnish the Contract Administrator satisfactory proof of insurance required by the Insurance Checklist. In addition to the general insurance requirements described in the Checklist, the Contractor must maintain in full force and effect Professional Liability Insurance.

3. Subcontracting or Assigning. The proposal shall clearly indicate the proposed subcontractors to be utilized to accomplish the Scope of Services (when applicable). Once a contract has been awarded to the successful Offeror, no portion of the resulting contract shall be subcontracted, assigned or otherwise disposed of except upon written consent of the Contract Administrator (s). Any assignment, subcontract or other disposition of all or part of this contract without express written consent of the Contract Administrator shall be null and void. Consent to subcontract, assign or dispose of any portion of the contract shall not be construed to relieve the Contractor of any responsibility for fulfilling all the requirements of the contract. Nothing contained in the proposal or contract documents shall create any contractual relationship between any subcontractor and the Commission. The Subcontracting Utilization report must be submitted with the proposal.

4. Confidentiality of Commission Materials/Information. The Contractor agrees to hold all materials and information belonging to the Commission in strictest confidence and not to make use thereof other than for the performance of contractual obligations, to release it only to employees requiring such information and not to release it to or disclose it to any other party. Any information of a restricted nature provided to the Contractor by the Contract Administrator or his designee in the course of Contract implementation shall be handled in accordance with restrictions placed thereon by the Contract Administrator. Information or documents given to or generated by the Contractor in the course of contract implementation shall be considered restricted information and subject to handling and dissemination restrictions as specified herein and/or as specified by the Contract Administrators. The Contractor shall indemnify and save harmless the Commission, its officers, agents and employees, from all liability which may be incurred by reason of dissemination, publication, distribution or circulation, in any manner whatsoever, or any information, data documents, or materials pertaining in any way to this contract by the Contractor, its agents or employees.

5. Right of Ownership. All material and work items produced by the Contractor and any subcontractors shall be the sole property of the Commission. Under no circumstance shall the selected Contractor use or disseminate this information, in any form to any outside parties. The integrity of the data and survey forms, especially the confidentiality of the survey respondents, must be maintained.

6. Official Records. The Contractor agrees that none of the Commission's records will be removed from the Commission's premises.

7. News Releases. All Offerors, prior to award and the successful Contractor after award shall not make any news releases concerning this Contract without the prior written permission of the Contract Administrator.

8. Debriefing of Unsuccessful Offerors. Upon written request made within fifteen (15) calendar days after contract award, the Purchasing Office will provide any unsuccessful Offeror with a discussion of the Commission's evaluation of its proposal, citing the deficiencies and weaknesses. Point-by point comparisons with the proposals of others will not be made. Debriefings will not include discussions of information contained in other Offeror's proposals.

9. Access to Additional Project Related Information. All inquiries related to this RFP must be made to the Purchasing Division 's point of contact. All persons interested in the RFP, or the Project generally, and all persons with Project related inquiries are requested, prior to initiating inquiries, to review the following Project information at the Commission's web address: <http://mcparkandplanning.org>.

Part 3

OVERVIEW OF FORMS

Attachment 3.1 Vendor Information Form

Attachment 3.2 Insurance Checklist Form

Attachment 3.3 Non-Discrimination in Subcontracting Form

Attachment 3.4 Proposed Subcontractor Verification Form

Attachment 3.5 Minority Female and Disabled Verification Form

Attachment 3.6 Sample Contract

Attachment 3.7 Public/Private Partnership Policy 2007

Attachment 3.8 Pad Site – Existing Conditions

Part 3 – Forms

A. Submit the following REQUIRED FORMS as part of your proposal response:

1. APPROVAL LETTER FROM FAIR PRACTICE OFFICE FOR CERTAIN MFD VENDORS ELIGIBLE FOR PRICE (EVALUATION) PREFERENCE. Attach a copy of the letter of approval issued by the Fair Practices Office verifying the Offeror is eligible to receive price (or evaluation) preference. The copy of the approval letter must be included with your proposal response. The letter must be current (check the expiration date in the letter) and specify that your firm is eligible for a price (evaluation) preference for the **PROFESSIONAL SERVICE** major procurement category.

2. VENDOR INFORMATION FORM. If the Offeror and/or the Offeror's subcontractors have not submitted a Vendor Information Form, please complete form and submit with proposal or mail to the address indicated on the form. (Attachment 3.1)

3. INSURANCE CHECKLIST. (Attachment 3.2)

4. NON-DISCRIMINATION IN SUBCONTRACTING FORM. This RFP has significant subcontracting opportunities and therefore, each respondent must demonstrate compliance with the Commission's Non-discrimination in Subcontracting Program. This RFP falls into the Professional Services category. **An MFD subcontracting level of 20% has been established for this RFP.** Non-discrimination in Subcontracting Bid form must be completed and signed by an authorized person in order to be deemed responsive. Please check the appropriate box on the form and return with the proposal. (Attachment 3.3)

5. PROPOSED SUBCONTRACTOR UTILIZATION FORM This form is required at the time the proposal is submitted. The Offeror is required to submit a detailed breakdown (type, amount, percentage of total project) of all work to be performed by the Offeror and each Subcontractor. (Attachment 3.4)

6. MINORITY FEMALE AND DISABLED VERIFICATION FORM. (Attachment 3.5)

Part 4

ATTACHMENTS

Exhibit A – Description of Leased Premises;

Exhibit B – South Germantown Recreational Park Vicinity Map;

Exhibit C – South Germantown Arial View of the Pad Development Site;

Exhibit D – Pad Site Water And Sewer Concept Plan;

Exhibit E – SoccerPlex fields 18 to 2 Erosion And Sediment Control Plan 3 Phase 1;

Exhibit F – South Germantown Indoor Swim Center Site Plan & Details;

Exhibit G – South Germantown Indoor Swim Center Landscape Plan/Planting Plan;

Exhibit H – Originally Proposed Germantown Athletic Complex –Concept Plan Part – 1 of 2;

Exhibit I – Originally Proposed Germantown Athletic Complex – Part 2 of 2.

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
Department of Finance, Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1603 Fax: 301-454-1606

DRAFT (Revised)

The Maryland–National Capital Park and Planning Commission (Commission) hereby invites proposals from interested firms in accordance with this Request for Proposal (RFP) as set forth herein. The enclosed sections contain information related to the below Project and this information is provided to all prospective Offerors.

Proposal No.: RFP 27-115

Proposal Name: Laytonia Park Development

Pre-Proposal Conference:

**Maryland-National Capital Park and Planning Commission
Montgomery County Regional Office
8787 Georgia Avenue
Silver Spring, Maryland 20910**

Due Date: Written Proposals must be received no later than 11:00 a.m. on to the Commission's Purchasing Division.

Number of Copies: One (1) original and six (6) copies bound and sealed.

Delivery of proposals to the Purchasing Division, 6611 Kenilworth Avenue 3rd floor, Suite 300, Riverdale, Maryland 20737, may only be made during Commission business hours, 8:00 A.M. to 5:00 P.M., Monday through Friday. The submittal should have the Proposal No. RFP 27-115 indicated on the outside of the package or envelope.

Proposals delivered to any location other than the Purchasing Division Office listed above will not be considered. Oral, telephonic, telegraphic and facsimile proposals will not be accepted. If a proposal is sent by mail or courier service, the Offeror assumes full responsibility for its timely delivery to the designated location. Proposals received after the date and time specified for receipt of proposals will be rejected and returned unopened.

Offerors are to conform to the procurement conditions herein, including those for Subcontracting. The proposal shall clearly indicate the proposed subcontractors to be utilized to accomplish the Scope of Services.

This RFP has significant subcontracting opportunities and, therefore each Offeror must demonstrate compliance with the Commission's Non-Discrimination in Subcontracting Program. An MFD subcontracting level of participation of ten percent (10%) percentage

has been established for this RFP. A Nondiscrimination in Subcontracting Bid Form must be completed and signed by an authorized person in order to be deemed responsive.

For the Professional Services category, African American, and Disabled owned firms, that meet certain requirements and have been approved as eligible by the Fair Practice Office, receives an evaluation preference. A copy of the letter of approval issued by the Fair Practice Office must be attached to the Offeror's response in order to receive an evaluation preference.

All inquiries regarding this proposal are requested be made to Jana Harris, Principal Procurement Specialist, (301) 454-1603 phone, fax (301) 454-1606 or e-mail Jana.Harris@MNCPPC.org, or CentralPurchasing@MNCPPC.org.

Jana M. Harris
Principal Procurement Specialist

Part 1

GENERAL INFORMATION and GENERAL CONDITIONS

PART 1: GENERAL INFORMATION

PRE-SUBMISSION INFORMATION

Examination of Proposal Documents

Offerors must examine all of the solicitation documents very carefully and must tailor their proposal to the location and requirements of the proposed work. The submission of a proposal indicates that the Offeror thoroughly understands all of the terms and conditions, instructions, notices, and specifications of the proposal.

Commission Assistance in Proposal Preparation

Commission staff will not assist any Offeror or Offeror's agent in the actual preparation of the proposal. Offerors or their agents will not be permitted to use Commission telephones or other facilities in the preparation of the proposal.

Interpretation of Proposal Documents and Correction of Proposal Documents

Should a Offeror require an interpretation or clarification of any provisions of the RFP documents or related information provided by the Commission, or believe that there is an ambiguity, error, inconsistency or discrepancy in these documents or information, the Offeror must notify the Commission in writing at least five (5) working days prior to the date set for receipt of proposals.

A Offeror who fails to request any such interpretation or clarification waives any claim for additional cost or time spent addressing any ambiguity, error, inconsistency or discrepancy in any such documents or information which is found to have been apparent at the time of receipt of proposals.

All interpretations, clarifications, corrections, changes or other directions related to these requests of Offerors will be provided in writing by the Commission and sent to all prospective Offerors who obtained copies of the documents and information from the Commission.

Extension of Proposal Opening

The Commission may extend the proposal opening date at its option. If the date is extended, the Commission will notify all prospective Offerors who have obtained copies of the proposal documents from the Commission.

Response to Solicitations

In the event a firm does not submit a proposal on this solicitation, the firm should respond with an explanation as to why the firm is unable to do so. Because of the large number of firms listed on the Commission's bidders list, it may be necessary to delete from this list the name of those firms that repeatedly fail to respond to Commission solicitations for proposals. The return of a "No Proposal" is not considered a failure to respond.

PREPARATION and SUBMISSION of PROPOSALS

The Offeror should submit an original and (6) copies of the proposal as indicated in the RFP announcement. The proposal must be:

Initialed by the Offeror where there are erasures or other changes in the proposal.

Signed in ink by authorized principals with the Offeror's legal name fully stated. Corporations must give the state in which incorporated, using phrase "A Corporation organized under the laws of the State of _____". Partnerships must give names of partners, using phrase "Co-partners, doing business under the firm name of _____". Individuals using a trade name must give the individual name, using phrase "An individual doing business under the trade name of _____".

Submitted in accordance with the format as specified in the section titled Proposal Format. Proposals may be submitted as the Offeror may determine, but the proposals must follow the prescribed format as to the requirements of content and order of content.

Fully completed by the Offeror, including all information requested and any attachments that may be required.

Enclosed in a sealed envelope, the face of which shall indicate the RFP Number, time, and date of opening, and title of the proposal.

Received on or before the time, date and at the location specified in the RFP Announcement herein. Facsimile or electronic proposals will not be accepted.

RECEIPT and OPENING of PROPOSALS

Proposals received prior to the date and time specified for the receipt of proposals will be securely kept, unopened. The Commission representative, whose duty it is to open the proposals, will decide when the specified opening time has arrived. If the Offeror to whom an award is made should fail to execute the contract (see Attachment section for sample contract) or deliver any insurance certificates within the time specified:

1. The award may be annulled and the project awarded to the Offeror ranked second under the evaluation criteria, who shall be required to fulfill all stipulations as if such Offeror were the original Offeror to whom the award was made, or
2. The Commission may reject all remaining proposals.

Unless otherwise stated in the Scope of Services Section, the Commission reserves the right to award in the aggregate or to make separate awards.

The Commission reserves the right, when reviewing proposals for award, to waive minor informalities or irregularities in the proposals and in the proposing procedure. The Offeror to whom the award is made will be notified at the earliest possible date.

The Commission reserves the right to reject any or all proposals, and to reject any or all optional items included in the proposal.

BID PROTESTS

Any actual or prospective Offeror who is aggrieved in connection with the solicitation of bids or award of a purchase may protest to the Commission's Purchasing Manager. Protesters are urged to seek resolution of their complaints initially with the Purchasing Manager. A protest related to a Request for Proposals shall be submitted in writing prior to the closing date for the proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to closing date for proposals. The protest shall be submitted in writing and received within 10 business days after such aggrieved person knows or should have known of the facts giving rise to the protest.

The protest must include:

- The name and address of the protester;
- Identification of the solicitation or purchase;
- Statement of reasons for the protest;
- Any supporting documentation to substantiate the claim made, unless the documentation is not available within the protest delivery time, in which instance the expected date the material will be available is to be stated; and
- The remedy sought.

The Purchasing Manager shall, upon written request, make available to the protester information submitted that bears on the substance of the protest except where information is proprietary or otherwise confidential. The protester shall submit any additional information requested by the Purchasing Manager within five calendar days after receipt of the request for such information. Failure of the protester to respond to a request for information may result in the resolution of the protest on the basis of available information.

The decision of the Purchasing Manager shall be final and conclusive; unless fraudulent, or:

- Within 10 business days from receipt of the written decision, the protester mails or otherwise furnishes a written appeal to the Executive Director, or
- Any person adversely affected by the decision commences an action in court.

The decision of the Executive Director shall be final and binding.

PART 1: GENERAL CONDITIONS

ETHICS IN PROCUREMENT

By submitting a bid, the Offeror agrees to adhere to the Commission's policy on ethics in purchasing. This policy prohibits any person from offering, giving, or agreeing to give any Commission employee or former Commission employee a gratuity or an offer of employment in connection with any aspect of Commission procurement. Further, payment or offers to pay contingent fees related to procurement of Commission purchases are prohibited except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business. Potential Offerors are urged to review the ethics policy in detail. Copies may be requested from the Purchasing Division (phone: 301/454-1600).

SPECIFICATIONS

All work must be furnished in accordance with the Scope of Services Section of the RFP.

COMPLETION OF WORK

Upon award of the proposal, Offeror must be prepared to complete/deliver the work within the time stated in the proposal.

ANTI-DISCRIMINATION PROGRAM

This RFP falls into the major procurement category of Professional Services. For the Professional Services category, African American and Disabled owned firms, which meet certain requirements and have been approved as eligible by the Fair Practice Office, receive an evaluation preference. A copy of the letter of approval issued by the Fair Practice Office must be attached to the Offeror's response in order to receive an evaluation preference.

By submitting a proposal, an Offeror shall understand and agree to:

- Not discriminate against minority, female and disabled-owned firms (MFDs) in the selection of subcontractors on Commission contracts. For contracts with subcontracting opportunities, Offerors are required to provide MFDs the opportunity to submit proposals as subcontractors and to award those MFDs submitting low proposals the subcontracts unless there are legitimate reasons not to do so. On certain contracts, the Commission will require Offerors to submit standard forms with the proposals that indicate how they have complied with the

subcontracting non-discrimination requirements. The Special Instructions section of the RFP specifies whether these forms must be submitted.

- Not discriminate against MFDs in their performance of work as subcontractors on Commission contracts.
- Submit forms verifying payment to subcontractors throughout the course of a contract. Not discriminate against any employee or applicant for employment because of age, sex, race, creed, disability or national origin. If a firm is determined by a final order of an administrative agency or a court to be in violation of federal, state or county non-discrimination laws, any agreement entered into by the Commission with a firm may be terminated or suspended in whole or in part by the Commission, and the firm may be debarred from proposing on future contracts with the Commission.

This RFP has significant subcontracting opportunities and, therefore each Offeror demonstrate compliance with the Commission's Non-Discrimination in Subcontracting Program. The subcontracting non-discrimination program shall apply not only to the initial contract award, but also to certain major change orders and amendments that serve to increase the dollar value of the initial contract.

Any violation of the Commission's Anti-Discrimination Program may result in suspension or debarment of the violator as well as other civil or administrative remedies. A minority-owned business is any entity that engages in commercial transactions and is at least 51 percent owned and controlled by one or more individuals from the following groups: African Americans (all persons having origins in and of the black racial groups of Africa), Hispanics (all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race), Asians or Pacific Islanders (all persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands), and Native Americans (all persons of American Indian, Aleut, Eskimo or Native Hawaiian background). A female-owned business is any entity that engages in commercial transactions and is at least 51 percent owned and controlled by one or more women. A disabled-owned business is any entity that engages in commercial transactions and is at least 51 percent owned and controlled by persons with physical or mental impairment that substantially limits one or more of the major life activities of the individual, as defined in the Americans with Disabilities Act of 1990.

The Anti-Discrimination Program includes an evaluation preference program for eligible MFDs. The purpose of the evaluation preference program is to remedy the effects of private marketplace discrimination that impact the opportunity for certain groups of firms to effectively compete for Commission purchases. To be approved as eligible for the price preference program, a firm must meet specific criteria with respect to ownership status, geographic location of business, annual gross receipts, and certification status. An MFD Price Preference Program Eligibility Verification Form is attached and describes the eligibility requirements. Forms are also available from the Fair Practices Office 301/454-1740.

Part 2

REQUIREMENTS

- 2.1 Introduction**
- 2.2 Scope of Services-Requirements**
- 2.3 Proposal Format & Content**
- 2.4 Evaluation Criteria**
- 2.5 Special Conditions**

REQUEST FOR PROPOSALS LAYTONIA PARK DEVELOPMENT

2.1 Introduction

Maryland-National Capital Park and Planning Commission (“ the Commission”) is seeking proposals to develop the Laytonia Recreational Park in the Gaithersburg-Derwood area of Montgomery County. The Commission is considering the option of selecting a partner to develop and manage this Park in accordance with the goals of the Commission’s Land Preservation, Parks and Recreation Plan. The Commission has \$9.882 million of capital improvement money appropriated to invest in the Park.

The proposed development funding in Commisison’s the 6-year Capital Improvements Plan (CIP) for Laytonia Recreational Park requests \$ 9.8 million in public, tax-exempt bonds. The use of tax-exempt bonds may pose conflicts with IRS regulations relative to the restricted use of tax-exempt funding and private use(s). This determination has been made by the Montgomery County Department of Finance. Based upon this finding, the Commission will not include any County funding in the private development of the park if a private developer is selected.

There are some ways to structure a transaction with private use without triggering a tax-exempt bond problem. They would involve very limited “private payments” to the Commission and/or an operating contract based on a fixed fee. Private payments include not just rent, but other investment such as private construction of facilities and private party operation/maintenance responsibilities. It may be difficult to structure the Laytonia transaction in a way that would conform to tax-exempt bond regulations. Private developers interested in pursuing this funding arrangement may proceed at their own risk. Both the Commission and the Montgomery County Department of Finance will need to review all Laytonia RFP proposals requesting the use of tax-exempt bond funding. The Commission will seek the advise and council of the County Finance Department, OMB and Montgomery County Council to discuss the private use issues on this project as well as other projects to obtain their guidance before rendering a final decision on this type of financial development proposal.

The Commission is interested in development proposals demonstrating that a public/private partnership can create a park, recreation, and open space asset at no cost or at a reduced public cost to the citizens of Montgomery County. To engage in a public/private partnership development proposals must provide the following:

- An operational guideline which demonstrates or supports that the current Latonia Park Facility Plan can be developed and/or operated more effectively with private sector involvement; or
- That a development and operation of a modified Latonia Park Facility Plan is still consistent with County park, recreation and open space needs can be developed and/or operated more effectively with private sector involvement; or
- If a different Latonia Park development program and concept plan can accomplish County park, recreation and open space needs (as detailed in the 2005 Land Preservation,

Parks and Recreation Plan) the Park can be developed and/or operated more effectively with private sector involvement.

The Commission will determine in its sole discretion if there is significant advantage to a public/private partnership. Absent such a determination, it will proceed with the design and construction of Laytonia Park independently.

A. Laytonia Recreational Park Development Background

Initially, the Commission envisioned owning and operating Laytonia Recreational Park. Therefore, the Commission embarked on a process wherein the Commission retained a consultant firm to create a facility plan and prepared an RFP for final design and construction documents that would complete the design, permitting and bid documents for the Park and then bid out the construction to contractors. A Request for Proposals for Consultants was issued in 2001 to support the Commission's tasks for developing a facility plan and capital budget estimate. In 2003, the Montgomery County Council approved the programming of capital funding for design and construction of the park. The Commission is poised to issue a Request for Proposals (RFP) for final design and bid document preparation, pursuant to an approved public park development expenditure schedule, requiring the design to begin in fiscal year 2007 through 2008 with construction beginning in fiscal year 2009 and completed in 2011.

Following approval of the Park Facility Plan, the Commission received a number of unsolicited proposals by private interests representing that public/private development was more advantageous to the County and its citizens. Specific advantages included more variety and better quality capital improvements, lower to no Commission operating costs, and similar or better access (in terms of cost and attendance) to citizens.

In light of these representations, the Commission has suspended the process for solicitation of proposals for final design to investigate whether private public/private development is, a better option to pursue to serve the community's interests. It is with this objective in mind that the Commission is issuing this Request for Proposals.

B. Program Goals, Objectives and Joint Development Expectations

The 1998 Park, Recreation and Open Space Plan identified the following goal for Montgomery County Parks: To acquire and maintain a system of natural areas, open spaces, and recreation facilities developed in harmony with the County's natural resources to perpetuate an environment fit for life and fit for living.

The Commission's objectives with regard to this Request for Proposals are as follows:

- Determine if there is a valid public purpose different than what is currently addresses in the Laytonia plan for use of the scarce land resource and the significant taxpayer funding for the project;
- Determine whether joint, public/private development at Laytonia is a superior method to service the park, recreation, and open space needs of County citizens;
- Obtain a Park development program and concept that satisfies the Park, Recreation, and Open Space Strategic Plan needs as articulated in the 2005 Land Preservation, Parks and Recreation Plan;

- Realize better citizen access to park, recreation and open space assets through better facilities and programs, more efficient management, more effective marketing, lower user fees, or a revenue flow to the Commission;
- Select a Development Partner and a joint development arrangement that:
 1. Privately funds 100% of the County's current public programmed public funding request in the development of the park currently estimated at \$ 9.8 million; or
 2. Funds over-50% of the Commission's requested public investment of \$ 9.8 million.

Creates a financial structure that substantially reduces the County's current \$ 9.8 million park development obligation to Laytonia Park

Each RFP development proposal response must answer each goal stated above and respond to the following questions in their submission:

1. Is the value added to the project reasonable? Why?
2. Is the financial participation offered sufficient? Why?
3. Is the project economically feasible? (provide a project development and management proforma justifying sources and uses of funds);
4. Will the general public and immediate community be well served by the presence the proposed park project in a County park?
5. Will there be sufficient access to the park for the local community and will they receive the recreation amenities that they need in their neighborhood? and
6. Will there be sufficient access to the facilities and the programs offered by the proposed park development for all groups regardless of their ability to pay?

C. Laytonia Recreational Park Facility Plan

Laytonia Recreational Park is a proposed park on 52.29 acres located at the Northwest quadrant of the intersection of Muncaster Mill Road and Airpark Drive. The park property is bordered to the north by the Pope Farm Nursery and to the west by the Seventh Day Adventist Church and Covenant Life Church. This park has an approved Facility Plan dated July 20, 2001. The Facility Plan envisions Laytonia Park as primarily a baseball complex with related infrastructure like a press box, batting and pitching cages and additional park amenities. The Facility Plan includes four lighted and irrigated baseball fields. The adopted 1998 Parks, Recreation and Open Space Master Plan established that ten additional county-wide (regional and recreational) ballfields were required by the year 2010. The proposed fields at Laytonia are designed to alleviate the lack of regulation-sized baseball fields in Montgomery County and address the increasing popularity of baseball in the County.

In addition to the baseball facilities, the approved Facility Plan layout includes hiker-biker trails, a lighted inline roller hockey rink, a lighted basketball court, restrooms, a playground, two picnic shelters, and other site amenities. The Plan includes an entrance, internal access roads, parking, and landscaping. (See Facility Plan -Laytonia Recreational Park Site Plan in *Attachment ____*)

The approved Facility Plan envisions the Park's main entrance off Airpark Road, with secondary access for right-in-right-out only at Muncaster Mill Road. Access from the main entrance is provided for the Covenant Life Church property through the park site.

The Montgomery County Council included the park in the FY 2005-2010 Park Capital Program. The total construction budget for the park is \$9,882,000. Construction is expected to begin in early 2008 and end in early 2010.

Since the adoption of the Facility Plan in July 2001, Laytonia Park now falls within a Special Protection Area (SPA). This increases the environmental issues that will need to be addressed as part of the Park's planning and design. Issues include water quality treatment, other stormwater management concerns, and minimizing impervious area.

Subsequent to the approved Facility Plan, the County earmarked part of the 52.29 acres of Parkland for a County Animal Shelter. The Animal Shelter is in the County's Capital improvements Program with design occurring in fiscal year 2006 followed by construction in fiscal year 2007. The Animal Shelter project will require significant coordination with the Laytonia Park's design, including design for the infrastructure required to serve the combined site. While the Animal Shelter's plan is not complete, the assumption is that the Animal Shelter will require approximately 6 acres of land.

D. Muncaster Recreational Park

Muncaster Recreational Park is located. The Recreational Park is developmentally constrained due to the adjacent airport. Offerors' proposal may incorporate Muncaster Recreational Parkland as long as the development program satisfies development regulations and addresses recreational objectives.

2.2. Scope of Services (Requirements)

Responses to this Request for Proposals will be required to submit a Development Program, Park Operating Proforma, Site/Facility Concept Plan, and a specific Joint Development Business Proposal. The Development Program and Site/Facility Concept Plan will describe and illustrate the recreation facilities and open space proposed and include a statement of the public purpose of the program supported by a detailed explanation of how the Development Program and Concept Plan will satisfy County needs as described in the 2005 Land Preservation, Parks and Recreation Plan will be required.

The Joint Development Business Proposal will detail the private sector's responsibilities with regard to capital investment, management, marketing and maintenance of the Park and its facilities. The Developer's capital and operating costs will be identified. Attendance projections and user fees for the various Park facilities are required in the Joint Development Business Proposal. As part of the Joint Development Business Proposal the Offeror must identify the name and type of entity the Commission will be partnering with. In addition, the nature of the business arrangement as it relates to the ownership and/or lease of land and facilities must be detailed.

A detailed schedule will illustrate how the Developer's Plan can be accomplished within the 2010 opening deadline.

If an attractive joint development concept and business proposal is identified the Commission intends to Developer the exclusive rights to lease the Latonia Park land and construct all land and building improvements on behalf of both parties. The Commission will own the land and may contribute to the leasehold improvements. The developer would be empowered to develop the Park using the design.

The developer will be charged with the timely completion of all construction activities within a mutually negotiated Detailed Project Schedule. Such developer would be held to the schedule or face default provisions. As envisioned, at the end of the lease period the leasehold interests will revert to the Commission for the sum of \$1 and other considerations, or the improvements upon the property shall be removed.

2.3 Proposal Format and Content

Offerors will provide seven (7) sets of its proposal, one (1) original and six copies for evaluation. All pages of the proposal must be numbered. The proposal submitted should be specific and complete in every detail. It should be practical and should be prepared simply and economically, providing a straight forward, concise delineation of proposed program of service and the capabilities to satisfactorily perform the services being offered.

To aid in the evaluation, it is desired that all proposals follow the same general format, as described below and contain the following information:

Section 1. Letter or Transmittal

An introductory letter indicating the name of the Offeror's firm, address, phone, fax and e-mail contact address. The letter must be signed by a person authorized to make such a submission.

Section 2. Executive Summary/Corporate Capability

An Executive Summary, which describes the Offeror's qualifications and discusses major facts or features of the Proposal. Include any conclusions, assumptions, and recommendations the Offeror desires to make. Provide a brief history of the firm highlighting experience in projects similar to the one herein proposed.

The Offeror should demonstrate their ability to undertake the project as described in the . Other relevant, similar projects with references must be presented. For each project reference the role of the Offeror in the design, financing, construction, operations and maintenance of the project in detail. To the extent that the Offeror has subcontractors, the qualifications of any subcontractors are to be presented with references.

Identify the designated Project Manager and his/her specific experience in implementing projects of this nature.

Submit a Program Statement summarizing the Offeror's qualifications and the Offeror's Concept and how it satisfies the Commission's goals for this project. The Program Statement will describe the development program, operations and the roles and responsibilities of the private and public sector. The Program Statement must, at a minimum, concisely describe:

- a. How the Development satisfies the Park, Recreation, and Open Space Strategic Plan needs as articulated in the 2005 Land Preservation, Parks and Recreation Plan;
- b. How the Development demonstrates that joint, public/private development at Laytonia is a superior method to service the park, recreation, and open space needs of County citizens;
- c. How the Development provides for better citizen access through better facilities and programs, more efficient management, more effective marketing and/or lower user fees.
- d. The proven capabilities of the Offeror to enter into a joint development arrangement to create a superior park, recreation, and open space product in Laytonia.
- e. How the Development saves the Commission money or better leverages its investment.

Section 3. Development Program

Offerors shall describe the facilities their Development proposes for Laytonia Park. Respondents must describe their proposed development program and how it satisfies the Commission's objectives. A table must accompany the description of the program enumerating key aspects of the development program for example the number of outdoor irrigated fields, outdoor non-irrigated fields, indoor fields, spectator seats, square feet of open space, parking spaces, etc. Offerors shall describe how the facilities proposed addresses County recreational needs as summarized in the 2005 Land Preservation, Parks and Recreation Plan.

Section 4. Capital Costs

Offerors shall detail the capital costs associated with developing each component of the Development Program. Capital costs must include both hard and soft costs. Offerors should assume all responsibility related to design and engineering. The proposal must detail in a table which costs are to be covered by the Offeror and which costs are to be covered by the Commission. Offerors must explain why the capital cost allocation between the Commission and the Offeror is equitable.

Section 5. Park Operating Proforma (Utilization Profile)

The Commission is interested in understanding who will be using the proposed facilities and when. For example, if the Offeror were to propose a baseball complex, the Commission is interested in understanding how much of the time the fields would be used for league play. Proposals must include a utilization profile that demonstrates facility use by user group, by day of week and by time of day.

a. Cost to Access

The Commission is interested in understanding how much it will cost for a Montgomery County citizen to access each facility. It may be that it costs the average citizen nothing to access the facilities. It may be that it costs to access the facilities and it is pay-as-you-go. It may be that it costs to participate in a league, but when the facilities are not used by the league(s) it costs citizens nothing. Offerors must describe in detail the costs to access the facilities proposed in their Development. If leagues are to use facilities, league costs must be identified. If there are costs to access facilities, please describe why these costs are necessary and reasonable. The Commission requires public access to all of its parks and facilities. All proposals MUST identify a public access scholarship program in order to accommodate moderate income families and/or individuals requesting the use of the proposed park and facilities.

b. Marketing and Maintenance Responsibilities

M-NCPPC is interested in under its role in the marketing and maintenance of the Offeror's Development. Please describe who will be responsible for the marketing and maintenance of each facility in the Development. The costs to market and maintain the Park during pre-opening, start-up and during stabilized operations must be provided on a monthly basis.

c. Operating Proforma

Given the Offeror's assumptions with regard to capital costs, utilization, fees, and operating and maintenance costs, please provide an operating proforma for the Park. The proforma will detail projected operating revenues and operating costs. The proforma should clearly demonstrate how

revenues and costs are allocated between the Commission and the Offeror. The sources to cover costs must be identified.

Section 6. Business Proposal

In this section Offerors must clearly articulate all aspects of their business proposal. At a minimum, the following must be provided:

- a. The name of the entity with which the Commission will partner;
- b. A legal description of the type of entity with which the Commission will partner;
- c. The identification and qualifications of the person representing the entity;
- d. A description of the entity's or Commission's financial and management responsibilities as it relates the design, financing, construction, management, marketing and maintenance of the Park facilities;
- e. Financial guarantees and the persons or entities providing same;
- f. The specific budget the entity will use as it relates to the construction, management, marketing and/or management of the Park. These fees will be considered binding;
- g. As appropriate the land and facility conveyance method(s) (for example land lease or user agreement);
- h. A binding project schedule detailing the timing associated with the design and construction of the Park facilities;
- i. Default provisions; and
- j. Other aspects of the business arrangement deemed relevant.

Section 7. Site/Facility Concept Plan

The scale, appearance, and environment created by the development program must be clearly understood by the Selection Committee. All elements depicted in the site plan and illustrative sketches must be reflected in the Offeror's B. Depictions of facilities must be consistent with the capital costs presented in the financial section of this RFP. Elements contained in the site plan and illustrative sketches that are not reflected in the respondent's proposed will be borne by the developer upon their selection. Therefore, Offeror's must submit the following design products.

a. Conceptual Site Development Plans

Respondents are required to develop a conceptual site development plan with all uses depicted and clearly labeled. The Site Plan must incorporate the Animal Shelter. Site plans must clearly label the recreation facilities and other park amenities. Parking, vehicular and pedestrian access must be identified. Site plans must seek to reflect the Commission's mission "to improve the quality of life by conserving and enhancing the natural and developed environment for current and future generations." **Site plans must be at a scale of 1"=200'.**

b. Illustrative Sketches (Three Minimum)

A minimum of three illustrative sketches of the Park's facilities are required. Two (2) sketches should be from a street level perspective; one (1) sketch should be from a birds eye view perspective. These sketches are to illustrate the environment that the proposer wishes to create given open space, recreation facilities, and parking and circulation requirements. Respondents may provide additional illustrative sketches, as they deem necessary to communicate the environment they seek to achieve on the site(s).

Illustrative sketches must be at a scale of 1"=200'.

Section 8. References

a. Provide a list of references, which demonstrate the Offeror's experience with projects similar in nature. The Offeror should submit at least four (4) governmental agencies, banks, commercial or recreation operations firms with whom the Offeror has conducted related business transactions during the past three years.

b. If any surety or bonding company has ever been required to satisfy a claim on the Offeror's behalf or perform upon default of the Proposer or any principals of or individual associated with the Offeror, provide the name and address of the surety or bonding company, and describe the circumstances of such claim or default.

c. If the Offeror or any of its principals or individuals associated with the Offeror has ever declared bankruptcy, either personally or as a principal of a business entity describe the circumstances of the bankruptcy including but not limited to the amount of indebtedness, the court where filed, date filed, and the name and address of the party (ies) that filed bankruptcy.

d. Provide detailed information regarding litigation, liens, or claims involving the Offeror, or any principals associated with, the Offeror.

Section 9. Minority Status and Participation

For the Professional Services category, Minority (African American-owned), and Disabled-owned firms, which meet certain requirements and have been approved as eligible by the Fair Practice Office, receive an evaluation preference (ten points under the evaluation criteria). A copy of the letter of approval issued by the Fair Practice Office must be attached to the Offeror's response in order to receive an evaluation preference. The evaluation preference programs does not pertain to Minority, Female or Disabled owned firms participation as subcontractors, but to prime Contractors only.

The Commission has a strong economic and social program prohibiting discrimination of any kind. This RFP has significant subcontracting opportunities and, therefore, each Offeror must demonstrate compliance with the Commission's Non-Discrimination in Subcontracting Program. An MFD subcontracting level of participation of 20 percent (20 %) has been established for this

RFP. A Nondiscrimination in Subcontracting Bid Form must be completed and signed by an authorized person in order to be deemed responsive.

The Commission encourages an equity ownership structure of the developer entity, which includes a minority business enterprise. For purposes of this provision, a minority business enterprise shall have the meaning ascribed to that phrase in Section 14-301 of the State Finance and Procurement Article of the Annotated Code of Maryland.

2.4 Evaluation Criteria

All proposals will be evaluated by an evaluation committee according to the criteria as listed under the Evaluation Criteria. After the initial review of proposals, the Commission may request discussion, presentations, or clarification of the portions of the proposals with the Offeror's, who submit proposals determined to be reasonably capable of being selected for award.

Oral presentations may be requested by the evaluation committee. It is expected that proposed key project team member would be present at the oral presentation and be able to respond to questions from the evaluation committee. Offerors are advised that an award may be made without discussions. Therefore, the initial proposal should provide the evaluation panel with sufficient information to recommend an award without discussions.

Proposal evaluation will be based on the following weighted criteria:

1. Corporate Capability, Experience, Past performance and References 0-25 points
2. Proposed Development Program and Public Accessibility 0-25 points
3. Capital Costs and Cost to Access the Facility 0-25 points
4. Qualifications and References of Proposed Development Team 0-15 points
5. Minority Status (approved prime contractors only) 10 points

2.5 Proposal Format and Content

Offerors will provide seven (7) sets of its proposal, one (1) original and six copies for evaluation. All pages of the proposal must be numbered and separated by topics. The proposal submitted should be specific and complete in every detail. It should be practical and should be prepared simply and economically, providing a straight forward, concise delineation of proposed program of service and the capabilities to satisfactorily perform the services being offered.

A. Special Conditions

Draft Contract and Term. Attached is a sample Contract. Offerors are asked to review the sample contract and submit any objections to the contract, with their proposal. If no objections are submitted with the proposal, the successful Offeror will be required to sign a final contract within seven (7) calendar days after notification of award.

B. Access to Additional Project Related Information All inquiries related to this RFP must be made to the Purchasing Division 's point of contract. All persons interested in the RFP, or the Project generally, and all persons with Project related inquiries are requested, prior to initiating inquiries, to review the following Project information at the Commission's web address:
<http://mcparkandplanning.org>.

Attachment 3.1 Vendor Information Form

Attachment 3.2 Insurance Checklist Form

Attachment 3.3 Non-Discrimination in Subcontracting Form

Attachment 3.4 Proposed Subcontractor Verification Form

Attachment 3.5 Minority Female and Disabled Verification Form

Attachment 3.6 Sample Contract

4.0 RFP EXHIBITS

Attachment 4.1 Laytonia Recreational Site Map

Attachment 4.2 Muncaster Recreational Park

Attachment 4.3 Laytonia Development Plan

Attachment 4.4 Map/Legend

Attachment 4.5 Muncaster & Laytonia Rec-Pope Farm Nursery



MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB

Item: # 11

Date: 4/26/07

MEMORANDUM

TO: Montgomery County Planning Board

DATE: April 11, 2007

VIA: Mary Bradford, Director of Parks

FROM: Terry H. Brooks, Special Program Coordinator
Chairman, Public/Private Partnership Committee

SUBJECT: Laytonia Recreational Park Development Proposal and
CIP PDF # 038703

Requested Planning Board Actions:

1. Approval to issue a Request for Proposals (RFP) for a period not to exceed sixty (60) days for the Development of Laytonia Recreational Park through a public-private partnership;
2. Approval to bring to the Planning Board an acceptable partnership proposal for the development of Laytonia Recreational Park which either meets or exceeds the Commission's adopted CIP park development plans and complies with the Commission's adopted policies for Public/Private Partnerships for the Board's review and consideration; and
3. Approval to proceed with the development of the adopted CIP development plans for Laytonia Recreational Park if no proposals are found to be acceptable.

Background:

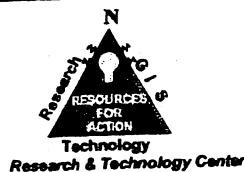
The proposed Laytonia Recreational Park is located in the northwest quadrant of the intersection of Muncaster Mill Road and airpark Road in Derwood, Maryland. The proposed park will have a total acreage of approximately 50.6 acres and consist of three parcels of land including a 31.6 acre undeveloped surplus school site, a 16.6 acre parcel of land which was dedicated through the subdivision process, and an adjacent 2.3 acre portion of an adjacent church site purchased by the Commission. *See Exhibit #1*

LAYTONIA RECREATIONAL PARK & VICINITY






Casual User Application

Notice:
 The planimetric, property, and topographic information shown on this map is based on copyrighted map products from Montgomery County Department of Park and Planning of the Maryland-National Capital Park and Planning Commission, and may not be copied or reproduced without permission from M-NCPPC.
 Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using aerial photogrammetric methods.
 This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended.
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 MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
 2001 George Mason - Silver Spring, Maryland 20910-0700



Legend

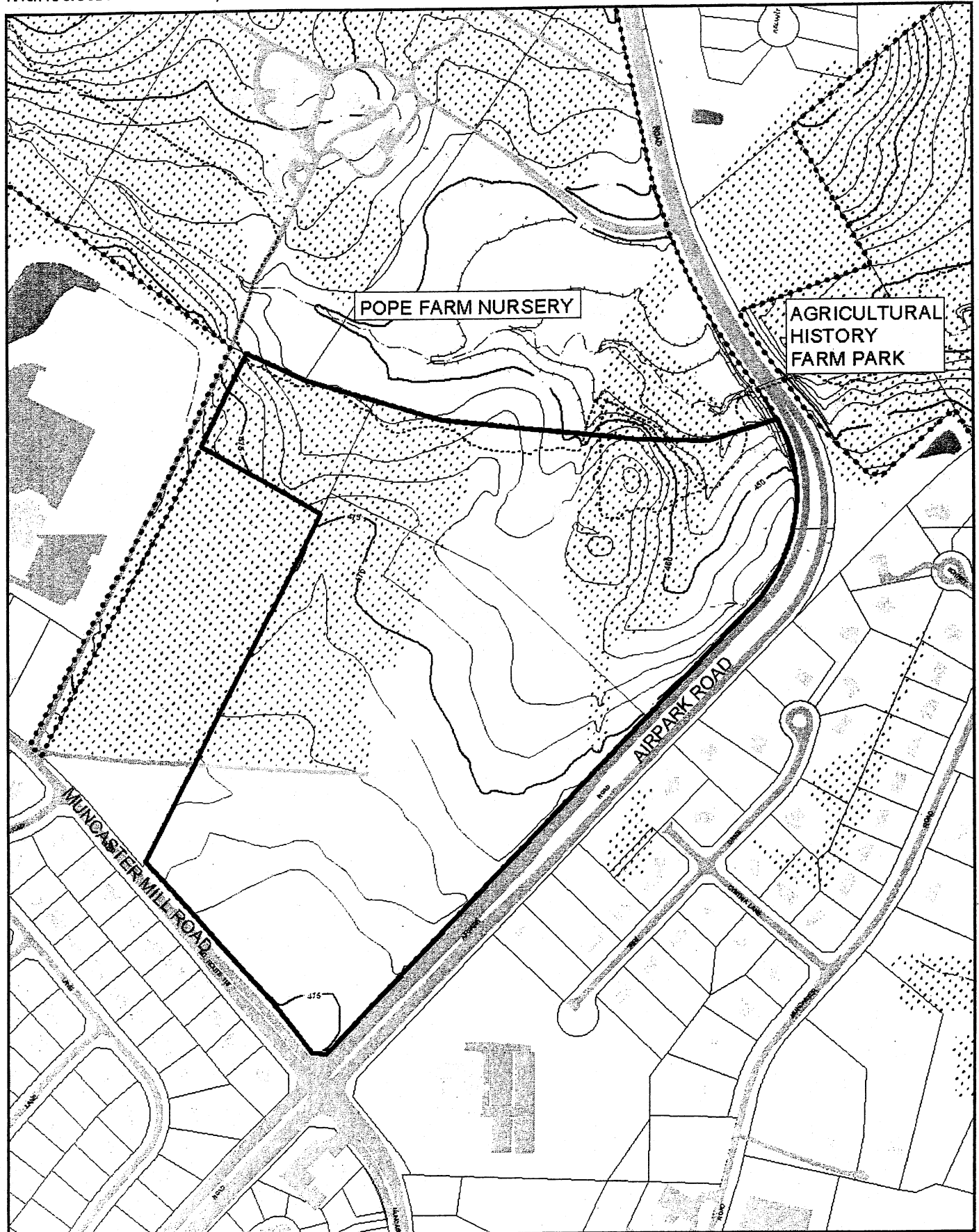
-  Road_1.shp
-  Parks.shp
-  County Boundary

Scale: 1" = 2000'

EXHIBIT # 1

Laytonia Recreational Park

Muncaster Mill Road, Rockville





LAYTONIA REC'L. PARK

In July 2001 the Planning Board adopted the Laytonia Recreational Park Facility Plan. (*Exhibit # 1-A*) The adopted facility plan included the development of 4 lighted and irrigated baseball fields, entrance and internal access roads and parking, hiker-biker trails, a lighted inline roller hockey rink, lighted basketball courts, restrooms, a playground, two picnic shelters, and landscaping. The estimated facility plan cost for this park was \$ 8.3 million. A separate parcel of approximately 6 acres was designated for a future County library. The Library project was terminated and the County is currently developing an animal shelter on this site.

In February 2004 the Montgomery County Council adopted the Commission's CIP for the design and development of the park and allocated a total project budget of \$9.3 million with \$490,000 being allocated in FY07 for the design of the park and the balance being allocated for the construction of the park between FY08 – FY10. *See Exhibit #2 -PDF #038703*

The latest PDF for this project was updated on April 7, 2006 adjusted the budget for the design and construction of the park to a total cost of \$9.8 million with the planning and design starting in FY07 – FY08 for \$288 K and \$490 K respectively and construction funding in FY10 - FY11 for \$3.4 million and \$5 million respectively. *See Exhibit #3 -PDF 038703, April 7, 2006*

Unsolicited Baseball Park Facility Proposals:

The Ripken Baseball Montgomery, LLC (RBM) submitted an unsolicited park development proposal to create a partnership with the M-NCPPC to develop the Laytonia Recreational Park. Staff has also been alerted that there may be other interested parties interested in partnering with the Commission to develop the park as well.

The Ripken Baseball Montgomery Proposal:

The Ripken Baseball Montgomery (BMP) proposal has been discussed several times with the Board. The most recent discussion resulted in directions from the Board to the Department of Parks to develop an RFP to seek interest in alternative development plans for Laytonia Park. The RFP has now been written. However, there have been several substantive changes since the Board last reviewed this project:

- A. There is a new Chairman; the Chairman should have an opportunity to review any new significant partnership proposals for the park prior to its development if the greater public's interest can be served;
- B. There is a new Director of Parks; The Director of Parks believes that partnerships, if found to be compatible with the Mission of the Department, could bring new or enhanced services to the park user. The Director of Parks believes the RBM Proposal could, if satisfactorily negotiated and managed, bring new and significant enhancements to recreational baseball within the Park System; and
- C. A new park development policy framework was recently adopted by the Planning Board with the completion of the updated Land Preservation, Parks and Recreation Plan (LPPRP).

Also, since a significant amount of time has passed since the Planning Board 's last discussion, the Public/Private Partnership Committee has revisited the issue and now brings to the Board a recommendation to consider park development opportunities through a public/private partnership structure which may serve to significantly enhance development of Laytonia Park beyond the improvements in the existing program of requirements in the adopted CIP FY04 PDF.

The key elements of the RBM proposal were:

- RBM would develop the park to a value of approximately \$11 million to \$12 million. The added \$1.2 million – \$2.2 million value is attributed to a combination of designing and building an all baseball fields complex and seating to a higher standard than M-NCPPC with an addition of an indoor baseball training facility. The planned public investment in the park to date is \$9.8 million. The immediate RBM investment is estimated at approximately \$1.5 million, including a commitment to absorb the majority of future maintenance costs. It should be noted that the definite dollars from the RBM proposal was \$500,000 with the rest to be raised from others.
- RBM would manage the facility and program camps, training, leagues, and tournaments during the 9 ½ months that the spring leagues do not use the fields. One key issue, yet to be determined, is the amount of time and accessibility to this park that will be made available to other teams given the significant, adopted public development investment identified for the park.
- RBM would maintain the park at a high standard, requiring M-NCPPC to fund significantly less maintenance than what is identified in the PDF (which staff concludes is below what the actual costs of maintenance will be).
- M-NCPPC would share with RBM excess revenues from the operation of the park at a point in time in the future when/if the project turns a profit.

Staff on the Public/Private Partnership Committee has identified several major issues/questions associated with this proposal that require additional evaluation:

- Is the value added to the project in exchange for the 9 ½ months of programming reasonable?
- Is the financial participation of RBM sufficient?
- Will the general public and ball field user community to be served by the presence of RBM in a County park, providing baseball “the Ripken Way” as an added value that offsets a potential perceived loss of normal access? Note that there is some potential to provide access during the non-spring season based on negotiation of the relationship.
- Will there be sufficient access to the park for the local community and will they receive the recreation amenities that they need in their neighborhood?
- Will there be sufficient access to the facilities and the programs offered by RBM for all levels of players and all groups regardless of their ability to pay?
- How should the Commission avoid creating an impression that public parkland and public dollars are fair game for entrepreneurial investors? And
- Private Use and Impact on GO Bond Funding: In the current 6-year capital plan, the Laytonia Recreational Park is to be funded by \$9.8 million of County General Obligation Bonds. There are very strict IRS regulations regarding tax-exempt bond financing and

private use. As a result, it has been the County Finance Department's policy not to allow any GO Bond Funding on a project which will involve private use. If that policy remains in place, the County would most probably need to change the funding source for Laytonia to current receipts to permit a private partnership.

There are some ways to structure a transaction with private use without triggering a tax-exempt bond problem. They would involve very limited "private payments" to the Commission and/or an operating contract based on a fixed fee. Private payments include not just rent, but other investment such as private construction of facilities and private party operation/maintenance responsibilities. It may be difficult to structure the Laytonia transaction in a way which would conform to tax-exempt bond regulations.

The County will need to review the Laytonia RFP and comment on the language to put potential proposers on notice of this issue. We have requested a meeting with key staff from the County Finance Department, OMB and Council to discuss the private use issues on this project as well as other projects to obtain their guidance.

Staff have reviewed this project – particularly in view of three major policy areas: (1) the projected field needs in the LPPRP, (2) the unanticipated placement of 4 lighted baseball fields in the form of a baseball playing and training complex in and adjacent to the affected LPPRP Team Areas, and (3) the proposed term of the lease requested by RBM may require special consideration.

Ripken Baseball - Recent News Events:

On March 25, 2007 a news article appeared in the Baltimore Sun titled "Ripken Stadium expensive for City". The news article asserted that there was an unexpected financial burden on the city of Aberdeen, Maryland, when they partnered with Ripken Baseball to develop a new \$18 million, 6,000-seat baseball stadium. (*See Exhibit #4 Attached*) The City of Aberdeen contributed \$4 million and Hartford County added \$2 million. The City, working through the State of Maryland, raised the money to buy 30 acres of land for \$4.8 million through the sale of bonds. The Ripken Baseball group shares the profits received from the stadium to pay for the City's debt on the stadium deal.

The City of Aberdeen is now struggling to pay their debt obligations for the stadium because the income from the stadium and stadium related development was not as profitable as projected. The news article implies that the stadium has not achieved its financial goals. However, late in the article the full plan is discussed. The city intended that revenue from the surrounding development that would include entertainment retail, housing and restaurants would more than pay for the city's costs associated with the stadium.

Staff contacted the City Manager for Aberdeen, Doug Miller, and discussed the issues described in the article. Mr Miller advised that in fact the city did structure the deal to rely on the surrounding development, which was a separate deal between the city and a different development team. He stated unequivocally that the shortfall, "has nothing to do with the Ripkens, they have been good partners." Mr. Miller also stated that the Ripken team is a

pleasure to work with. He stated that the development partner has had internal problems and that he believes that the market conditions have also been a factor in the lack of progress.

While the Aberdeen's partnership deal with Ripken Baseball is not the same as the proposed baseball training complex proposed for the Laytonia Recreational Park, staff is reminded that any partnership, (solicited or unsolicited) must be carefully and conservatively evaluated in order to insure that the public's fiduciary interests are protected. The staff is mindful of this critical component of any partnership and will address this issue in any partnership proposal for the Board's review and consideration.

Park Development Policy Considerations for the Future:

Staff re-evaluated the Commission's adopted policies on future ballfield development as part of our consideration to solicit new park development proposals for Laytonia Park.

In the LPPRP the need for future diamond ballfields is projected as follows:

LAYTONIA RECREATIONAL PARK

Field Need Estimates in the 2005 Land Preservation, Park and Recreation Plan

This Plan, which serves as our updated PROS Plan, estimated field needs by type of field to the year 2020 for each of the Community Based Team Areas (see table 1 below).

Laytonia is located within the Georgia Avenue/Olney team area. Estimated needs for this team area are: 7.7 large rectangular fields, 2.3 small rectangular fields, and 1.8 large 90 ft base path baseball fields. Because of the decline in softball participation, it is estimated that there will be a surplus of softball/baseball fields by 2020. There are 4 future potential future rectangular fields for this area.

Laytonia is located directly adjacent to the I-270 corridor and is well positioned to serve the I-270 Corridor Team Area as well. Needs for this area are primarily for rectangular fields for soccer/football/lacrosse and include: 19.4 large rectangular fields, 9.7 small youth size rectangular fields, 3.0 large 90 ft base bath baseball fields, and 1.5 adult softball/youth baseball fields and no small youth softball fields. Plan Appendix VIII indicates that potential projects in the I-270 corridor can provide 17 large rectangular and 6 small rectangular fields, and 4 90 ft baseball, 12 adult softball/youth baseball, and 2 small youth diamonds. In this Appendix, based on the current facility plan, Laytonia is shown as potentially providing 2 large 90 ft base bath baseball and 2 youth (10 and over) baseball/adult softball fields.

Table 1- 2020 Additional Field Needs by Community Based Team Area

Planning Team Area	Number of Youth (0-9) Multi-Purpose Diamonds Needed	Number of (Age 10-13 Baseball and 10-65+ Softball) Diamonds Needed	Number of 90' infield-Baseball Fields (Ages 14+) Needed	Number of Adult (10-65+) Multi-Purpose Rectangular Fields Needed	Number of Youth (0-9) Multi-Purpose Rectangles Fields Needed	Range Minimum/Maximum
Rural/Damascus	-1.8	-3.2	1.7	5.2	-2.6	3.7 / 6.9
I-270	0.1	1.5	3.0	19.4	9.7	33.7
Olney/Georgia Avenue	-5.3	-19.3	1.8	7.7	2.3	1.8 / 11.8
Potomac	-0.3	5.2	4.5	4.6	-4.1	14 / 14.3
Eastern County	-0.5	-20.5	-0.3	4.8	1.1	0.3 / 5.9
Bethesda/Chevy Chase	-1.0	-0.9	4.8	20.4	1.7	24.8 / 26.9
Silver Spring/Takoma Park	-1.7	8.7	4.1	10.8	-3.4	23.6
Maximum Need	0	15	20	73	15	TOTAL 101.7/123.1

Commission Budgetary Considerations:

During review of the FY07-12 M-NCPPC CIP in September 2005, staff recommended and the Board agreed to a one-year delay in the CIP development of the park. The adopted FY05-10 CIP began the design in FY06, construction in FY08, and completion in FY10. The adopted FY07-12 CIP begins the design in FY07, construction in FY09, and completion in FY11. Expenditures (GO bonds) were increased in order to cover inflation for the one-year delay from \$9,381,000 to \$9,822,000.

The current appropriation of \$827,000 is for design services. Advertisement for consulting services for the design has been withheld pending a decision to move forward with development of the park as a capital project. The project is now one year behind the new schedule. Staff recommends a further one-year delay for the start of design, and less than one-year delay for completion of the project (start of design from July, 2006 to July, 2008, start of construction from spring 2009 to spring 2010, and completion from summer 2011 to spring 2012). A one-year delay increases the cost by inflation to \$10,068,000 (2.5%) and a two-year delay to \$10,320,000.

If the project is revisited in the FY09-14 CIP, we risk a two-year or greater shift in schedule. Staff is particularly concerned that for fiscal reasons, the next Executive and Council may delay the project further, with a corresponding increase in cost. A 10 million dollar GO bond funded park project constitutes an appealing candidate for delay if other priorities arise. To avoid this, staff recommends revising the PDF for the FY08 CIP. Since Board approval of the facility plan in July 2001, the County made a public facility use and site development change. A pad site formally incorporated into the plan for a County library is now the site for a County animal shelter. The animal shelter project is in design and is slated for construction ahead of the park. The County anticipates presenting a mandatory referral in the fall of this year and beginning construction in the summer next year. Coordination of the two projects is critical. To date, the respective staff teams have been working to coordinate the design and development of the two projects. As a result of this cooperative effort the County has agreed to implement a portion of the road access and utility infrastructure to support both projects. The future partnership project or the adopted CIP Park project will be required to mesh with the County's completed animal shelter.

Laytonia Recreational Park RFP:

Staff have prepared a formal Request for Proposals (RFP) for Laytonia Recreational Park in order to create a public opportunity for prospective recreational development groups to submit a complimentary development proposal for the park. (*See Exhibit # 5 Attached*) The RFP requests the submission of recreational park development proposals, which match or exceed the active and passive recreational features in the adopted Laytonia Recreational Park Plan. Staff is recommending the immediate issuance of the RFP for public review and consideration.

All proposals found to comply with the RFP criteria will be circulated among the public stakeholders for their review and comment.

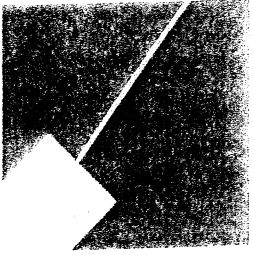
Upon receipt of the public comments, staff will evaluate all acceptable proposals along with the public comments and recommend that the Board approve either a recommended proposal or inform the Planning Board that the adopted plan for Laytonia Recreational Park should be constructed as approved and funded.

Summary Conclusion:

Staff recommends the Planning Board allow the staff to proceed as recommended and accept the staff's three (3) recommendations.

EXHIBIT # 1-A

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Date: July 30, 2001

Agenda Item 11

9500 Brunett Avenue
Silver Spring, Maryland 20901

July 20, 2001

TO: Montgomery County Planning Board

VIA: Lester L. Straw, Deputy Director of Parks
 Michael F. Riley, Acting Chief, Park Development Division
 Doug Alexander, Supervisor, Design & Project Management

FROM: Rick D'Arienzo, Project Manager, Park Development Division

SUBJECT: Laytonia Recreational Park Facility Plan

Recommendation

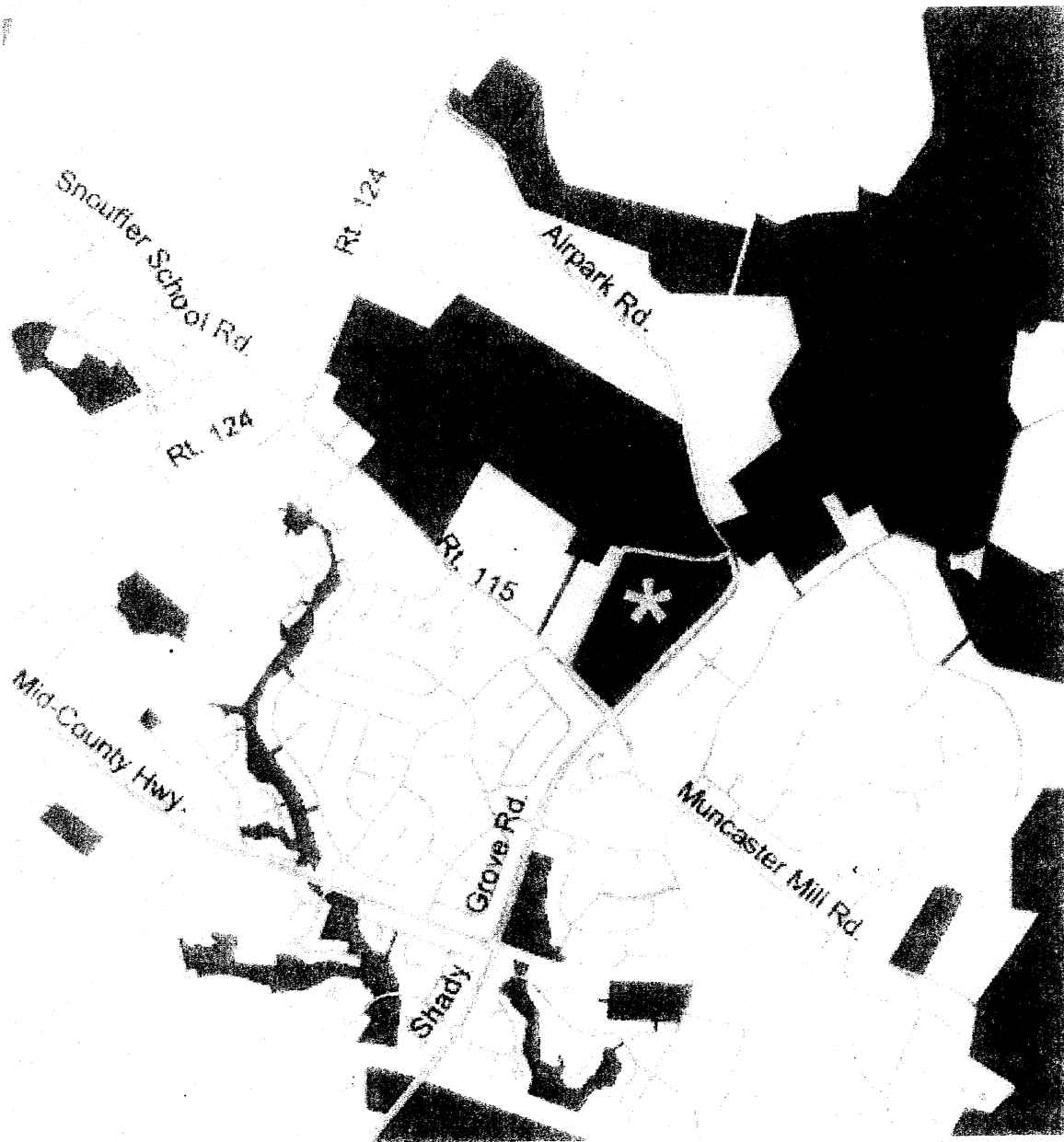
Approval of the facility plan for Laytonia Recreational Park including the design layout and facilities, cost estimate, and consideration to place the project into the upcoming FY 2003-08 Capital Improvements Program.

The recommended layout includes 4 lighted and irrigated baseball fields, entrance and internal access roads and parking, hiker-biker trails, lighted inline roller hockey rink, lighted basketball court, restrooms, playground, two picnic shelters, and landscaping. A separate parcel of approximately 6 acres will be designated for a future County library.

Background

The proposed Laytonia Recreational Park is located in the northwest quadrant of the intersection of Muncaster Mill Road and Airpark Road in the Derwood, Maryland vicinity. The proposed park will have an ultimate acreage of 50.6± acres and will consist of three parcels including a 31.6± acre undeveloped surplus school site, a 16.6± acre parcel of land to be dedicated through the subdivision process, and an adjacent 2.3± portion of an adjacent church site (recently purchased by M-NCPPC).

A tenant house, barn and related outbuildings in poor condition are located on the surplus school site. A later 19th century corncrib, also in poor condition, is located on the former subdivision portion of the site. The remainder of the proposed park is undeveloped. These structures, lacking integrity and in advanced stages of deterioration, do not warrant additional historic preservation/mitigation efforts. A



portion of the proposed park site will also include a site for a future regional library for the Montgomery County Department of Public Libraries. The intersection of Muncaster Mill Road and Airpark Road is undergoing major improvements. As part of the improvements the State Highway Administration (SHA) will be constructing a sidewalk along Muncaster Mill Road, a Storm Water Management Pond located on

the proposed park (adjacent to Muncaster Mill Road and Airpark Road intersection), and landscaping.

Relationship to PROS & Upper Rock Creek Master Plan

As established by the adopted 1998 Park, Recreation, and Open Space Master Plan, there is a need for 10 additional countywide (regional and recreational park) ballfields by the year 2010. Currently, there are only 9 regulation-sized baseball fields throughout Montgomery County. The proposed fields at Laytonia will help to alleviate the lack of regulation-sized fields and address the increasing popularity of baseball in the County.

The project site is located in the Upper Rock Creek Master Plan area and neither the park nor the library is addressed in the approved and adopted master plan. However, the master plan is undergoing a comprehensive update by the Community Based Planning Division and it will address the proposed park and library, and required sewer category change. Staff plans on discussing the proposed park and library with the Master Plan Advisory Committee at one of their scheduled meetings in the fall.

Major Issues, Opportunities and Constraints

Regional Library

M-NCPPC staff, the Consultants, Facilities and Service, and Department of Public Libraries staff spent a considerable amount of time developing an understanding of the needs of the proposed library. As currently envisioned, the library building will be approximately 40,000 square feet, require 120 parking spaces, have high visibility from the street, and a full movement access point. Hours of operation are anticipated to be Monday through Thursday 9:00 a.m. to 9:00 p.m., Friday and Saturday 9:00 a.m. to 5:00 p.m., and Sundays 1:00 p.m. to 5:00 p.m. The operating hours of the library generally coincide with the peak times for the park, therefore shared parking is a not a realistic option.

The recommended alternative conceptually shows how the library could fit on the area being designated. The design of the library and related parking would be coordinated by the County DPW&T Facilities and Services staff sometime in the future. The stormwater management facilities will be sized and constructed to accommodate the library when the park is constructed. Staff recommends that M-NCPPC should be reimbursed by the County for a portion of the main access road and related improvements when the Library is constructed.

Vehicular Access

At the beginning of the facility planning stage a number of scenarios involving various access/entrance points were examined. Representatives of MDSHA and

MDPW&T were contacted to review these alternatives. A number of potential access points were eliminated thereby limiting access to two potential alternatives. For Muncaster Mill Road, the only acceptable access is a right-in and right-out only entrance. For Airport Road, the only full-movement access point that will be allowed is in the northern portion of the proposed park. Based upon a traffic analysis conducted as part of the facility planning process, the two proposed access points would adequately accommodate park and library traffic. The p.m. peak hour volumes warrant a traffic signal at the Airport Road/part access with build-out of the park site and adjacent Covenant Life Church expansion.

Adjacent Churches

Two adjacent churches affect the facility planning for Laytonia, the New Life Seventh Day Adventist Church and the Covenant Life Church.

The New Life Seventh Day Adventist Church is located immediately adjacent on the west side of the Laytonia park site. The Covenant Life Church is located west of the Seventh Day Adventist Church.

A preliminary plan for New Life Seventh Day Adventist Church has been approved and is reflected on the plans for the park. Staff has met with the Pastor of the Church and he indicated his support for the recommended alternative. One of the concerns that he and some members of the Church had was the possible location of ballfields immediately adjacent to their property. The recommended alternative addresses those concerns by placing the landscaping, the internal access road, and parking area between the backstop areas of the baseball fields, which tend to be the "noisier areas", and the Church property. M-NCPPC recently purchased a 2.3± acre northern portion of the Seventh Day Adventist Church site primarily to accommodate a natural surface trail and to ensure that the Covenant Life Church can meet the requirement to obtain an access easement from their property to Airpark Road in order to accommodate their ultimate expansion.

A key facility planning issue was the future access easement requirement to Airpark Road prior to implementation of the final expansion plan for the Covenant Life Church. This condition was re-affirmed by the Planning Board in the fall of 1999 in the Revision to the Conditions of Approval for the Preliminary Plan.

Staff contacted the Church's representatives during the park facility planning process. They maintained that the Church was responsible for minimal work related to connecting their parking lot a future County road. They indicated that this position is based upon that fact the requirement for an access was originally developed when the 16.6± acres M-NCPPC will receive in dedication was proposed for a residential subdivision with a proposed public street.

Since this residential subdivision is no longer proposed, staff does not support this position. In order for the Covenant Life to receive an access easement the Church

should reimburse M-NCPPC for a portion of the cost of the acquisition of the 2.3 acres of the Seventh Day Adventist Church property, access road and related entrance improvements, and pay for all construction costs for the portion of the access road to be used solely by members of the church.

Montgomery County Airpark

Although the proposed park is adjacent to the flight path for the Montgomery County Airpark, staff of the Montgomery County Revenue Authority indicated that they would have concerns only if there were high towers placed on the property or if the proposed ballfields lights were pointed upwards. The proposed alternative does not contain high towers or lighting that would affect the flight path. Revenue Authority staff have indicated that the ballfield lighting should not adversely affect the airpark since it is outside of the runway protect zone, and may in fact act as a landmark in the landing process. Revenue Authority staff are continuing to investigate if there are any forms that may be necessary to filed with the FAA District Office.

Facility Planning Process & Recommended Alternative

The final recommendation and facility planning process is the result of a staff team comprised of representatives from Northern Region, Park Development, Community Planning, Natural Resources, Park Police, DPWT Facilities and Services, Department of Public Libraries, along with the Commission's consultants for the project, Lewis•Scully•Gionet, Inc. and Burgess Niple, URS Corporation, Wells & Associates, Inc, and Streetscapes, Inc. The group met on-site for both extensive site visits and on-site studies. Multiple meetings including representatives from senior management were conducted prior to developing the alternative selected. As part of the facility planning process a Natural Resources Inventory/Forest Stand Delineation, soil boring, architectural evaluation, and traffic study were completed.

In addition, on July 9, 2001 a public meeting was held to present the recommended alternative. A consensus was expressed at the meeting in favor of the recommended alternative. Issues raised included pedestrian access to the park and the scheduling of the park in the Capital Improvements Program. These have been addressed elsewhere in this report.

The recommended alternative reflects the efforts of the staff team, a public meeting, and the results of the special studies to accommodate the program of requirements for the park and library, taking into consideration the environmental constraints, the access constraints, and the potential access easement for the Covenant Life Church.

The recommended alternative reserves a separate area for the regional library and provides 2 lighted and irrigated regulation sized baseball fields with 90' baselines, 375' sidelines and 400' distance to centerfield, and 2 lighted and irrigated baseball fields with 75' baselines, 275' sidelines and 300' centerfield. Fields are planned with

bleachers, bench and warm-up areas. The larger baseball fields can accommodate baseball users from the eighth grade through college level and adults. The smaller baseball fields can accommodate little league play through the seventh grade. Originally, staff had proposed 60' baselines, however discussions with potential users resulted in the decision to recommend 75' baselines.

The layout of the ballfields is a modification of the traditional "hub" or "star" layout. It provides the same increased efficiency of maintenance while allowing park users to conveniently drop-off ball players and their related gear, and then park at a central parking lot. The central plaza of the ballfield area includes a combination restrooms, press box and vending area. The islands in the parking lot each contain an 8' pathway to allow park users to walk with maximum safety to the central plaza area. The islands also provide an area for shade tree planting.

One issue which will be studied during final design and engineering is that of limiting the impact of foul balls and homeruns on vehicles and park users. Foul balls along the third base line are an issue at the Shirley Povich field in Cabin John Regional Park. During the final design process staff will more thoroughly examine attractive and cost effective solutions to address the concern including fencing height and distance from the foul line to adjacent parking. Likewise, continued and additional coordination with potential users will also occur during the final design process to ensure that the baseball fields are of the highest caliber.

Similarly, further investigation during the design phase is required to efficiently locate the "stub out" of the major utilities to accommodate the construction of the library and to minimize disruption to park facilities, if these facilities are constructed at different phases.

Other proposed facilities include, a separate combination restroom, vending area, and press box, a small maintenance building, a lighted inline hockey rink, a playground, a lighted basketball court, two picnic shelters, extensive pathways, and landscaping. The active recreational facilities have been grouped together along with the second restroom below the southern loop of the parking circle. The picnic shelters are located on the northern loop of the parking circle. This will also accommodate trailhead parking to access the adjacent subdivisions and the Agricultural History Farm Park. Staff will also determine during the final design phase if a sand volleyball court is feasible in the vicinity of the picnic area. This request was received after the public meeting and these facilities are relatively inexpensive to build and maintain.

The extensive 8' paved trail system within the park would connect to an existing natural surface trail on the north side of the proposed park. The natural surface trail crosses Airpark Road on a shelf under an existing bridge and extends to the Agricultural History Farm Park. On the northwest side of the park the trail goes around the Pope Farm nursery and terminates at an adjacent development. The bridge underpass is under construction and should be completed by late summer.

One of the comments received during the public meeting was how pedestrians would reach the park after it was developed. PDD Staff will coordinate this pedestrian access issue with both the appropriate County and State agencies to ensure that safe pedestrian access to the park is available and to recommend possible improvements.

Staff recommends that the access road be developed to tertiary standards with ownership and maintenance responsibilities transferred to the County when both the Library and Covenant Life Church are constructed.

Construction Costs

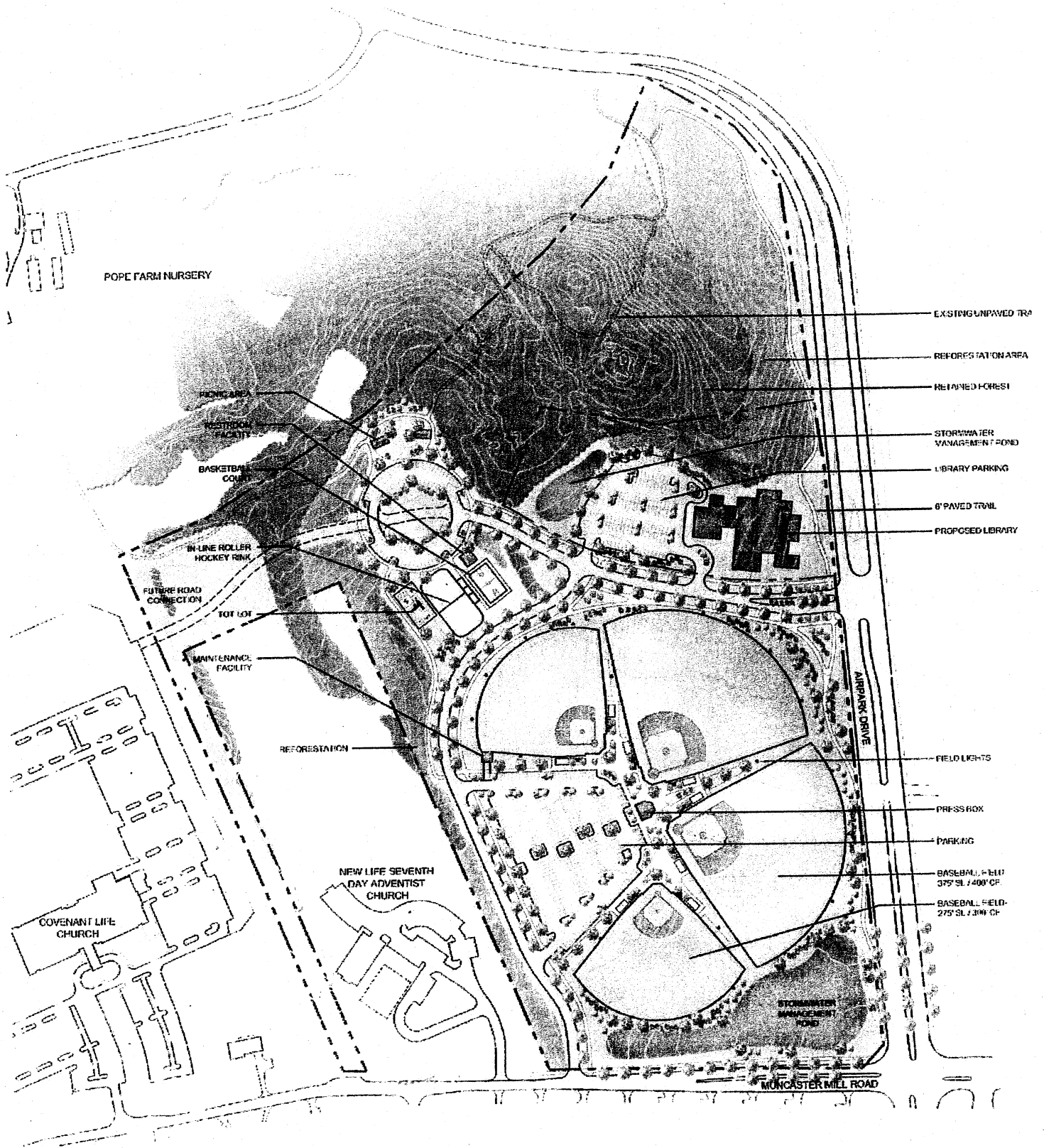
The total estimated project budget for this park including design is slightly more than \$8.3 million (\$8,339,625). This estimate includes all design fees; a contingency, construction management fees, and staff charge backs. The design fees include a limited amount of funding for 2-3 test wells to determine if irrigation by well water is feasible, and an additional limited traffic study to further assess a signal at the Airpark Road entrance. The possibility of using well water solely for irrigation or in combination with WSSC water service could have a significant impact upon the operating budget.

Capital Improvements Process

Following Planning Board approval of the facility plan, staff will examine the potential for expenditures occurring over a number of years, and various scheduling issues. A recommended PDF will be presented to the Planning Board for approval, and then submitted to the County Executive, PHED Committee and County Council as part of the proposed upcoming FY 2003-2008 Capital Improvements Program.

Summary

The staff recommendation will result in a well-designed park that is available to all residents of the county in an area that has high needs for additional ballfields. The design of the park will allow for construction of the library site in the future with minimal impact upon the park. Likewise, if in the future the Covenant Life Church wishes to expand, the construction of an access road from their property and modifications to the traffic circle within the park will have minimal impact to park operations. Additional community outreach and discussions with community groups and potential park users will occur prior to and during the early phases of final design to ensure that the project is a well designed and valued community asset.



POPE FARM NURSERY

PICNIC AREA

RESTROOM FACILITY

BASKETBALL COURT

IN-LINE ROLLER HOCKEY RINK

FUTURE ROAD CONNECTION

TOT LOT

MAINTENANCE FACILITY

REFORESTATION

COVENANT LIFE CHURCH

NEW LIFE SEVENTH DAY ADVENTIST CHURCH

MONCASTER MILL ROAD

EXISTING UNPAVED TRAIL

REFORESTATION AREA

RETAINED FOREST

STORMWATER MANAGEMENT POND

LIBRARY PARKING

8' PAVED TRAIL

PROPOSED LIBRARY

AIRPARK DRIVE

FIELD LIGHTS

PRESS BOX

PARKING

BASEBALL FIELD - 375' SL / 400' CF

BASEBALL FIELD - 275' SL / 300' CF

STORMWATER MANAGEMENT POND

LAYTONIA REC'L. PARK

PRELIMINARY COST ESTIMATE

1. SITE DEVELOPMENT & UTILITIES

ITEM	SECTION	ITEM DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST (Dollars)	SUBTOTAL	TOTAL	
1.1	Site Preparation	existing pond excavation	c.y.	\$4	11,500	\$46,000			
		clear and grub (heavy)	ac	\$7,500	3	\$22,500			
		fill	cy.	\$4	50,000	\$200,000			
		excavation	cy.	\$4	15,000	\$60,000			
		borrow excavation	cy.	\$8	35,000	\$280,000			
		relocate existing utility poles	ea.	\$3	10,000	\$30,000			
		E + S	lump	\$25,000	1	\$25,000			
		seeding and mulching	sy.	\$2	21,000	\$42,000			
									\$705,500
1.2	Water within ROW	existing sidewalk (removal)	sf.	1	150	\$150			
		existing curb and gutter (removal)	lf.	4	30	\$120			
		Prop. 6" DIP (Incl. excavation, backfill, and material)	lf.	40	65	\$2,600			
		Connection to Ex. 12"	lump	2,000	1	\$2,000			
		Prop. 12" x 6" Valve	ea.	1,200	1	\$1,200			
		Mill and Overlay	lump.	1,900	1	\$1,900			
		3" Bituminous Conc. Surface	sy.	5	130	\$650			
		3" Bituminous Conc. Base	sy.	8	130	\$1,040			
		6" Gravel Base	sy.	5	130	\$650			
									\$10,310
		on site	Prop. 6" Ductile Iron Pipe (Incl. excavation, backfill, and material)	lf.	40	1685	\$67,400		
			Prop. 4" Ductile Iron Pipe (Incl. excavation, backfill, and material)	lf.	40	1280	\$51,200		
			Fire Hydrant	ea.	2,000	5	\$10,000		
			6" Tapping Sleeve & Valve	ea.	1,800	1	\$1,800		
			6" Valves	ea.	360	3	\$1,080		
			4" Valves	ea.	240	2	\$480		
								\$131,960	
								\$142,270	
1.3	Sanitary Sewer within ROW	Ex. Curb & Gutter (Removal)	lf.	\$4	30	\$120			
		Prop. 8" PVC (includes excavation, backfill and materials)	lf.	\$55	65	\$3,575			
		Connection to Ex. 8" Sewer	lump	\$2,000	1	\$2,000			
		Mill and Overlay	lump	\$1,900	1	\$1,900			
		3" Bituminous Conc. Surface	sy	\$5	130	\$650			
		3" Bituminous Conc. Base	sy	\$8	130	\$1,040			
		6" Gravel Base	sy	\$5	130	\$650			
									\$9,935
		on site	Prop. 8" PVC (includes excavation, backfill and materials)	lf	\$55	1,685	\$92,675		
			Prop. 4" Manholes	ea.	\$2,000	5	\$10,000		
							\$102,675		
							\$112,610		
1.4	SWM storm sewer sys.	A-5 Inlet (2.5')	ea.	\$1,500	3	\$4,500			
		A-5 > 3 VF	vf	\$95	6	\$570			
		A-10 Inlet (3.5')	ea.	\$2,230	7	\$15,610			
		A-10 > 3 VF	vf	\$165	19	\$3,135			
		A-10 Inlet (4.5')	ea.	\$2,350	1	\$2,350			
		A-10 > 3 VF	vf	\$165	1	\$165			
		Endwall 30" RCP	ea.	\$1,825	1	\$1,825			
		Type B Manhole (4')	vf	\$384	5	\$1,920			
		15" RCP CL III	lf	\$25	315	\$7,875			
		18" RCP CL III	lf	\$29	215	\$6,235			
		21" RCP CL III	lf	\$34	650	\$22,100			
		24" RCP CL III	lf	\$39	65	\$2,535			
		27" RCP CL III	lf	\$44	290	\$12,760			
		30" RCP CL III	lf	\$58	190	\$11,020			
		Rip-Rap	sy.	\$60	42	\$2,520			
									\$95,120
		stormwater man.	infiltration trenches	ea.	\$10,000	4	\$40,000		
			biofiltration device	ea.	\$12,500	4	\$50,000		
									\$90,000
									\$185,120
1.5	Utility Service	electric (Pepco)	lump	\$81,000	1	\$81,000			
		telephone (Verizon)	lump	\$52,000	1	\$52,000			
							\$133,000		
1.6	Demolition	tenant, outbuildings, fencing, debris removal	lump	\$250,000	1	\$250,000			
							\$250,000		
Section Total							\$1,528,500		

2. AIRPARK ROAD ENTRANCE

ITEM	SECTION	ITEM DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST (Dollars)	SUBTOTAL	TOTAL
2.1	Access Road							
	Entrance	3" bituminous surface course	sy	\$5	180	\$900		
		6" bituminous base	sy	\$10	180	\$1,800		
		6" curb and gutter	lf.	\$11	150	\$1,650		
		maintenance of traffic	lump	\$3,500	1	\$3,500		
							\$7,850	
	Access road	3" bituminous concrete surface	sy	\$5	2,900	\$14,500		
		3" bituminous concrete base	sy	\$8	2,900	\$23,200		
		6" curb and gutter	lf.	\$11	1,125	\$12,375		
							\$50,075	
								\$57,925
2.2	Recreation development	asphalt trail	sy.	\$14	1,650	\$23,100		\$23,100
2.3	Landscape	major tree (2 1/2" caliper, B&B)	ea.	\$270	32	\$8,640		
		minor tree (1 1/2" caliper, B&B)	ea.	\$180	8	\$1,440		
		evergreen tree (6' height, B&B)	ea.	\$150	5	\$750		
		shrubs (18" height, B&B or container, 5' O.C.)	ea.	\$30	300	\$9,000		
		perennials and groundcover (1 gal. Container, 18" O.C.)	ea.	\$12	1,200	\$14,400		
		watering (assume 5 waterings per year)	mg.	\$100	14	\$1,400		
		shredded hardwood bark mulching (3" depth)	s.y.	\$3	35	\$105		
		topsoil	s.y.	\$5	35	\$175		
								\$35,910
2.4	Lighting	single head streetlight (spaced @ 150')	ea.	\$2,500	6	\$15,000		\$15,000
								\$15,000
								\$131,935
							Section Total	\$131,935

3. BALLFIELD COMPLEX

ITEM	SECTION	ITEM DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST (Dollars)	SUBTOTAL	TOTAL
3.1	Roads and parking lot							
	Muncaster Mill entrance	3" bituminous surface course	sy	\$5	83	\$415		
		6" bituminous base	sy	\$10	83	\$830		
		6" curb and gutter	lf.	\$11	185	\$2,035		
		maintenance of traffic	lump	\$2,500	1	\$2,500		
							\$5,780	
	access from Muncaster Mill	3" bituminous concrete surface	sf.	\$5	3,850	\$19,250		
		3" bituminous concrete base	sf.	\$8	3,850	\$30,800		
		6" curb and gutter	lf.	\$11	2,760	\$30,360		
							\$80,410	
	ballfield parking	1.5" bituminous surface course	sy	\$4	10,500	\$42,000		
		3" bituminous base	sy	\$8	10,500	\$84,000		
		6" aggregate base	sy	\$10	10,500	\$105,000		
		6" curb and gutter	lf	\$11	3,352	\$36,872		
		wheel stops	ea.	\$34	282	\$9,588		
							\$277,460	
								\$363,650
3.2	Recreation development	pressbox (625 sf. per floor- ground floor: storage, packaged food sales, two fixture set restrooms / upper floor: open views, PA service / ground floor 625 sf.@ \$175 / upper floor 625 sf.@ \$100)	ea.	\$171,875	1	\$171,875		
		maintenance / storage building (two tractor bays and ball field material storage, finished to match other buildings on site- 1000 sf.@ \$100)	ea.	\$100,000	1	\$100,000		
		asphalt trails	sy	\$14	4,622	\$64,708		
		concrete paving in baseball hub	s.y.	\$25	4,300	\$107,500		
		bleachers	ea.	\$100	800	\$80,000		
		dugout benches	ea.	\$100	80	\$8,000		
		chain link fencing w/ vinyl coating(6' height)	linear ft.	\$20	3,600	\$72,000		
		chain link fencing w/ vinyl coating(10' height)	linear ft.	\$35	1,000	\$35,000		
		backstop (20' x 18' back, 30' x 18' wing w/ canopy) 3 days	ea.	\$7,000	4	\$28,000		
		400' CF field topsoil and fine grading (forming mounds, warning track and infield mix, underdrainage, turf)	ea.	\$350,000	2	\$700,000		
		300' CF field topsoil and fine grading (forming mounds, warning track and infield mix, underdrainage, turf)	ea.	\$250,000	2	\$500,000		
		trash receptacles	ea.	\$600	11	\$6,600		
		benches	ea.	\$1,000	5	\$5,000		
								\$1,878,683
3.3	Lighting	ballfield lighting (400' CF fields- materials and installation)	ea.	\$290,000	2	\$580,000		
		ballfield lighting (300' CF fields- materials and installation)	ea.	\$175,000	2	\$350,000		
		double head parking lights (spaced @ 150')	ea.	\$4,000	7	\$28,000		
		single head streetlights (spaced @ 150')	ea.	\$2,500	7	\$17,500		
								\$975,500
3.4	Landscape	major tree (2 1/2" caliper, B&B)	ea.	\$270	84	\$22,680		
		minor tree (1 1/2" caliper, B&B)	ea.	\$180	92	\$16,560		
		evergreen tree (6' height, B&B)	ea.	\$150	93	\$13,950		
		shrubs (18" height, B&B or container, 5' O.C.)	ea.	\$30	2,100	\$63,000		
		perennials and groundcover (1 gal. Container, 18" O.C.)	ea.	\$12	8,400	\$100,800		
		watering (assume 5 waterings per year)	mg.	\$100	98	\$9,800		
		shredded hardwood bark mulching (3" depth)	s.y.	\$3	245	\$735		
		topsoil	s.y.	\$5	245	\$1,225		
								\$228,750
3.5	Irrigation	400' CF ballfield irrigation	ea.	\$22,000	2	\$44,000		
		300' CF ballfield irrigation	ea.	\$18,000	2	\$36,000		
		water source (well water or WSSC connection)	lump	\$35,000	1	\$35,000		
								\$115,000
								\$3,561,583

4. OTHER ACTIVE RECREATION AREA

ITEM	SECTION	ITEM DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST (Dollars)	SUBTOTAL	TOTAL
4.1	Parking lot (south half of circle)	1.5" bituminous surface course	sy	\$4	1,611	\$6,444		
		3" bituminous base	sy	\$8	1,611	\$12,888		
		6" aggregate base	sy	\$10	1,611	\$16,110		
		6" curb and gutter	lf	\$11	808	\$8,883		
		wheel stops	ea.	\$34	36	\$1,224		
								\$45,549
4.2	Recreation development	restroom (3 sinks and 5 WC each side, 1500 sf	ea.	\$180,000	1	\$180,000		
		asphalt trails	sy.	\$14	1,600	\$22,400		
		asphalt paving for basketball and in line hockey	s.y.	\$14	2,300	\$32,200		
		dasherboards, upper containment fencing, benches for all boxed areas	lump	\$66,000	1	\$66,000		
		in line hockey surface (flexifloor coat)	s.y.	\$5	1,550	\$7,750		
		basketabl surface (flexipave coat)	s.y.	\$5	750	\$3,750		
		basketball hoop	ea.	\$2,000	2	\$4,000		
		playground equipment (equipment, ground surface preparation, perimeter fencing)	lump	\$150,000	1	\$150,000		
		trash receptacles	ea.	\$600	4	\$2,400		
		benches	ea.	\$1,000	8	\$8,000		
4.3	Landscape	major tree (2 1/2" caliper, B&B)	ea.	\$270	11	\$2,970		
		minor tree (1 1/2" caliper, B&B)	ea.	\$180	11	\$1,980		
		evergreen tree (6' height, B&B)	ea.	\$150	7	\$1,050		
		shrubs (18" height, B&B or container, 5' O.C.)	ea.	\$30	300	\$9,000		
		perennials and groundcover (1 gal. Container, 18" O.C.)	ea.	\$12	1,200	\$14,400		
		watering (assume 5 waterings per year)	mg.	\$100	14	\$1,400		
		shredded hardwood bark mulching (3" depth)	s.y.	\$3	35	\$105		
		topsoil	s.y.	\$5	35	\$175		
		reforestation overstory trees (5' height, 20' OC) 2.76 acres	ea.	\$50	243	\$12,150		
		reforestation understory trees (15" height, 8' OC) 2.76 acres	ea.	\$30	648	\$19,440		
							\$62,670	
4.4	Lighting	single head streetlights and overhead lights (spaced @ 150'	ea.	\$2,500	2	\$5,000		
		basketball lighting (2- 40' poles, 1 each side)		\$40,000	1	\$40,000		
		in line hockey lighting (4- 40' poles, 2 each side)		\$70,000	1	\$70,000		
							\$115,000	
Section Total								\$699,719

5. PICNIC AREA

ITEM	SECTION	ITEM DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	COST (Dollars)	SUBTOTAL	TOTAL
5.1	Parking lot (north half of circle)	1.5" bituminous surface course	sy	\$4	1,611	\$6,444		
		3" bituminous base	sy	\$8	1,611	\$12,888		
		6" aggregate base	sy	\$10	1,611	\$16,110		
		6" curb and gutter	lf	\$11	808	\$8,883		
		wheel stops	ea.	\$34	36	\$1,224		\$45,549
5.2	Recreation development	picnic shelter (1,500 sf. conc slab floor, metal roof, lighting and convenience power- \$50 / sf.)	ea.	\$75,000	2	\$150,000		
		asphalt trails	sy.	\$14	1,100	\$15,400		
		picninc tables	ea.	\$800	30	\$24,000		
		grill	ea.	\$400	1	\$400		
		trash receptacles	ea.	\$600	4	\$2,400		\$192,200
5.3	Landscape	major tree (2 1/2" caliper, B&B)	ea.	\$270	14	\$3,780		
		minor tree (1 1/2" caliper, B&B)	ea.	\$180	14	\$2,520		
		evergreen tree (6' height, B&B)	ea.	\$150	14	\$2,100		
		shrubs (18" height, B&B or container, 5' O.C.)	ea.	\$30	300	\$9,000		
		perennials and groundcover (1 gal. Container, 18" O.C.)	ea.	\$12	1,200	\$14,400		
		watering (assume 5 waterings per year)	mg.	\$100	14	\$1,400		
		shredded hardwood bark mulching (3" depth)	s.y.	\$3	35	\$105		
		topsoil	s.y.	\$5.00	35	\$175		\$33,480
5.4	Lighting	single head streetlights (spaced @ 150')	ea.	\$2,500	3	\$7,500		\$7,500
							Section Total	\$278,729

Subtotal	\$6,200,465
A/E Fees	\$744,056
Contingency	\$930,070
Const. Mgmt. Fee	\$372,028
Staff Chargebacks	\$93,007
Project Total	\$8,339,625

EXHIBIT #2

ADOPTED

Laytonia Recreational Park -- No. 038703

Category M-NCPPC
 Agency M-NCPPC
 Planning Area Gaithersburg Vicinity
 Relocation Impact None

Date Last Modified
 Previous PDF Page Number
 Required Adequate Public Facility

February 13, 2004
 21-31 (03 App)
 NO

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY03	Est. FY04	Total 6 Years	FY05	FY06	FY07	FY08	FY09	FY10	Beyond 6 Years
Planning, Design and Supervision	1,521	0	0	1,521	0	288	490	242	242	259	0
Land											
Site Improvements and Utilities	7,860	0	0	7,860	0	0	0	211	3,070	4,579	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	9,381	0	0	9,381	0	288	490	453	3,312	4,838	0

FUNDING SCHEDULE (\$000)

Program Open Space	0	0	0	0	0	0	0	0	0	0	0
G.O. Bonds	9,381	0	0	9,381	0	288	490	453	3,312	4,838	0
Current Revenue: General	0	0	0	0	0	0	0	0	0	0	0

ANNUAL OPERATING BUDGET IMPACT (\$000)

Maintenance				1	0	0	0	0	0	1	0
Energy				13	0	0	0	0	0	13	0
Program-Staff				43	0	0	0	0	0	43	0
Program-Other				130	0	0	0	0	0	130	0
Net Impact				187	0	0	0	0	0	187	0
Workyears				1.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0

DESCRIPTION

This project provides for design of Laytonia Recreational Park. The park is located at the northwest quadrant of the intersection of Muncaster Mill Road and Airport Road in the vicinity of Derwood. Access will be from Muncaster Mill Road--right-in and right-out only--and from Airport Road. The park consists of three parcels totaling nearly 51 acres: an undeveloped surplus school site, a parcel to be dedicated through the subdivision process, and an adjacent church site recently purchased by the Commission. A portion of the proposed park site is reserved for a regional library for the Montgomery County Department of Public Libraries.

Proposed facilities include two lighted and irrigated regulation-sized baseball fields with 90 foot baselines, 375 foot sidelines and 400 foot distance to centerfield, and two lighted and irrigated baseball fields with 75 foot baselines, 275 foot sidelines and 300 foot centerfield. Fields are planned with bleachers, bench and warm-up areas. The larger baseball fields can accommodate baseball users from the eighth grade through college level and adults. The smaller baseball fields can accommodate little league play through the seventh grade. The central plaza of the ballfield area includes restrooms, a press box, and a vending area.

Other proposed facilities include a small maintenance building, lighted in-line hockey rink, playground, lighted basketball court, two picnic shelters, extensive pathways and landscaping. The site will also provide trailhead parking to access the adjacent subdivisions and the Agricultural History Farm Park. An extensive eight-foot wide paved trail system within the park will connect to an existing natural surface trail on the north side of the proposed park. Design fees will include well testing to determine whether well water is feasible for irrigation; findings will affect the Operating Budget Impact. Design fees include an additional limited traffic study to further assess the warrants for a signal at the Airpark Road entrance. During final design, staff will also determine if a sand volleyball court is feasible in the vicinity of the picnic area, as requested during public review of the plan.

The proposed road through the park will be constructed to tertiary standards. The Commission will transfer maintenance responsibilities to the County when the library and adjacent Covenant Life Church are constructed because both will also use the road.

JUSTIFICATION

Park, Recreation, and Open Space Master Plan (PROS): A Local Land Preservation and Recreation Plan, approved by the Montgomery County Planning Board in July, 1998. As established by the adopted PROS Plan, there is a need for ten additional Countywide (regional and recreational park) ballfields by the year 2010. Currently, there are only nine regulation-sized baseball fields throughout Montgomery County. The proposed fields will help to alleviate the shortage of regulation-sized fields and address the increasing popularity of baseball in the County.

The project site is located in the Upper Rock Creek Master Plan (1985) area, and neither the park nor the library is addressed in the approved and adopted master

APPROPRIATION AND EXPENDITURE DATA	COORDINATION	MAP
Date First Appropriation FY03 (\$000)	Maryland State Highway Administration (SHA) Department of Public Works, Facilities and Services Montgomery County Department of Public Libraries Montgomery County Revenue Authority	See Map Next Page
Initial Cost Estimate		
First Cost Estimate		
Current Scope FY00		
Last FY's Cost Estimate	M-NCPPC asserts that this project conforms to the requirements of relevant local plans as required by the Maryland Economic Growth, Resource Protection and Planning Act.	
Present Cost Estimate		
Appropriation Request FY05		
Appropriation Req. Est. FY06		
Supplemental Appropriation Request FY04		
Transfer		
Cumulative Appropriation		
Expenditures/Encumbrances		
Unencumbered Balance		
Partial Closeout Thru FY02		
New Partial Closeout FY03		
Total Partial Closeout		

plan. However, the Commission is updating the master plan and will address the proposed park, library, and required sewer category change. The Planning Board approved a draft updated master plan in July 2003 and forwarded it to the County Council in Fall 2003. Stormwater management facilities will be sized and constructed to accommodate the library when the park is constructed.

Plans and Studies

The Montgomery County Planning Board approved the facility plan on July 30, 2001. A review of impacts to pedestrians, bicycles and ADA (Americans with Disabilities Act 1991) will be performed and addressed by this project. Traffic signals, streetlights, crosswalks, bus stops, ADA ramps, bikeways, and other pertinent issues will be considered in the design of the project to ensure pedestrian safety.

Cost Change

Inflation; increase in design costs to reduce parking, add batting cages, and make minor adjustments to layout in accordance with the Planning Board's request at the time the facility plan was approved.

STATUS

Planning stage.

EXHIBIT # 3

Laytonia Recreational Park -- No. 038703

Category: M-NCPPC
 Agency: M-NCPPC
 Planning Area: Gaithersburg Vicinity
 Relocation Impact: None

Date Last Modified
 Previous PDF Page Number
 Required Adequate Public Facility

April 7, 2006
 21-31 (03 App)
 NO

EXPENDITURE SCHEDULE (\$000)

Cost Element	Total	Thru FY05	Est. FY06	Total 6 Years	FY07	FY08	FY09	FY10	FY11	FY12	Beyond 6 Years
Planning, Design and Supervision	1,557	0	0	1,557	288	490	255	254	270	0	0
Land											
Site Improvements and Utilities	8,265	0	0	8,265	0	0	223	3,228	4,814	0	0
Construction	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0
Total	9,822	0	0	9,822	288	490	478	3,482	5,084	0	0

FUNDING SCHEDULE (\$000)

	Total	Thru FY05	Est. FY06	Total 6 Years	FY07	FY08	FY09	FY10	FY11	FY12	Beyond 6 Years
Program Open Space	0	0	0	0	0	0	0	0	0	0	0
G.O. Bonds	9,822	0	0	9,822	288	490	478	3,482	5,084	0	0
Current Revenue: General	0	0	0	0	0	0	0	0	0	0	0

ANNUAL OPERATING BUDGET IMPACT (\$000)

	FY07	FY08	FY09	FY10	FY11	FY12	Beyond 6 Years
Maintenance	12	0	0	0	5	7	0
Energy	82	0	0	0	41	41	0
Program-Staff	280	0	0	0	140	140	0
Program-Other	233	0	0	0	166	67	0
Net Impact	607	0	0	0	352	255	0
Workyears	7.2	0.0	0.0	0.0	3.6	3.6	0.0

DESCRIPTION

This project provides for design of Laytonia Recreational Park. The park is located at the northwest quadrant of the intersection of Muncaster Mill Road and Airpark Road in the vicinity of Derwood. Access will be from Muncaster Mill Road--right-in and right-out only--and from Airport Road. The park consists of three parcels totaling nearly 51 acres: an undeveloped surplus school site, a parcel to be dedicated through the subdivision process, and an adjacent church site recently purchased by the Commission. A portion of the proposed park site is reserved for an animal shelter for the Montgomery County Department of Public Safety.

Proposed facilities include two lighted and irrigated regulation-sized baseball fields with 90-foot baselines, 375-foot sidelines and 400-foot distance to centerfield, and two lighted and irrigated baseball fields with 75-foot baselines, 275-foot sidelines and 300-foot centerfield. Fields are planned with bleachers, bench and warm-up areas. The larger baseball fields can accommodate baseball users from the eighth grade through college level and adults. The smaller baseball fields can accommodate little league play through the seventh grade. The central plaza of the ballfield area includes restrooms, a press box, and a vending area.

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The proposed road through the park will be constructed to tertiary standards. The Commission will transfer maintenance responsibilities to the County when the library and adjacent Covenant Life Church are constructed because both will also use the road.

JUSTIFICATION

Park, Recreation, and Open Space Master Plan (PROS): A Local Land Preservation and Recreation Plan, approved by the Montgomery County Planning Board in July, 1998. As established by the adopted PROS Plan, there is a need for ten additional Countywide (regional and recreational park) ballfields by the year 2010. Currently, there are only nine regulation-sized baseball fields throughout Montgomery County. The proposed fields will help to alleviate the shortage of regulation-sized fields and address the increasing popularity of baseball in the County. The project site is located in the Upper Rock Creek Master Plan area. The proposed park and animal shelter require a sewer category change. Stormwater management facilities will be sized and constructed to accommodate the animal

APPROPRIATION AND EXPENDITURE DATA

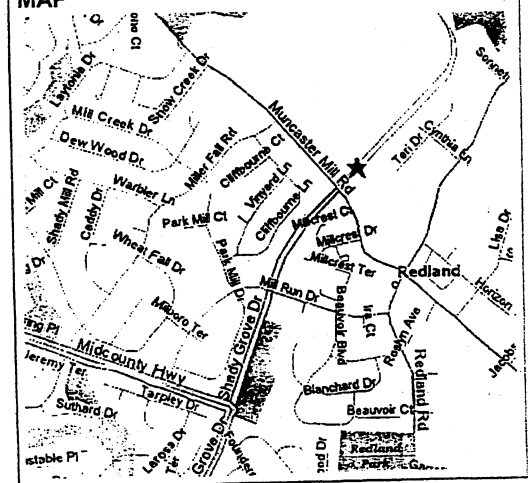
Date First Appropriation	FY03	(\$000)
Initial Cost Estimate		0
First Cost Estimate		0
Current Scope	FY00	0
Last FY's Cost Estimate		9,381
Present Cost Estimate		9,822
Appropriation Request	FY07	0
Appropriation Req. Est.	FY08	0
Supplemental Appropriation Request	FY06	0
Transfer		0
Cumulative Appropriation		827
Expenditures/Encumbrances		0
Unencumbered Balance		827
Partial Closeout Thru	FY04	0
New Partial Closeout	FY05	0
Total Partial Closeout		0

COORDINATION

Maryland State Highway Administration (SHA)
 Department of Public Works, Facilities and Services
 Montgomery County Department of Public SAFETY
 Montgomery County Revenue Authority

M-NCPPC asserts that this project conforms to the requirements of relevant local plans as required by the Maryland Economic Growth, Resource Protection and Planning Act.

MAP



shelter when the park is constructed.

Plans and Studies

The Montgomery County Planning Board approved the facility plan on July 30, 2001. A review of impacts to pedestrians, bicycles and ADA (Americans with Disabilities Act 1991) will be performed and addressed by this project. Traffic signals, streetlights, crosswalks, bus stops, ADA ramps, bikeways, and other pertinent issues will be considered in the design of the project to ensure pedestrian safety.

Cost Change

Increase due to inflation.

STATUS

Planning stage. One year delay to explore public-private partnership.

Also, since a significant amount of time has passed since the Planning Board 's last discussion, the Public/Private Partnership Committee has revisited the issue and now brings to the Board a recommendation to consider park development opportunities through a public/private partnership structure which may serve to significantly enhance development of Laytonia Park beyond the improvements in the existing program of requirements in the adopted CIP FY04 PDF.

The key elements of the RBM proposal were:

- RBM would develop the park to a value of approximately \$11 million to \$12 million. The added \$1.2 million – \$2.2 million value is attributed to a combination of designing and building an all baseball fields complex and seating to a higher standard than M-NCPPC with an addition of an indoor baseball training facility. The planned public investment in the park to date is \$9.8 million. The immediate RBM investment is estimated at approximately \$1.5 million, including a commitment to absorb the majority of future maintenance costs. It should be noted that the definite dollars from the RBM proposal was \$500,000 with the rest to be raised from others.
- RBM would manage the facility and program camps, training, leagues, and tournaments during the 9 ½ months that the spring leagues do not use the fields. One key issue, yet to be determined, is the amount of time and accessibility to this park that will be made available to other teams given the significant, adopted public development investment identified for the park.
- RBM would maintain the park at a high standard, requiring M-NCPPC to fund significantly less maintenance than what is identified in the PDF (which staff concludes is below what the actual costs of maintenance will be).
- M-NCPPC would share with RBM excess revenues from the operation of the park at a point in time in the future when/if the project turns a profit.

Staff on the Public/Private Partnership Committee has identified several major issues/questions associated with this proposal that require additional evaluation:

- Is the value added to the project in exchange for the 9 ½ months of programming reasonable?
- Is the financial participation of RBM sufficient?
- Will the general public and ball field user community to be served by the presence of RBM in a County park, providing baseball “the Ripken Way” as an added value that offsets a potential perceived loss of normal access? Note that there is some potential to provide access during the non-spring season based on negotiation of the relationship.
- Will there be sufficient access to the park for the local community and will they receive the recreation amenities that they need in their neighborhood?
- Will there be sufficient access to the facilities and the programs offered by RBM for all levels of players and all groups regardless of their ability to pay?
- How should the Commission avoid creating an impression that public parkland and public dollars are fair game for entrepreneurial investors? And
- Private Use and Impact on GO Bond Funding: In the current 6-year capital plan, the Laytonia Recreational Park is to be funded by \$9.8 million of County General Obligation Bonds. There are very strict IRS regulations regarding tax-exempt bond financing and

private use. As a result, it has been the County Finance Department's policy not to allow any GO Bond Funding on a project which will involve private use. If that policy remains in place, the County would most probably need to change the funding source for Laytonia to current receipts to permit a private partnership.

There are some ways to structure a transaction with private use without triggering a tax-exempt bond problem. They would involve very limited "private payments" to the Commission and/or an operating contract based on a fixed fee. Private payments include not just rent, but other investment such as private construction of facilities and private party operation/maintenance responsibilities. It may be difficult to structure the Laytonia transaction in a way which would conform to tax-exempt bond regulations.

The County will need to review the Laytonia RFP and comment on the language to put potential proposers on notice of this issue. We have requested a meeting with key staff from the County Finance Department, OMB and Council to discuss the private use issues on this project as well as other projects to obtain their guidance.

•

Staff have reviewed this project – particularly in view of three major policy areas: (1) the projected field needs in the LPPRP, (2) the unanticipated placement of 4 lighted baseball fields in the form of a baseball playing and training complex in and adjacent to the affected LPPRP Team Areas, and (3) the proposed term of the lease requested by RBM may require special consideration.

Ripken Baseball - Recent News Events:

On March 25, 2007 a news article appeared in the Baltimore Sun titled "Ripken Stadium expensive for City". The news article asserted that there was an unexpected financial burden on the city of Aberdeen, Maryland, when they partnered with Ripken Baseball to develop a new \$18 million, 6,000-seat baseball stadium. (*See Exhibit #4 Attached*) The City of Aberdeen contributed \$4 million and Hartford County added \$2 million. The City, working through the State of Maryland, raised the money to buy 30 acres of land for \$4.8 million through the sale of bonds. The Ripken Baseball group shares the profits received from the stadium to pay for the City's debt on the stadium deal.

The City of Aberdeen is now struggling to pay their debt obligations for the stadium because the income from the stadium and stadium related development was not as profitable as projected. The news article implies that the stadium has not achieved it's financial goals. However, late in the article the full plan is discussed. The city intended that revenue from the surrounding development that would include entertainment retail, housing and restaurants would more than pay for the city's costs associated with the stadium.

Staff contacted the City Manager for Aberdeen, Doug Miller, and discussed the issues described in the article. Mr Miller advised that in fact the city did structure the deal to rely on the

surrounding development, which was a separate deal between the city and a different development team. He stated unequivocally that the shortfall, “has nothing to do with the Ripkens, they have been good partners.” Mr. Miller also stated that the Ripken team is a pleasure to work with. He stated that the development partner has had internal problems and that he believes that the market conditions have also been a factor in the lack of progress.

While the Aberdeen’s partnership deal with Ripken Baseball is not the same as the proposed baseball training complex proposed for the Laytonia Recreational Park, staff is reminded that any partnership, (solicited or unsolicited) must be carefully and conservatively evaluated in order to insure that the public’s fiduciary interests are protected. The staff is mindful of this critical component of any partnership and will address this issue in any partnership proposal for the Board’s review and consideration.

Park Development Policy Considerations for the Future:

Staff re-evaluated the Commission’s adopted policies on future ballfield development as part of our consideration to solicit new park development proposals for Laytonia Park.

In the LPPRP the need for future diamond ballfields is projected as follows:

LAYTONIA RECREATIONAL PARK

Field Need Estimates in the 2005 Land Preservation, Park and Recreation Plan

This Plan, which serves as our updated PROS Plan, estimated field needs by type of field to the year 2020 for each of the Community Based Team Areas (see table 1 below).

Laytonia is located within the Georgia Avenue/Olney team area. Estimated needs for this team area are: 7.7 large rectangular fields, 2.3 small rectangular fields, and 1.8 large 90 ft base path baseball fields. Because of the decline in softball participation, it is estimated that there will be a surplus of softball/baseball fields by 2020. There are 4 future potential future rectangular fields for this area.

Laytonia is located directly adjacent to the I-270 corridor and is well positioned to serve the I-270 Corridor Team Area as well. Needs for this area are primarily for rectangular fields for soccer/football/lacrosse and include: 19.4 large rectangular fields, 9.7 small youth size rectangular fields, 3.0 large 90 ft base bath baseball fields, and 1.5 adult softball/youth baseball fields and no small youth softball fields. Plan Appendix VIII indicates that potential projects in the I-270 corridor can provide 17 large rectangular and 6 small rectangular fields, and 4 90 ft baseball, 12 adult softball/youth baseball, and 2 small youth diamonds. In this Appendix, based on the current facility plan, Laytonia is shown as potentially providing 2 large 90 ft base bath baseball and 2 youth (10 and over) baseball/adult softball fields.

Table 1- 2020 Additional Field Needs by Community Based Team Area

Planning Team Area	Number of Youth (0-9) Multi-Purpose Diamonds Needed	Number of (Age 10-13 Baseball and 10-65+ Softball) Diamonds Needed	Number of 90' infield-Baseball Fields (Ages 14+) Needed	Number of Adult (10-65+) Multi-Purpose Rectangular Fields Needed	Number of Youth (0-9) Multi-Purpose Rectangles Fields Needed	Range Minimum/Maximum
Rural/Damascus	-1.8	-3.2	1.7	5.2	-2.6	3.7 / 6.9
I-270	0.1	1.5	3.0	19.4	9.7	33.7
Olney/Georgia Avenue	-5.3	-19.3	1.8	7.7	2.3	1.8 / 11.8
Potomac	-0.3	5.2	4.5	4.6	-4.1	14 / 14.3
Eastern County	-0.5	-20.5	-0.3	4.8	1.1	0.3 / 5.9
Bethesda/Chevy Chase	-1.0	-0.9	4.8	20.4	1.7	24.8 / 26.9
Silver Spring/Takoma Park	-1.7	8.7	4.1	10.8	-3.4	23.6
Maximum Need	0	15	20	73	15	TOTAL 101.7/123.1

Commission Budgetary Considerations:

During review of the FY07-12 M-NCPPC CIP in September 2005, staff recommended and the Board agreed to a one-year delay in the CIP development of the park. The adopted FY05-10 CIP began the design in FY06, construction in FY08, and completion in FY10. The adopted FY07-12 CIP begins the design in FY07, construction in FY09, and completion in FY11. Expenditures (GO bonds) were increased in order to cover inflation for the one-year delay from \$9,381,000 to \$9,822,000.

The current appropriation of \$827,000 is for design services. Advertisement for consulting services for the design has been withheld pending a decision to move forward with development of the park as a capital project. The project is now one year behind the new schedule. Staff recommends a further one-year delay for the start of design, and less than one-year delay for completion of the project (start of design from July, 2006 to July, 2008, start of construction from spring 2009 to spring 2010, and completion from summer 2011 to spring 2012). A one-year delay increases the cost by inflation to \$10,068,000 (2.5%) and a two-year delay to \$10,320,000.

If the project is revisited in the FY09-14 CIP, we risk a two-year or greater shift in schedule. Staff is particularly concerned that for fiscal reasons, the next Executive and Council may delay the project further, with a corresponding increase in cost. A 10 million dollar GO bond funded park project constitutes an appealing candidate for delay if other priorities arise. To avoid this, staff recommends revising the PDF for the FY08 CIP. Since Board approval of the facility plan in July 2001, the County made a public facility use and site development change. A pad site formally incorporated into the plan for a County library is now the site for a County animal shelter. The animal shelter project is in design and is slated for construction ahead of the park. The County anticipates presenting a mandatory referral in the fall of this year and beginning construction in the summer next year. Coordination of the two projects is critical. To date, the respective staff teams have been working to coordinate the design and development of the two projects. As a result of this cooperative effort the County has agreed to implement a portion of the road access and utility infrastructure to support both projects. The future partnership project or the adopted CIP Park project will be required to mesh with the County's completed animal shelter.

Laytonia Recreational Park RFP:

Staff have prepared a formal Request for Proposals (RFP) for Laytonia Recreational Park in order to create a public opportunity for prospective recreational development groups to submit a complimentary development proposal for the park. (See Attachment #3) The RFP requests the submission of recreational park development proposals, which match or exceed the active and passive recreational features in the adopted Laytonia Recreational Park Plan. Staff is recommending the immediate issuance of the RFP for public review and consideration.

All proposals found to comply with the RFP criteria will be circulated among the public stakeholders for their review and comment.

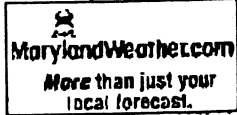
Upon receipt of the public comments, staff will evaluate all acceptable proposals along with the public comments and recommend that the Board approve either a recommended proposal or inform the Planning Board that the adopted plan for Laytonia Recreational Park should be constructed as approved and funded.

Summary Conclusion:

Staff recommends the Planning Board allow the staff to proceed as recommended and accept the staff's three (3) recommendations.

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SUN EXCLUSIVE

Ripken Stadium expensive for city

Aberdeen mayor considers a sale

BY JUSTIN FENTON
SUN REPORTER

ORIGINALLY PUBLISHED MARCH 25, 2007

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"Private ownership of stadiums, unless there's some other component, makes little financial sense," Greenberg said. "It's a limited-use facility. There's got to be something other than just buying the stadium."

The deal between the city and Ripken, drafted and signed in late 2000, called for the city to purchase 112 acres of rolling farmland just north of Interstate 95.

Ripken, who writes a weekly advice column on youth sports for The Sun, agreed to build the \$18 million, 6,000-seat stadium on 30 of those acres, splitting the costs with city, county and state taxpayers. Tufton Professional Baseball LLC contributed \$6 million of the construction costs, which helped convince state leaders to put in another \$6 million. Aberdeen contributed \$4 million, and Harford County added \$2 million.

The city, working through the state, raised the money to buy the land through the sale of \$4.8 million in bonds - backed by a promise to raise taxes if necessary to repay bondholders.

Advertisement for MarylandWeather.com featuring a 3x3 grid of weather icons (sun, clouds, rain, snow, etc.) and the text "Don't gamble on the weather." It also includes the logo for "APPLE VACATIONS" and the text "brought to you by".

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Ripker (Sun photo) Haddock Mar 20, 2007

GRA
THE RIPKEN STADIUM
The city of Aberdeen is set to purchase 112 acres of rolling farmland just north of Interstate 95 for the construction of a new stadium for the Aberdeen IronPigs. The stadium is expected to be completed in 2008.

The Ripken fund
Mar 25, 2007

ABERDEEN'S RIPKEN



Ripken Stadium expensive for city - baltimoresun.com

The city depends on the proceeds of a 10 percent tax on tickets, as well as a share of the profits it shares with the team for concerts and other nonbaseball events held there, to cover its costs. So far, that revenue hasn't been enough.

From the start, the viability of the project hinged on development around the stadium - only some of which has come to fruition.

The Ripken Baseball Academy, a youth baseball facility that attracts thousands to the city annually and hosts the Cal Ripken 12-and-under World Series, has been built, and a Marriott hotel, modeled after Camden Yards' B&O Warehouse, looms beyond right field and will open next month.

The true windfall, however, was expected to be 30 acres of adjacent land for development, including homes, restaurants, shopping and a movie theater.

Real estate, property and amusement taxes were predicted to bring in more than \$900,000 annually, according to city documents, easily covering the city's expenses.

"The operating expenses of the stadium would never have been completely offset by the income of the stadium," Flannery said. "Just as you find in many other minor league parks [and] arenas, the stadiums themselves are not a break-even proposition, but become a catalyst for growth and improve the overall tax base."

After years of costly delay following a lawsuit from a rival developer, a deal was struck in early 2005 between the city and Nottingham Properties Inc., developer of The Avenue at White Marsh.

But the development has yet to take shape.

Mark E. Mueller, an associate with KLNB, the leasing agent for Nottingham, said that the company intends to see the project through. A sticking point has been securing a movie theater chain - which would be the main draw when baseball is out of season.

"Because of the sale of the [company's] assets down in White Marsh, fairly or unfairly, this project has not been the focus of their attention. But it is now, and it is their intention to see it through," Mueller said.

Former City Manager Peter A. Dacey said the sale of the land alone should have offset losses until development finally took place.

After recouping expenses, about \$1.2 million was placed into the city's stadium fund that would have more than covered the expected shortfalls.

But operating losses of several hundred thousands of dollars a year are eating into that

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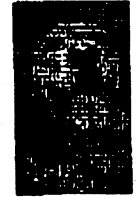
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fund. At the end of fiscal 2006, the fund showed a cumulative balance of only \$251,520, even after the sale of adjacent land. The fund balance could plunge into the red this fiscal year.

"There is a temptation now, because we don't have the revenue streams we thought we'd have, to try to squeeze not only the taxpayer but other revenue streams as well," Simmons said. "I find that patently unfair."

Ultimately, any sale would require approval of the City Council. Aberdeen Councilman Ronald Kupferman said the mayor has told him of the talks with Ripken.

"I would definitely be in favor of selling the stadium so that we can get back to square one," Kupferman said.

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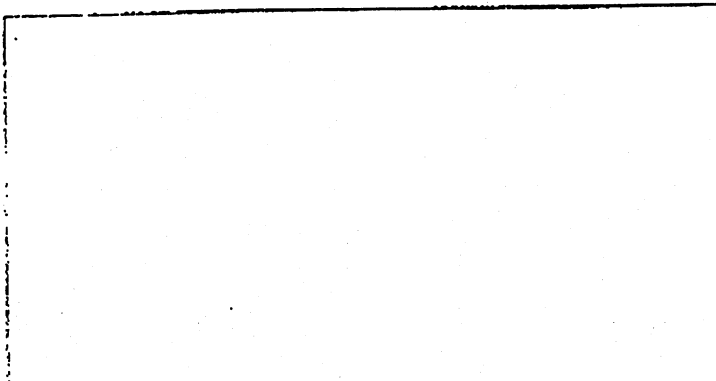


EXHIBIT #5

THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION
Department of Finance, Purchasing Division

6611 Kenilworth Avenue, Suite 300 • Riverdale, Maryland 20737 • 301-454-1603 Fax: 301-454-1606

DRAFT (Revised)

The Maryland–National Capital Park and Planning Commission (Commission) hereby invites proposals from interested firms in accordance with this Request for Proposal (RFP) as set forth herein. The enclosed sections contain information related to the below Project and this information is provided to all prospective Offerors.

Proposal No.: RFP 27-115

Proposal Name: Laytonia Park Development

Pre-Proposal Conference:

**Maryland Park and Planning Commission
Montgomery County Regional Office
8787 Georgia Avenue
Silver Spring, Maryland 20910**

Due Date: Written Proposals must be received no later than 11:00 a.m on to the Commission's Purchasing Division.

Number of Copies: One (1) original and six (6) copies bound and sealed.

Delivery of proposals to the Purchasing Division, 6611 Kenilworth Avenue 3rd floor, Suite 300, Riverdale, Maryland 20737, may only be made during Commission business hours, 8:00 A.M. to 5:00 P.M., Monday through Friday. The submittal should have the Proposal No. RFP 27-115 indicated on the outside of the package or envelope.

Proposals delivered to any location other than the Purchasing Division Office listed above will not be considered. Oral, telephonic, telegraphic and facsimile proposals will not be accepted. If a proposal is sent by mail or courier service, the Offeror assumes full responsibility for its timely delivery to the designated location. Proposals received after the date and time specified for receipt of proposals will be rejected and returned unopened.

Offerors are to conform to the procurement conditions herein, including those for Subcontracting. The proposal shall clearly indicate the proposed subcontractors to be utilized to accomplish the Scope of Services.

This RFP has significant subcontracting opportunities and, therefore each Offeror must demonstrate compliance with the Commission's Non-Discrimination in Subcontracting Program. An MFD subcontracting level of participation of ten percent (20%) has been

established for this RFP. A Nondiscrimination in Subcontracting Bid Form must be completed and signed by an authorized person in order to be deemed responsive.

For the Professional Services category, African American, and Disabled owned firms, that meet certain requirements and have been approved as eligible by the Fair Practice Office, receives an evaluation preference. A copy of the letter of approval issued by the Fair Practice Office must be attached to the Offeror's response in order to receive an evaluation preference.

All inquiries regarding this proposal are requested be made to Jana Harris, Principal Procurement Specialist, (301) 454-1603 phone, fax (301) 454-1606 or e-mail Jana.Harris@MNCPPC.org, or CentralPurchasing@MNCPPC.org.

Jana M. Harris
Principal Procurement Specialist

Part 1

GENERAL INFORMATION and GENERAL CONDITIONS

PART 1: GENERAL INFORMATION

PRE-SUBMISSION INFORMATION

Examination of Proposal Documents

Offerors must examine all of the solicitation documents very carefully and must tailor their proposal to the location and requirements of the proposed work. The submission of a proposal indicates that the Offeror thoroughly understands all of the terms and conditions, instructions, notices, and specifications of the proposal.

Commission Assistance in Proposal Preparation

Commission staff will not assist any Offeror or Offeror's agent in the actual preparation of the proposal. Offerors or their agents will not be permitted to use Commission telephones or other facilities in the preparation of the proposal.

Interpretation of Proposal Documents and Correction of Proposal Documents

Should a Offeror require an interpretation or clarification of any provisions of the RFP documents or related information provided by the Commission, or believe that there is an ambiguity, error, inconsistency or discrepancy in these documents or information, the Offeror must notify the Commission in writing at least five (5) working days prior to the date set for receipt of proposals.

A Offeror who fails to request any such interpretation or clarification waives any claim for additional cost or time spent addressing any ambiguity, error, inconsistency or discrepancy in any such documents or information which is found to have been apparent at the time of receipt of proposals.

All interpretations, clarifications, corrections, changes or other directions related to these requests of Offerors will be provided in writing by the Commission and sent to all prospective Offerors who obtained copies of the documents and information from the Commission.

Extension of Proposal Opening

The Commission may extend the proposal opening date at its option. If the date is extended, the Commission will notify all prospective Offerors who have obtained copies of the proposal documents from the Commission.

Response to Solicitations

In the event a firm does not submit a proposal on this solicitation, the firm should respond with an explanation as to why the firm is unable to do so. Because of the large number of firms listed on the Commission's bidders list, it may be necessary to delete from this list the name of those firms that repeatedly fail to respond to Commission solicitations for proposals. The return of a "No Proposal" is not considered a failure to respond.

PREPARATION and SUBMISSION of PROPOSALS

The Offeror should submit an original and six (6) copies of the proposal as indicated in the RFP announcement. The proposal must be:

Initialed by the Offeror where there are erasures or other changes in the proposal.

Signed in ink by authorized principals with the Offeror's legal name fully stated. Corporations must give the state in which incorporated, using phrase "A Corporation organized under the laws of the State of _____". Partnerships must give names of partners, using phrase "Co-partners, doing business under the firm name of _____". Individuals using a trade name must give the individual name, using phrase "An individual doing business under the trade name of _____".

Submitted in accordance with the format as specified in the section titled Proposal Format. Proposals may be submitted as the Offeror may determine, but the proposals must follow the prescribed format as to the requirements of content and order of content.

Fully completed by the Offeror, including all information requested and any attachments that may be required.

Enclosed in a sealed envelope, the face of which shall indicate the RFP Number, time, and date of opening, and title of the proposal.

Received on or before the time, date and at the location specified in the RFP Announcement herein. Facsimile or electronic proposals will not be accepted.

RECEIPT and OPENING of PROPOSALS

Proposals received prior to the date and time specified for the receipt of proposals will be securely kept, unopened. The Commission representative, whose duty it is to open the proposals, will decide when the specified opening time has arrived. If the Offeror to whom an award is made should fail to execute the contract (see Attachment section for sample contract) or deliver any insurance certificates within the time specified:

1. The award may be annulled and the project awarded to the Offeror ranked second under the evaluation criteria, who shall be required to fulfill all stipulations as if such Offeror were the original Offeror to whom the award was made, or
2. The Commission may reject all remaining proposals.

Unless otherwise stated in the Scope of Services Section, the Commission reserves the right to award in the aggregate or to make separate awards.

The Commission reserves the right, when reviewing proposals for award, to waive minor informalities or irregularities in the proposals and in the proposing procedure. The Offeror to whom the award is made will be notified at the earliest possible date.

The Commission reserves the right to reject any or all proposals, and to reject any or all optional items included in the proposal.

BID PROTESTS

Any actual or prospective Offeror who is aggrieved in connection with the solicitation of bids or award of a purchase may protest to the Commission's Purchasing Manager. Protesters are urged to seek resolution of their complaints initially with the Purchasing Manager. A protest related to a Request for Proposals shall be submitted in writing prior to the closing date for the proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to closing date for proposals. The protest shall be submitted in writing and received within 10 business days after such aggrieved person knows or should have known of the facts giving rise to the protest.

The protest must include:

- The name and address of the protester;
- Identification of the solicitation or purchase;
- Statement of reasons for the protest;
- Any supporting documentation to substantiate the claim made, unless the documentation is not available within the protest delivery time, in which instance the expected date the material will be available is to be stated; and
- The remedy sought.

The Purchasing Manager shall, upon written request, make available to the protester information submitted that bears on the substance of the protest except where information is proprietary or otherwise confidential. The protester shall submit any additional information requested by the Purchasing Manager within five calendar days after receipt of the request for such information. Failure of the protester to respond to a request for information may result in the resolution of the protest on the basis of available information.

The decision of the Purchasing Manager shall be final and conclusive; unless fraudulent, or:

- Within 10 business days from receipt of the written decision, the protester mails or otherwise furnishes a written appeal to the Executive Director, or
- Any person adversely affected by the decision commences an action in court.

The decision of the Executive Director shall be final and binding.

PART 1: GENERAL CONDITIONS

ETHICS IN PROCUREMENT

By submitting a bid, the Offeror agrees to adhere to the Commission's policy on ethics in purchasing. This policy prohibits any person from offering, giving, or agreeing to give any Commission employee or former Commission employee a gratuity or an offer of employment in connection with any aspect of Commission procurement. Further, payment or offers to pay contingent fees related to procurement of Commission purchases are prohibited except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business. Potential Offerors are urged to review the ethics policy in detail. Copies may be requested from the Purchasing Division (phone: 301/454-1600).

SPECIFICATIONS

All work must be furnished in accordance with the Scope of Services Section of the RFP.

PAYMENT

Payment will be made by the Commission after acceptance of the work and submission by the Contractor of a properly prepared invoice.

COMPLETION OF WORK

Upon award of the proposal, Offeror must be prepared to complete/deliver the work within the time stated in the proposal.

ANTI-DISCRIMINATION PROGRAM

This RFP falls into the major procurement category of Professional Services. For the Professional Services category, African American and Disabled owned firms, which meet certain requirements and have been approved as eligible by the Fair Practice Office, receive an evaluation preference. A copy of the letter of approval issued by the Fair Practice Office must be attached to the Offeror's response in order to receive an evaluation preference.

By submitting a proposal, an Offeror shall understand and agree to:

- Not discriminate against minority, female and disabled-owned firms (MFDs) in the selection of subcontractors on Commission contracts. For contracts with subcontracting opportunities, Offerors are required to provide MFDs the opportunity to submit proposals as subcontractors and to award those MFDs

submitting low proposals the subcontracts unless there are legitimate reasons not to do so. On certain contracts, the Commission will require Offerors to submit standard forms with the proposals that indicate how they have complied with the subcontracting non-discrimination requirements. The Special Instructions section of the RFP specifies whether these forms must be submitted.

- Not discriminate against MFDs in their performance of work as subcontractors on Commission contracts.
- Submit forms verifying payment to subcontractors throughout the course of a contract. Not discriminate against any employee or applicant for employment because of age, sex, race, creed, disability or national origin. If a firm is determined by a final order of an administrative agency or a court to be in violation of federal, state or county non-discrimination laws, any agreement entered into by the Commission with a firm may be terminated or suspended in whole or in part by the Commission, and the firm may be debarred from proposing on future contracts with the Commission.

This RFP has significant subcontracting opportunities and, therefore each Offeror demonstrate compliance with the Commission's Non-Discrimination in Subcontracting Program. The subcontracting non-discrimination program shall apply not only to the initial contract award, but also to certain major change orders and amendments that serve to increase the dollar value of the initial contract.

Any violation of the Commission's Anti-Discrimination Program may result in suspension or debarment of the violator as well as other civil or administrative remedies. A minority-owned business is any entity that engages in commercial transactions and is at least 51 percent owned and controlled by one or more individuals from the following groups: African Americans (all persons having origins in and of the black racial groups of Africa), Hispanics (all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race), Asians or Pacific Islanders (all persons having origins in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands), and Native Americans (all persons of American Indian, Aleut, Eskimo or Native Hawaiian background). A female-owned business is any entity that engages in commercial transactions and is at least 51 percent owned and controlled by one or more women. A disabled-owned business is any entity that engages in commercial transactions and is at least 51 percent owned and controlled by persons with physical or mental impairment that substantially limits one or more of the major life activities of the individual, as defined in the Americans with Disabilities Act of 1990.

The Anti-Discrimination Program includes an evaluation preference program for eligible MFDs. The purpose of the evaluation preference program is to remedy the effects of private marketplace discrimination that impact the opportunity for certain groups of firms to effectively compete for Commission purchases. To be approved as eligible for the price preference program, a firm must meet specific criteria with respect to ownership status, geographic location of business, annual gross receipts, and certification status. An MFD Price Preference Program Eligibility Verification Form is attached and describes the eligibility requirements. Forms are also available from the Fair Practices Office 301/454-1740.

Part 2

REQUIREMENTS

- 2.1 Introduction**
- 2.2 Scope of Services-Requirements**
- 2.3 Proposal Format & Content**
- 2.4 Evaluation Criteria**
- 2.5 Special Conditions**

REQUEST FOR PROPOSALS LAYTONIA PARK DEVELOPMENT

2.1 Introduction

Maryland-National Capital Park and Planning Commission (“ the Commission”) is seeking proposals to develop the Laytonia Recreational Park in the Gaithersburg-Derwood area of Montgomery County. The Commission is considering the option of selecting a partner to develop and manage this Park in accordance with the goals of the Commission’s Land Preservation, Parks and Recreation Plan. The Commission has \$9.882 million of capital improvement money appropriated to invest in the Park. These funds are General Obligation tax exempt bonds and the ability to use such financing is dependent on the proposed use and public purpose. In addition, the relationship of the operator to the Commission and for-profit or not-for-profit status has a bearing on the funding source. Private Use and Impact on GO Bond Funding: In the current 6-year capital plan, the Laytonia Recreational Park is to be funded by \$9.8 million of County General Obligation Bonds. There are very strict IRS regulations regarding tax-exempt bond financing and private use. As a result, it has been the County Finance Department’s policy not to allow any GO Bond Funding on a project which will involve private use. If that policy remains in place, the County would most probably need to change the funding source for Laytonia to current receipts to permit a private partnership.

There are some ways to structure a transaction with private use without triggering a tax-exempt bond problem. They would involve very limited “private payments” to the Commission and/or an operating contract based on a fixed fee. Private payments include not just rent, but other investment such as private construction of facilities and private party operation/maintenance responsibilities. It may be difficult to structure the Laytonia transaction in a way which would conform to tax-exempt bond regulations.

The County will need to review the Laytonia RFP and comment on the language to put potential proposers on notice of this issue. We have requested a meeting with key staff from the County Finance Department, OMB and Council to discuss the private use issues on this project as well as other projects to obtain their guidance.

The Commission is interested in development proposals demonstrating that a public/private partnership can create a park, recreation, and open space asset at no additional cost to the citizens of Montgomery County. To engage in a public/private partnership, development proposals must provide the following:

- An operational guideline which demonstrates or supports that the current Laytonia Park Facility Plan can be developed and/or operated more effectively with private sector involvement; or
- That the development and operation of a modified Laytonia Park Facility Plan is still consistent with County park, recreation and open space needs can be developed and/or operated more effectively with private sector involvement; or
- If a different Laytonia Park development program and concept plan can accomplish County park, recreation and open space needs (as detailed in the 2005 Land Preservation,

Parks and Recreation Plan) the Park can be developed and/or operated more effectively with private sector involvement.

The Commission will determine in its sole discretion if there is significant advantage to a public/private partnership. Absent such a determination, it will proceed with the design and construction of Laytonia Park independently.

A. Laytonia Recreational Park Development Background

Initially, the Commission envisioned owning and operating Laytonia Recreational Park. Therefore, the Commission embarked on a process wherein the Commission retained a consulting firm to create a facility plan and prepared an RFP for final design and construction documents that would complete the design, permitting and bid documents for the Park and then bid out the construction to contractors. A Request for Proposals for Consultants was issued in 2001 to support the Commission's tasks for developing a facility plan and capital budget estimate. The Commission retained a consultant and has completed the Park's facility plan and a capital budget estimate. In 2003, the Montgomery County Council approved capital funding for design and construction of the Park. The Commission is poised to issue a Request for Proposals for final design and bid document preparation, pursuant to an approved expenditure schedule, requiring the design to begin in fiscal 2007 through 2008, with construction beginning in fiscal 2009 and completion in 2011.

Following approval of the Park facility plan, the Commission received a number of unsolicited proposals by private interests representing that public/private development was more advantageous to the County and its citizens. Specific advantages included more variety and better quality capital improvements, lower to no Commission operating costs, and similar or better access (in terms of cost and attendance) to citizens.

In light of these representations, the Commission has suspended the process for solicitation of proposals for final design to investigate whether joint development is, indeed, a better method to serve the community's interests. It is with this objective in mind that the Commission is issuing this Request for Proposals.

B. Program Goals, Objectives and Joint Development Expectations

The 1998 Park, Recreation and Open Space Plan identified the following goal for Montgomery County Parks: To acquire and maintain a system of natural areas, open spaces, and recreation facilities developed in harmony with the County's natural resources to perpetuate an environment fit for life and fit for living.

The Commission's objectives with regard to this Request for Proposals are as follows:

- Determine if there is a valid public purpose different than what is currently addresses in the Laytonia plan for use of the scarce land resource and the significant taxpayer funding for the project;
- Determine whether joint, public/private development at Laytonia is a superior method to service the park, recreation, and open space needs of County citizens;
- Obtain a Park development program and concept that satisfies the Park, Recreation, and Open Space Strategic Plan needs as articulated in the 2005 Land Preservation, Parks and Recreation Plan;

- Realize better citizen access to park, recreation and open space assets through better facilities and programs, more efficient management, more effective marketing, lower user fees, or a revenue flow to the Commission;
- Select a Development Partner and a joint development arrangement that leverages the County's \$9.882 million in capital to create an enhanced park, recreation, and open space product in Laytonia.

C. Laytonia Recreational Park Facility Plan

Laytonia Recreational Park is a proposed park on 52.29 acres located at the Northwest quadrant of the intersection of Muncaster Mill Road and Airpark Drive. The park property is bordered to the north by the Pope Farm Nursery and to the west by the Seventh Day Adventist Church and Covenant Life Church. This park has an approved Facility Plan dated July 20, 2001. The Facility Plan envisions Laytonia Park as primarily a baseball complex with related infrastructure like a press box, batting and pitching cages and additional park amenities. The Facility Plan includes four lighted and irrigated baseball fields. The adopted 1998 Parks, Recreation and Open Space Master Plan established that ten additional county-wide (regional and recreational) ballfields were required by the year 2010. The proposed fields at Laytonia are designed to alleviate the lack of regulation-sized baseball fields in Montgomery County and address the increasing popularity of baseball in the County.

In addition to the baseball facilities, the approved Facility Plan layout includes hiker-biker trails, a lighted inline roller hockey rink, a lighted basketball court, restrooms, a playground, two picnic shelters, and other site amenities. The Plan includes an entrance, internal access roads, parking, and landscaping.

The approved Facility Plan envisions the Park's main entrance off Airpark Road, with secondary access for right-in-right-out only at Muncaster Mill Road. Access from the main entrance is provided for the Covenant Life Church property through the park site.

The Montgomery County Council included the park in the FY 2005-2010 Park Capital Program. The total construction budget for the park is \$9,882,000. Construction is expected to begin in early 2008 and end in early 2010.

Since the adoption of the Facility Plan, Laytonia Park now falls within a Special Protection Area (SPA). This increases the environmental issues that will need to be addressed as part of the Park's planning and design. Issues include water quality treatment, other stormwater management concerns, and minimizing impervious area.

Subsequent to the approved Facility Plan, the County earmarked part of the 52.29 acres of Parkland for a County Animal Shelter. The Animal Shelter is in the County's Capital improvements Program with design occurring in fiscal year 2006 followed by construction in fiscal year 2007. The Animal Shelter project will require significant coordination with the Laytonia Park's design, including design for the infrastructure required to serve the combined site. While the Animal Shelter's plan is not complete, the assumption is that the Animal Shelter will require approximately 6 acres of land.

D. Muncaster Recreational Park

Muncaster Recreational Park is located on Woodfield Road. The 104.4 acre Recreational Park is undeveloped and developmentally constrained due to the adjacent airport. Offerors' proposal may incorporate Muncaster Recreational Parkland as long as the development program satisfies development regulations and addresses recreational objectives.

2.2. Scope of Services (Requirements)

Responses to this Request for Proposals will be required to submit a Development Program, Park Operating Proforma, Site/Facility Concept Plan, and a specific Joint Development Business Proposal. The Development Program and Site/Facility Concept Plan will describe and illustrate the recreation facilities and open space proposed and include a statement of the public purpose of the program supported by a detailed explanation of how the Development Program and Concept Plan will satisfy County needs as described in the 2005 Land Preservation, Parks and Recreation Plan will be required.

The Joint Development Business Proposal will detail the private sector's and Commission's responsibilities with regard to capital investment, management, marketing and maintenance of the Park and its facilities. The Commission's and the Developer's capital and operating costs will be identified. Attendance projections and user fees for the various Park facilities are required in the Joint Development Business Proposal. As part of the Joint Development Business Proposal the Offeror must identify the name and type of entity the Commission will be partnering with. In addition, the nature of the business arrangement as it relates to the ownership and/or lease of land and facilities must be detailed.

A detailed schedule will illustrate how the Developer's Plan can be accomplished within the 2010 opening deadline.

If an attractive joint development concept and business proposal is identified, the Commission intends to award to a Developer the exclusive rights to lease the Laytonia Park land and construct all land and building improvements on behalf of both parties. The Commission will own the land and may contribute to the leasehold improvements. The developer would be empowered to develop the Park using the design method.

The developer will be charged with the timely completion of all construction activities within a mutually negotiated Detailed Project Schedule. Such developer would be held to the schedule or

face default provisions. As envisioned, at the end of the lease period the leasehold interests will revert to the Commission for the sum of \$1 and other considerations, or the improvements upon the property shall be removed.

2.3 Proposal Format and Content

Offerors will provide seven (7) sets of its proposal, one (1) original and six copies for evaluation. All pages of the proposal must be numbered. The proposal submitted should be specific and complete in every detail. It should be practical and should be prepared simply and economically, providing a straight forward, concise delineation of proposed program of service and the capabilities to satisfactorily perform the services being offered.

To aid in the evaluation, it is desired that all proposals follow the same general format, as described below and contain the following information:

Section 1. Letter or Transmittal

An introductory letter indicating the name of the Offeror's firm, address, phone, fax and e-mail contact address. The letter must be signed by a person authorized to make such a submission.

Section 2. Executive Summary/Corporate Capability

An Executive Summary, which describes the Offeror's qualifications and discusses major facts or features of the Proposal. Include any conclusions, assumptions, and recommendations the Offeror desires to make. Provide a brief history of the firm highlighting experience in projects similar to the one herein proposed.

The Offeror should demonstrate their ability to undertake the project as described in the Development Program. Other relevant, similar projects with references must be presented. For each project reference the role of the Offeror in the design, financing, construction, operations and maintenance of the project in detail. To the extent that the Offeror has subcontractors, the qualifications of any subcontractors are to be presented with references.

Identify the designated Project Manager and his/her specific experience in implementing projects of this nature.

Submit a Development Program Statement summarizing the Offeror's qualifications and the Offeror's Site/Facility Concept and how it satisfies the Commission's goals for this project. The Program Statement will describe the development program, operations and the roles and responsibilities of the private and public sector. The Development Program Statement must, at a minimum, concisely describe:

- a. How the Development Program satisfies the Park, Recreation, and Open Space Strategic Plan needs as articulated in the 2005 Land Preservation, Parks and Recreation Plan;
- b. How the Development Program demonstrates that joint, public/private development at Laytonia is a superior method to service the park, recreation, and open space needs of County citizens;
- c. How the Development Program provides for better citizen access through better facilities and programs, more efficient management, more effective marketing and/or lower user fees.
- d. The proven capabilities of the Offeror to enter into a joint development arrangement to create a superior park, recreation, and open space product in Laytonia.
- e. How the Development Program saves the Commission money or better leverages its investment.

Section 3. Development Program

Offerors shall describe the facilities their Development Program proposes for Laytonia Park. Respondents must describe their proposed development program and how it satisfies the Commission's objectives. A table must accompany the description of the program enumerating key aspects of the Development Program for example the number of outdoor irrigated fields, outdoor non-irrigated fields, indoor fields, spectator seats, square feet of open space, parking spaces, etc. Offerors shall describe how the facilities proposed addresses County recreational needs as summarized in the 2005 Land Preservation, Parks and Recreation Plan.

Section 4. Capital Costs

Offerors shall detail the capital costs associated with developing each component of the Development Program. Capital costs must include both hard and soft costs. Offerors should assume all responsibility related to design and engineering. The proposal must detail in a table which costs are to be covered by the Offeror and which costs are to be covered by the Commission. Offerors must explain why the capital cost allocation between the Commission and the Offeror is equitable.

Section 5. Park Operating Proforma (Utilization Profile)

The Commission is interested in understanding who will be using the proposed facilities and when. For example, if the Offeror were to propose a baseball complex, the Commission is interested in understanding how much of the time the fields would be used for league play. Proposals must include a utilization profile that demonstrates facility use by user group, by day of week and by time of day.

a. Cost to Access

The Commission is interested in understanding how much it will cost for a Montgomery County citizen to access each facility. It may be that it costs the average citizen nothing to access the facilities. It may be that it costs to access the facilities and it is pay-as-you-go. It may be that it costs to participate in a league, but when the facilities are not used by the league(s) it costs citizens nothing. Offerors must describe in detail the costs to access the facilities proposed in their Development Program. **If leagues are to use facilities league costs must be identified. If there are costs to access facilities, please describe why these costs are necessary and reasonable.**

b. Marketing and Maintenance Responsibilities

M-NCPPC is interested in understanding its role in the marketing and maintenance of the Offeror's Development Program. Please describe who will be responsible for the marketing and maintenance of each facility in the Development Program. The costs to market and maintain the Park during pre-opening, start-up and during stabilized operations must be provided on a monthly basis.

c. Operating Proforma

Given the Offeror's assumptions with regard to capital costs, utilization, fees, and operating and maintenance costs, please provide an Operating Proforma for the Park. The Operating Proforma will detail projected operating revenues and operating costs. The proforma should clearly demonstrate how revenues and costs are allocated between the Commission and the Offeror. The sources to cover costs must be identified.

Section 6. Business Proposal

In this section Offerors must clearly articulate all aspects of their Business Proposal. At a minimum, the following must be provided:

- a. The name of the entity with which the Commission will partner;
- b. A legal description of the type of entity with which the Commission will partner;
- c. The identification and qualifications of the person representing the entity;
- d. A description of the entity's or Commission's financial and management responsibilities as it relates the design, financing, construction, management, marketing and maintenance of the Park facilities.
- e. Financial guarantees and the persons or entities providing same;
- f. The specific fees the entity will charge the Commission as it relates to the construction, management, marketing and/or management of the Park. These fees will be considered binding;
- g. As appropriate the land and facility conveyance method(s) (for example land lease or user agreement);
- h. A binding project schedule detailing the timing associated with the design and construction of the Park facilities.
- i. Default provisions; and
- j. Other aspects of the business arrangement deemed relevant

Section 7. Site/Facility Concept Plan

The scale, appearance, and environment created by the Development Program must be clearly understood by the Selection Committee. All elements depicted in the Site/Facility Concept Plan and illustrative sketches must be reflected in the Offeror's Business Proposal. Depictions of facilities must be consistent with the capital costs presented in the financial section of this RFP. Elements contained in the Site/Facility Concept Plan and illustrative sketches that are not reflected in the respondent's proposed Business Proposal will be borne by the developer upon their selection. Therefore, Offeror's must submit the following design products.

a. Conceptual Site Development Plans

Respondents are required to develop a Conceptual Site Development Plan with all uses depicted and clearly labeled. The Site Plan must incorporate the Animal Shelter. Site plans must clearly label the recreation facilities and other park amenities. Parking, vehicular and pedestrian access must be identified. Conceptual Site Development Plans must seek to reflect the Commission's mission "to improve the quality of life by conserving and enhancing the natural and developed environment for current and future generations." **Site plans must be at a scale of 1"=200'.**

b. Illustrative Sketches (Three Minimum)

A minimum of three illustrative sketches of the Park's facilities are required. All sketches should be from a street-level perspective. These sketches are to illustrate the environment that the Proposer wishes to create given open space, recreation facilities, and parking and circulation requirements. Respondents may provide additional illustrative sketches, as they deem necessary to communicate the environment they seek to achieve on the site(s).

Illustrative sketches must be at a scale of 1"=200'.

Section 8. References

a. Provide a list of references which demonstrate the Offeror's experience with projects similar in nature. The Offeror should submit at least four (4) governmental agencies, banks, commercial or recreation operations firms with whom the Offeror has conducted related business transactions during the past three years.

b. If any surety or bonding company has ever been required to satisfy a claim on the Offeror's behalf or perform upon default of the Proposer or any principals of or individual associated with the Offeror, provide the name and address of the surety or bonding company, and describe the circumstances of such claim or default.

c. If the Offeror or any of its principals or individuals associated with the Offeror has ever declared bankruptcy, either personally or as a principal of a business entity describe the circumstances of the bankruptcy including but not limited to the amount of indebtedness, the court where filed, date filed, and the name and address of the party (ies) that filed bankruptcy.

d. Provide detailed information regarding litigation, liens, or claims involving the Offeror, or any principals associated with, the Offeror.

Section 9. Minority Status and Participation

For the Professional Services category, Minority (African American-owned), and Disabled-owned firms, which meet certain requirements and have been approved as eligible by the Fair Practice Office, receive an evaluation preference (ten points under the evaluation criteria). A copy of the letter of approval issued by the Fair Practice Office must be attached to the Offeror's response in order to receive an evaluation preference. **The evaluation preference programs does not pertain to Minority, Female or Disabled owned firms participation as subcontractors, but to prime Contractors only.**

The Commission has a strong economic and social program prohibiting discrimination of any kind. This RFP has significant subcontracting opportunities and, therefore, each Offeror must demonstrate compliance with the Commission's Non-Discrimination in Subcontracting Program. An MFD subcontracting level of participation of 20 percent (20 %) has been established for this RFP. A Nondiscrimination in Subcontracting Bid Form must be completed and signed by an authorized person in order to be deemed responsive.

The Commission encourages an equity ownership structure of the developer entity which includes a minority business enterprise. For purposes of this provision, a minority business enterprise shall have the meaning ascribed to that phrase in Section 14-301 of the State Finance and Procurement Article of the Annotated Code of Maryland.

2.4 Evaluation Criteria

All proposals will be evaluated by an evaluation committee according to the criteria as listed under the Evaluation Criteria. After the initial review of proposals, the Commission may request discussion, presentations, or clarification of the portions of the proposals with the Offeror's who submit proposals determined to be reasonably capable of being selected for award.

Oral presentations may be requested by the evaluation committee. It is expected that proposed key project team member would be present at the oral presentation and be able to respond to questions from the evaluation committee. Offerors are advised that an award may be made without discussions. Therefore, the initial proposal should provide the evaluation panel with sufficient information to recommend an award without discussions.

Proposal evaluation will be based on the following weighted criteria:

- | | |
|--|-------------|
| 1. Corporate Capability, Experience, Past performance and References | 0-25 points |
| 2. Proposed Development Program | 0-25 points |
| 3. Capital Costs and Cost to Access the Facility | 0-25 points |

4. Qualifications and References of Proposed Development Team 0-15 points
5. Minority Status (approved prime contractors only) 10 points

2.4 Special Conditions

- 1. Draft Contract and Term.** Attached is a sample Contract. Offerors are asked to review the sample contract and submit any objections to the contract, with their proposal. If no objections are submitted with the proposal, the successful Offeror will be required to sign a final contract within seven (7) calendar days after notification of award.
- 2. Insurance Requirements.** The Contractor shall be required, simultaneously with the execution of the contract, to furnish the Contract Administrator satisfactory proof of insurance required by the Insurance Checklist. In addition to the general insurance requirements described in the Checklist, the Contractor must maintain in full force and effect Professional Liability Insurance.
- 3. Subcontracting or Assigning.** The proposal shall clearly indicate the proposed subcontractors to be utilized to accomplish the Scope of Services (when applicable). Once a contract has been awarded to the successful Offeror, no portion of the resulting contract shall be subcontracted, assigned or otherwise disposed of except upon written consent of the Contract Administrator (s). Any assignment, subcontract or other disposition of all or part of this contract without express written consent of the Contract Administrator shall be null and void. Consent to subcontract, assign or dispose of any portion of the contract shall not be construed to relieve the Contractor of any responsibility for fulfilling all the requirements of the contract. Nothing contained in the proposal or contract documents shall create any contractual relationship between any subcontractor and the Commission. The Subcontracting Utilization report must be submitted with the proposal.
- 4. Confidentiality of Commission Materials/Information.** The Contractor agrees to hold all

materials and information belonging to the Commission in strictest confidence and not to make use thereof other than for the performance of contractual obligations, to release it only to employees requiring such information and not to release it to or disclose it to any other party. Any information of a restricted nature provided to the Contractor by the Contract Administrator or his designee in the course of Contract implementation shall be handled in accordance with restrictions placed thereon by the Contract Administrator. Information or documents given to or generated by the Contractor in the course of contract implementation shall be considered restricted information and subject to handling and dissemination restrictions as specified herein and/or as specified by the Contract Administrators. The Contractor shall indemnify and save harmless the Commission, its officers, agents and employees, from all liability which may be incurred by reason of dissemination, publication, distribution or circulation, in any manner whatsoever, or any information, data documents, or materials pertaining in any way to this contract by the Contractor, its agents or employees.

5. Right of Ownership. All material and work items produced by the Contractor and any subcontractors shall be the sole property of the Commission. Under no circumstance shall the selected Contractor use or disseminate this information, in any form to any outside parties. The integrity of the data and survey forms, especially the confidentiality of the survey respondents, must be maintained.

6. Official Records. The Contractor agrees that none of the Commission's records will be removed from the Commission's premises.

7. News Releases. All Offerors, prior to award and the successful Contractor after award shall not make any news releases concerning this Contract without the prior written permission of the Contract Administrator.

8 Debriefing of Unsuccessful Offerors. Upon written request made within fifteen (15) calendar days after contract award, the Purchasing Office will provide any unsuccessful Offeror with a discussion of the Commission's evaluation of its proposal, citing the deficiencies and weaknesses. Point-by point comparisons with the proposals of others will not be made. Debriefings will not include discussions of information contained in other Offeror's proposals.

9. Access to Additional Project Related Information. All inquiries related to this RFP must be made to the Purchasing Division 's point of contract. All persons interested in the RFP, or the Project generally, and all persons with Project related inquiries are requested, prior to initiating inquiries, to review the following Project information at the Commission's web address: <http://mcparkandplanning.org>.

Part 3

OVERVIEW OF FORMS

Attachment 3.1 Vendor Information Form

Attachment 3.2 Insurance Checklist Form

Attachment 3.3 Non-Discrimination in Subcontracting Form

Attachment 3.4 Proposed Subcontractor Verification Form

Attachment 3.5 Minority Female and Disabled Verification Form

Attachment 3.6 Sample Contract

Part 3 – Forms

A. Submit the following REQUIRED FORMS as part of your proposal response:

1. APPROVAL LETTER FROM FAIR PRACTICE OFFICE FOR CERTAIN MFD VENDORS ELIGIBLE FOR PRICE (EVALUATION) PREFERENCE. Attach a copy of the letter of approval issued by the Fair Practices Office verifying the Offeror is eligible to receive price (or evaluation) preference. The copy of the approval letter must be included with your proposal response. The letter must be current (check the expiration date in the letter) and specify that your firm is eligible for a price (evaluation) preference for the **PROFESSIONAL SERVICE** major procurement category.

2. VENDOR INFORMATION FORM. If the Offeror and/or the Offeror's subcontractors have not submitted a Vendor Information Form, please complete form and submit with proposal or mail to the address indicated on the form. (Attachment 3.1)

3. INSURANCE CHECKLIST. (Attachment 3.2)

4. NON-DISCRIMINATION IN SUBCONTRACTING FORM. This RFP has significant subcontracting opportunities and therefore, each respondent must demonstrate compliance with the Commission's Non-discrimination in Subcontracting Program. This RFP falls into the Professional Services category. **An MFD subcontracting level of 20% has been established for this RFP.** Non-discrimination in Subcontracting Bid form must be completed and signed by an authorized person in order to be deemed responsive. Please check the appropriate box on the form and return with the proposal. (Attachment 3.3)

5. PROPOSED SUBCONTRACTOR UTILIZATION FORM This form is required at the time the proposal is submitted. The Offeror is required to submit a detailed breakdown (type, amount, percentage of total project) of all work to be performed by the Offeror and each Subcontractor. (Attachment 3.4)

6. **MINORITY FEMALE AND DISABLED VERIFICATION FORM.** (Attachment 3.5)

Part 4

ATTACHMENTS

Attachment 4.1 Laytonia Recreational Site Map

Attachment 4.2 Muncaster Recreational Park

Attachment 4.3 Laytonia Development Plan

Attachment 4.4 Map/Legend

Attachment 4.5 Muncaster & Laytonia Rec-Pope Farm Nursery