



Montgomery County Government

REQUEST FOR DEVELOPMENT PROPOSALS

For

Public Parking Garages 5 and 55

1100 and 1101 Bonifant Dr.

Silver Spring, Maryland

ISSUED BY:

**MONTGOMERY COUNTY GOVERNMENT
DEPARTMENT OF TRANSPORTATION
101 MONROE STREET, 10TH FLOOR
ROCKVILLE, MARYLAND 20850**

RESPONSES DUE BY: APRIL 10TH, 2017 2:00 PM

**MONTGOMERY COUNTY GOVERNMENT
ISIAH LEGGETT, COUNTY EXECUTIVE**

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I. Overview

Montgomery County, Maryland ("**County**") through the County's Department of Transportation ("**DOT**"), seeks creative, viable proposals from qualified teams for a mixed-use development project ("**Proposals**"). The requirement of this Request for Development Proposal ("**RFDP**") will be the design and construction of a multi-purpose indoor sports arena, public assembly and entertainment facility, as well as the development of retail and residential facilities on the site of County-owned properties ("**proposed development**"), Parking Garage 5, Garage 55 and Bridge, located at 1100 and 1101 Bonifant Dr. Silver Spring, Maryland ("**Site**"). The approximately 123,632 square foot site is currently improved as public parking facilities that supply 1,772 parking spaces.

II. Background

Montgomery County, Maryland

Montgomery County, Maryland is a thriving community located right outside of the nation's capital. With approximately 115 corporate headquarters with businesses of 100+ employees, a labor force of more than 550,000 workers and 19 federal facilities, the County's Gross Domestic Product was over \$71 billion in 2014. Montgomery County is a fast-growing community. Its population climbed to over 1 million residents in 2015 with the largest segment of population growth coming from the 25-39 age cohort. It is within a 45-minute drive of three major international airports, has a robust road network, and houses a substantial portion of the region's growing mass transit system, which provides a short 25-minute subway ride to downtown Washington.

A prior economic feasibility analysis conducted in 2007 for a multi-use sports and entertainment center shows that:

- The demographics and spending power of Montgomery County's population would support a multi-purpose center;
- The facility's secondary market, or the larger multi-state region, exceeds 4 million residents;
- The Montgomery County market has a high and rising per capita income, which is an indicator of substantial discretionary income; and
- The lack of this type of facility in the County is a major deficit in an otherwise amenity-rich environment.

Silver Spring Central Business District

Silver Spring is a flourishing community in Montgomery County with a major employment and residential component. Downtown Silver Spring experienced a renaissance in 2000 when more than \$450 million in public investment attracted over \$2.0 billion in private

dollars to revitalize the core business district. The downtown area contains approximately 7.2 million square feet of office space, more than 6,500 residential units and an abundance of parkland. Its central business district is home to the American Film Institute Silver Theatre and Cultural Center, the Fillmore Music Venue and hundreds of dining and retail establishments.

The Garages 5 and 55 Site in downtown Silver Spring:

- Is adjacent to the multi-modal Silver Spring Transit Center which provides access to the Metro Red Line that currently serves over 13,000 round-trip WMATA riders each day and 32 bays for public buses; it is also the site of the future Purple Line light rail system;
- Provides 1,772 parking spaces, is zoned to permit additional development and has a skyline that could showcase facility naming rights; and
- Is within walking distance to the headquarters of Discovery Communications (the World's #1 nonfiction media organization), Radio One/TV One (one of the nation's largest broadcasting companies) and United Therapeutics (a global leader in the production of cardiopulmonary medicine).

III. Components

The Garages 5 and 55 Site is specifically proposed for the design, construction and operation of the following components:

Option A – Mixed- Use Development Using Air Rights Above Parking Garages 5 and 55

- a) **Multi-Use Sports Arena:** To serve as the home for one or more minor league sports teams, with a semi-professional hockey organization as the preferred anchor tenant. The arena must hold approximately 5,000 seats and be able to accommodate public recreational use and host special high school, amateur and collegiate sporting events. The arena must be managed by a sports facility management company with expertise in the mid-size arena marketplace.
- b) **Public Assembly and Entertainment Space:** To accommodate large numbers of people congregating at a central facility to attend events. Examples of these types of facilities include exhibition and convention center spaces, assembly halls and auditoriums, a live entertainment venue for music, comedy, children and family shows, musicals, dance performances and private conference/dining rooms and the like.

- c) **Retail:** To incorporate ground level retail in Parking Garage 55 facing the underpass on Dixon Avenue with the retail spaces being made available for both County use and as market retail units.
- d) **Residential Units:** To achieve a significant amount of affordable residential development in Silver Spring. Any residential proposal for this Site must include, at a minimum, the number of moderately priced dwelling units (“**MPDUs**”) required under Montgomery County Code Chapter 25A (“**Chapter 25A**”). As provided in Section IX, bonus points are available for additional affordable housing. No local government assistance is available to subsidize the affordable housing.

Option B – Demolish/Replace Parking G5 and/or G55 With Mixed-Use Development on the Remainder/Air Rights of the Site

- a) **Public Parking Garage:** To provide for the design and construction of a new subterranean public parking garage on the land currently used as Garages 5 and 55 located on 1100 Bonifant Drive. Either Garage 5 or Garage 55 and its bridge may be demolished. In this case, a newly constructed parking garage would have to be financed and constructed by the Proposer, with the number of County-owned spaces in the newly constructed garage to be determined by the County’s Department of Transportation.

The demolition and debris removal of Garage 5 or Garage 55 and its bridge will be performed by the Proposer. Demolition means the demolition of all improvements, including basements, foundations and paving, on either Garage 5 or Garage 55 and its bridge.

- b) **Multi-Use Sports Arena:** To serve as the home for one or more minor league sports teams, with a semi-professional hockey organization as the preferred anchor tenant. The arena must hold approximately 5,000 seats and be able to accommodate public recreational use and host special high school, amateur and collegiate sporting events. The arena must be managed by a sports facility management company with expertise in the mid-size arena marketplace.
- c) **Public Assembly and Entertainment Space:** To accommodate large numbers of people congregating at a central facility to attend events. Examples of these types of facilities include exhibition and convention center spaces, assembly halls and auditoriums, a live entertainment venue for music, comedy, children and family shows, musicals, dance performances and private conference/dining rooms and the like.

- d) **Retail:** To incorporate ground level retail made available for County use and as market retail units.
- e) **Residential Units:** To achieve affordable residential development in Silver Spring. Any residential proposal for this Site must include, at a minimum, the number of MPDUs required under Chapter 25A. As provided in Section IX, bonus points are available for additional affordable housing. No local government assistance is available to subsidize the affordable housing.

IV. Requirements and Objectives

The County is seeking Proposals for the Site to achieve at least the objectives identified below:

- A. Quality of Life. The County seeks to utilize its assets to advance the quality of life for its residents by providing diverse public venues for citizens and visitors to enjoy and to increase the economic vitality of Silver Spring and the County as a whole.
- B. Parking Requirements. The proposed development minimum parking requirements as detailed in Chapter 59 of the County Code will be satisfied by the parking capacity in Garages 5 and 55. The County will maintain ownership and management of Public Parking Garages 5 and 55 or a new public parking structure as part of the proposed development.
- C. Consideration. Garages 5 and 55 are part of the Silver Spring Parking Lot District (“**PLD**”) and are governed by Chapter 60 of the Montgomery County Code. Under Chapter 60, the PLD must receive fair market value for the transfer of its property, whether by fee simple sale or lease. The fair market value of the PLD property included within the winning Proposal will be established by an independent appraisal for the highest and best use of the PLD property.
- D. Affordable Housing Requirements. The Proposal for the Site must include a mixed-use development with a residential component to include, at a minimum, the number of MPDUs required under Chapter 25A. As provided in Section IX, bonus points are available for additional affordable housing. No local government assistance is available to subsidize the affordable housing.

E. Sector Plan. The Proposal for the Site must be consistent with the Approved and Adopted Silver Spring Sector Plan.

F. Minority Owned Business Participation. It is the policy of the County that minority individuals and minority business enterprises should have maximum opportunity to participate in any and all components of the proposed development, including but not limited to, ownership, financing, design, construction and management. A significant consideration in the evaluation process will be the extent of such participation on the Proposer's development team.

Each Proposal must describe Minority Owned Business participation, including an identification of the Minority Owned Business equity participants, as well as their level and method of participation. Minority Owned Businesses is defined in the Montgomery County Code §11B-58 and the Montgomery County Procurement regulations.

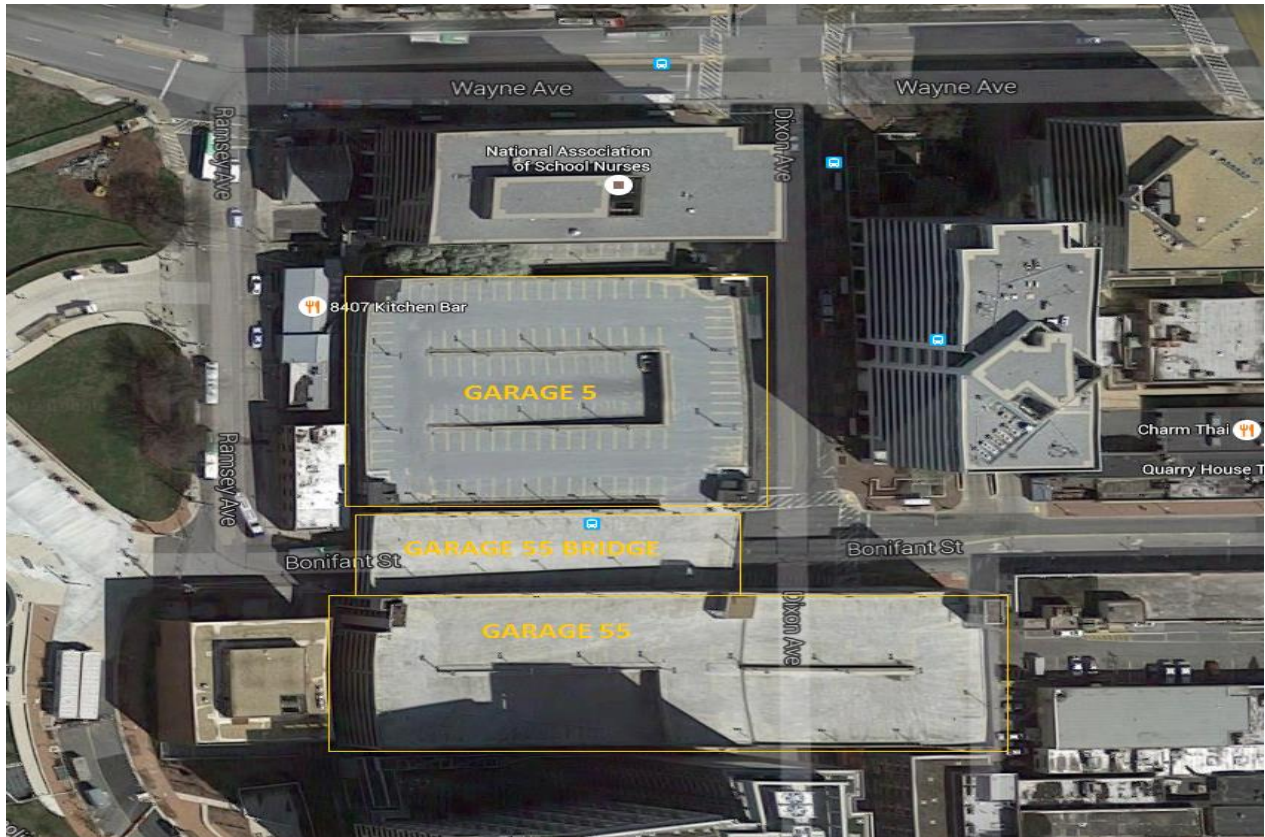
G. Development Costs. The selected Proposer will be responsible for paying all costs (including costs pertaining to legal, engineering and architectural, management and other consultant costs) associated with any subdivision, site plan or other development approval required for the proposed redevelopment of the Site, including all costs associated with the development, design, construction or construction management of a new public parking facility to be provided in connection with the development of the Site.

H. Satisfaction of Objectives and Goals. In selecting a developer, the County will consider the extent to which the above objectives are met, the sound business viability of the Proposals, the financial capability and experience of the Proposer and its principals, the Proposer's past experience with similar mixed-used projects and the team members' past experience in working together, any additional burdens imposed upon the County as a result of the proposed development, the satisfaction of PLD goals, including the satisfaction of affordable housing needs, the financial return to the PLD and the development timetable for the proposed development. The order of these criteria is not relevant to the weight to be accorded to each of the considerations.

V. Site Location and Description

Public Properties Offered for Development				
Site Name	Address	Property Size* (site/bldg.)	Zoning	Ownership
Silver Spring				
Garage 5	1101 Bonifant Drive	49,112 sq.ft/ 41,089 (4 Levels)	CR 8.0, C 6.0, R 7.5, H 200'	Montgomery County
Garage 55	1100 Bonifant Drive**	59,785 sq.ft./ 52,677 (8 Levels)	CR 5.0, C 4.0, R 4.75, H 200'	Montgomery County
Garage 55 (Bridge)	1100 Bonifant Drive**	14,735 sq.ft.(3 Levels)	CR 5.0, C 4.0, R 4.75, H 200'	Montgomery County
* Property sizes are approximate				
** Located in the Ripley / South Silver Spring Overlay Zone				

Downtown Silver Spring is known for providing authentic experiences with its outstanding restaurants, shopping, lodging, services, entertainment and events. The Site is surrounded by high rise office, high density multi-family buildings, first floor retail and restaurants and the recently opened Paul S. Sarbanes Silver Spring Transit Center.



Garages 5 and 55 Site

Garages 5 and 55 are located at 1100 and 1101 Bonifant Drive in Silver Spring and are approximately a combined 123,632 square feet in size and approximately 1,772 parking spaces, including 33 ADA accessible spaces and six car share spaces.

Garage 5 holds approximately 584 parking spaces and its parcel is made up of Lots 9 through 14, in a subdivision known as “E. Brooke Lee’s Additions to Silver Spring” recorded as Plat Book 3, Plat No. 264, recorded among the Land Records of Montgomery County, Maryland and described in Maryland State Plane Datum (NAD83).

Garage 55 and the bridge holds approximately 1,188 parking spaces and its parcel is made up of Lots 11, 13, 15, 17, 19, 21, and 23, in a subdivision known as “E. Brooke Lee’s Addition to Silver Spring” recorded as Plat Book 3, Plat No. 220, recorded among the Land Records of Montgomery County, Maryland and described in Maryland State Plane Datum (NAD83). The properties are just west of Georgia Avenue between Ripley Street and Wayne Avenue in the Silver Spring Central Business District of Montgomery County, Maryland.

VI. Structural Overview

Garage 5 Structural Overview

Garage 5 was developed and opened in 1970. In 2011, Garage 5 was taken down to bare steel except for the roof deck. New cast-in-place concrete decks were poured on all demolished levels. A new electrical system and backup power system, including fluorescent lighting and video surveillance, were added. All stairs were rebuilt within existing stair towers. Garage 5 reopened in 2012.

Garage 5 is a rectangular shaped 4-story steel framed structure with a capacity to park approximately 584 cars. The structural foot print is 223' x 189' on center with 10' 5" floor height between slabs. Floors and ramps are reinforced concrete slabs connected with shear connectors to steel girders braced perpendicularly by shorter steel beams. The foundation of the structure is a system of cast-in-place concrete caissons (5'.6' Bell & 3.6" Shaft) laid on a 62' x 27' grid systems. No foundation work was done during the 2011 re-decking of the facility.

Design strength of the structure is as follows: cast-in-place concrete caissons with 30 TSF allowable bearing capacity. Concrete strength of slabs and curbs are 5000psi while it is 3,750 psi for all other concrete.

Garage 55 Structural Overview

Garage 55, known as the "Metro" addition, was completed in 1982. In 2012, a 126' length portion of the first elevated deck was removed between predetermined columns (incorporated in the original design) for the entire width of the garage to allow Dixon Avenue to be extended from Bonifant Street to Ripley Street. During 2011, the entire garage had its high-pressure sodium light fixtures replaced with energy efficient fluorescent fixtures.

Garage 55 is a rectangular shaped 8-story post-tensioned concrete framed structure with capacity to park approximately 1188 cars. The structural foot print is 349' x 130' on center with 10' 2" floor height between slab. The structure spans across two adjacent road ways; Bonifant Street and Dixon Avenue. Typical bays have post-tensioned girder and beams spans of 63' and 19' respectively on ramps. The levelled floors are used as turning bays and the girders and beams spans are 63' and 27' respectively. The bridge bays over Bonifant Street have post-tensioned girders of 67' to span the street. The bridge bays start at the 3rd level. Slabs of levelled floors and ramps are also post-tensioned with 7" and 5" thickness respectively. Column cross-sections generally starts at 36" x 36" in the lower levels and reduces to upper levels to 24" x 24". The exceptions are the columns supporting the spans across Dixon Avenue, which are of constant cross-sections, 48" x 44" on inside and 44" x 40" on the other side.

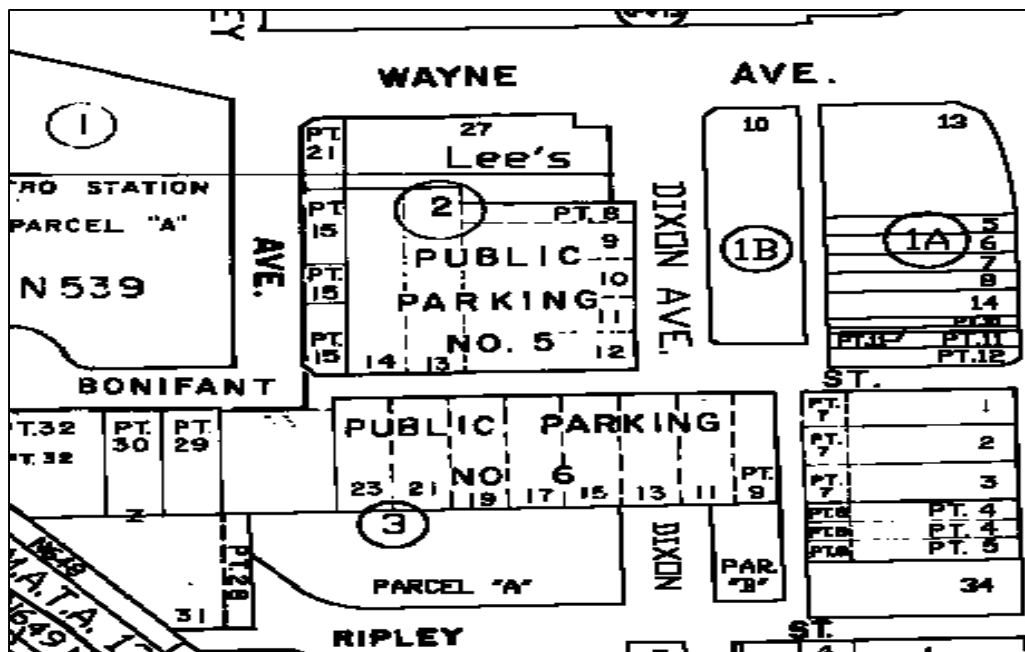
The foundation of the structure is a system of cast-in-place concrete caissons with varying diameters. Caissons bell diameters range from 64"-100" and shafts diameters from 36"-48" diameters. These are laid on a 63' x 19' grid system with exceptions to accommodate large turning bays (27' wide) and provide an 81' 6" span section to meet traffic requirements on Dixon Avenue.

Design strength of the structures are as follows: Concrete caissons are 4000psi. Concrete footings, walls and curbs are 3000psi. Reinforcing steel specified is $f_y=60,000$ psi and stirrups and ties are $f_y=40,000$ psi.

A condition assessment for G5 and G55 will have to be conducted and the structural capacity of the Garages determined in order to identify and develop structural reinforcements to meet the applicable design loads for any proposed development on and above the existing structure. Copies of drawings are available on request to Jeff Riese, Chief of Engineering and Capital Project Management Section at Jeffrey.Riese@montgomerycountymd.gov. All copies are provided at a cost to the Proposer.

VII. Master Plan and Zoning

Garage 5 is currently zoned Commercial Residential (CR), with a FAR of 8.0 for CR, 6.0 for C, 7.5 for R and a maximum building height of 200 feet. Garage 55 is currently zoned CR – 5.0, C – 4.0, R – 4.75, and H – 200. Garage 55 also falls within the Ripley/South Silver Spring Overlay Zone. Proposers are required to be conversant with the zoning and FAR applicable to the Site.



Public Parking Garages 5 and 55

VIII. Submission Requirements

All Proposals must provide a thoughtful development concept and explanation of key factors and milestones for its successful implementation. The County reserves the right to request additional information during the RFDP review period.

A PROPOSER'S FAILURE TO SUBMIT ALL REQUIRED INFORMATION MAY RENDER THE PROPOSAL INCOMPLETE AND INELIGIBLE FOR FURTHER CONSIDERATION.

The Proposal must include the following elements:

A. Cover:

The cover should contain the RFDP title, the Proposer's name and the submission date.

B. Transmittal Letter:

The transmittal letter should not exceed two pages and should contain:

1. The name, title and contact information, including phone number and email address, of the individual with authority to bind the Proposer. This person should also sign the transmittal letter.
2. The address and legal form of the Proposer. If a joint venture is involved, provide the above information for all participating firms.
3. Statement acknowledging receipt of each addendum that the County may issue to the RFDP.
4. Statement that, if selected, the Proposer will negotiate in good faith with the County.
5. Statement that the Proposer or its participating firms or related entities are not in arrears in the payment of any obligation due and owing to the State of Maryland or Montgomery County, including tax payments and employee benefits, and that it shall not become so

during the term of any agreement with the County if the Proposer is selected for the proposed development.

6. Statement that the Proposal is valid for a minimum of 120 days from the date of submission.
7. Statement that the Proposer grants to the County a non-exclusive right to use, or cause others to use the contents of its Proposal, or any part thereof, for any purpose.

C. Statement of Qualifications:

1. *Background Information:* A description of the Proposer, including organizational structure, identification of principals and length of time in business. If the Proposer is a joint venture, information for each entity should be furnished, as well as an explanation as to why a joint venture is the preferred arrangement for the proposed development and an explanation of the role of each party in the proposed project.
2. *Financial Capability:* A description of the Proposer's financial capability to complete the proposed development including, with examples, typical financing mechanisms the Proposer has used on similar mixed-use projects. This section should provide evidence of the Proposer's ability to obtain sufficient financing for the proposed development based on prior undertakings. Under separate cover and marked "Confidential" the Proposer and, if applicable, any member of a partnership or joint venture having an equity stake of 20% or greater in the business entity to be formed for the proposed development, must provide current interim statements and audited annual financial statements for their respective firm's last three fiscal or calendar years. Those firms with an equity interest of less than 20%, or having no equity stake at all, must provide current interim and review statements for their

respective firm's last three fiscal years. An appropriately authorized officer or managing member of each firm providing financial information should certify that their respective statements present an accurate representation of that firm's financial condition as of the date of the statements and the date of the submission of the proposal.

3. *Project Experience:* Description of the Proposer's experience with similar projects. This information should clearly describe the size, scope and financial structures of those projects, where located and when completed. For projects not yet complete, the Proposer should include the anticipated completion date. Additionally, provide references and contact information, including name, telephone number and email address, for each project described. If a proposal is a joint venture, provide a description of how the partners have worked together in the past with a description of each partner's respective role.
4. *References:* Provide the names, phone numbers and email addresses of at least three commercial or institutional credit references for the Proposer and, if applicable, any member of the proposed partnership or joint venture. Include a letter to each of the credit references authorizing them to respond to inquiries from the County.

D. Project Vision:

This section should describe the Proposer's vision for the proposed development and how this vision meets the County's objectives. This vision should identify the following:

1. Milestones necessary to implement the vision (such as pre-development requirements and land use approvals).

2. A concept plan that illustrates the proposed development plan, layout, square footage (including gross measured area, rentable area and useable area) and other characteristics of the proposed development, including building height and density. The concept plan for this Site must include, at a minimum, the MPDUs required under Chapter 25A. If a selected Proposer's proposed development includes residential condominium units, the Proposer, as part of its contractual agreement with the County, must apply for FHA approval before the execution of the affordable housing agreements with the County's Department of Housing and Community Affairs ("**DHCA**"). The expense of obtaining FHA approval may be added to the sales prices of the affordable units. Condominium fees will be taken into consideration when determining whether condominium units meet the affordability requirements. DHCA will not approve any alternative payment or alternative location agreements for MPDUs provided at the Site, whether the MPDUs are condominium units or rental units.
3. A description of the projected parking demand for the planned development and a calculation of the minimum parking required under Chapter 59 of the Code. Public Parking Garages 5 and 55 may be used to accommodate parking requirements. The construction of additional structured parking is not required under Option A.
4. Project budget showing sources and uses of development funds and a 15-year operating pro forma. The pro forma must include cost, revenue and inflation assumptions, as follows:
 - Pre-development costs;
 - Soft and hard costs;
 - Infrastructure costs; and
 - Cash flows to the Proposer and the County, including the payment of fair market value for the Site.

The proposed development must clearly identify the total number of affordable residential units and the percentage and income breakdown of the affordable units. Any assumptions or projections regarding stabilized rents or when stabilized rents will be achieved should be specified. Estimates of the proposed development's asset value to the Proposer and to the County should be included. In addition to providing a hard copy of the budget, the Proposal should include a soft copy in Excel format on a CD-ROM.

5. The Proposer's proposed ownership structure, including documentation of ownership percentage and silent and joint partnerships.
6. A statement of whether the proposed development is contingent on any County or State government action (e.g., regulation changes and public funding such as grants and loans) and a listing of these contingencies.

E. Electronic Files:

One copy of the entire Proposal shall be submitted in PDF format on a CD-ROM, USB thumb drive or portable hard disk as one single file.

IX. Evaluation Criteria

Upon receipt of the Proposals, the County's Qualification and Selection Committee ("QSC") will review and evaluate the Proposals in accordance with the criteria listed below. Interviews may be conducted with Proposer development teams. Decisions and recommendations by the QSC will be consensus-based.

The County's goal is to select the best Proposal from the most qualified Proposer that meets the County's objectives for this Site. The following evaluation criteria will be used by the QSC in selecting the Proposer to negotiate with the County to develop the Site:

- | | | |
|----|---|------------------|
| 1. | Overall vision and quality of the proposed development: | 30 points |
| 2. | Meeting the County's objectives for the Site: | 40 points |
| 3. | Expertise and financial capacity to implement the vision: | 20 points |
| 4. | Proposed timeframe for completing of the development: | <u>10 points</u> |

Total: 100 points

Bonus points for additional affordable housing above the Chapter 25A requirements as a percentage of the total housing provided (affordable housing is defined as units affordable to households with incomes less than or equal to 70% of the average median income in the Washington Metropolitan Statistical Area):

12.6% - 15% of the residential units:	2 bonus points
15.1% - 20% of the residential units:	4 bonus points
At or above 20.1%:	5 bonus points

X. Administration of the RFDP

Proposals are due by 2:00 pm on APRIL 10, 2017. If a Proposer and a proposed development is selected from the Proposals submitted under this RFDP and an agreement acceptable to the County cannot be successfully negotiated with the top-ranked Proposer, the County may proceed to negotiate with the Proposer that submitted the next highest ranked Proposal. Alternatively, at the County's discretion, the County may elect to negotiate with more than one Proposer at a time.

Any amendments to the RFDP will be posted on the MCDOT website, which can be located through the Division of Parking Managements website at:

<http://www.montgomerycountymd.gov/DOT-Parking/Garage5-55RFDP.html>

The County expects the RFDP to meet the following schedule, but reserves the right to amend this schedule or, in its sole discretion, to cancel the solicitation at any time.

RFDP Release	DECEMBER 09, 2016
Pre-Submission Meeting	FEBRURARY 01, 2017 at 1:00 P.M.
Deadline for Questions	FEBRUARY 22, 2017 at 4:00 P.M.
Proposals Due	APRIL 10, 2017 at 2:00 P.M.

XI. Submittal Instructions

All Proposals shall include one original and six (6) copies in 8½" by 11" format with no smaller than 11-point font and must not exceed 25 pages. The page limit does not include credit references, renderings, Excel-based worksheets/models, tables, charts and other exhibits necessary to support the Proposal. Submissions must be bound and sealed and mailed or delivered to:

Mr. Al R. Roshdieh
Director
Montgomery County Department of Transportation
101 Monroe Street, 10th Floor
Rockville, Maryland 20850

The envelope must state "RFDP - Public Parking Garage 5-55." Proposals will be evaluated upon only what is submitted. It is incumbent upon the Proposer to submit sufficient information to enable the County to fully evaluate the Proposer's capabilities and experience. Proposals to this RFDP received after the date and time specified are considered late and may not be considered. The County will not accept Proposals sent via facsimile or e-mail. Unless requested by the County, additional information cannot be submitted by the Proposer after the deadline set for receipt of Proposals. Proposers will be notified in writing via the MCDOT website referenced above of any change in the specifications contained in this RFDP.

Proposals submitted early may be modified or withdrawn only by notice to the Department of Transportation at the place and prior to the time designated for receipt of Proposals.

Timely modifications or withdrawals of a Proposal must be in writing and must be received by the County on or before the date and time set for receipt of Proposals.

Withdrawn Proposals may be resubmitted up to the time designated for the receipt of Proposals provided that they are then fully in conformance with the RFDP.

XII. Pre-Submission Conference

There will be a pre-submission conference on February 01, 2017 at Montgomery County Department of Transportation, Division of Parking Management located at 100 Edison Park Drive Gaithersburg, Maryland 20878 in Lobby Conference Room #2 at 1:00 PM.

XIII. Conditions and Limitations

The County reserves the right to reject any or all Proposals submitted in response to this RFDP, advertise for new Proposals or accept any Proposal deemed to be in the best interest of the County. A Proposal submitted in response to this RFDP does not constitute a contract and does not indicate or otherwise reflect a commitment of any kind on behalf of the County. Furthermore, this RFDP does not represent a commitment or offer by the County to enter into an agreement with a Proposer or to pay any costs incurred in the preparation or submission of a Proposal to this RFDP. Furthermore, this RFDP does not commit the County to pay for costs incurred in the negotiation or other work in preparation of, or related to, a final agreement between the selected Proposer and the County.

Any commitment made by the County will be subject to both the appropriation of funds by the Montgomery County Council to carry out any such commitments and the execution of a contract acceptable to the County.

Written questions regarding the RFDP should be directed, via email, to Jose Thommana, Division Chief of Parking Management at Jose.Thommana@montgomerycountymd.gov, or a designated appointee. No verbal questions, outside of the Pre-Submission Conference, will be accepted.

All questions, and the responses from the County, will be posted on County's Division of Parking Management webpage at:

<http://www.montgomerycountymd.gov/DOT-Parking/Garage5-55RFDP.html>

The Proposals and any information made a part of the Proposals will become a part of the project's official files. The County is not obligated to return the Proposals to the Proposers. This RFDP and the selected team's response to this RFDP may, by reference, become a part of any formal agreement between the Proposer and the County.

The County reserves the right, in its sole and absolute discretion, to reject any and all Proposals received in response to this RFDP and to cancel this RFDP at any time, for any or no reason, prior to entering into a formal contract. The County further reserves the right to request clarification of information provided in Proposals submitted in response to this RFDP without changing the terms of this RFDP.

If a Proposer contends that any part of its Proposal is proprietary or confidential and, therefore, its disclosure is limited under the Maryland Public Information Act, Md. Code Title 4 of the General Provisions Article ("**MPIA**"), the Proposer must identify all information that is confidential or proprietary and provide justification for why such materials should not be disclosed by the County under the MPIA. The County, as custodian of Proposals submitted in response to this RFDP, and as required by law, will

make the final determination about whether or not material deemed proprietary or confidential by the Proposer is in fact proprietary or confidential and should not be disclosed. The County will favor disclosure of all Proposals in response to any request from a third party for disclosure made under the MPIA.

Proposers must familiarize themselves with the Site and form their own opinions as to suitability for any proposed development on the Site. The County makes no representations as to the Site. The County assumes no responsibility for site conditions including, but not limited to, environmental and soil conditions on the Site. Proposers are responsible for their own background investigation as to title, zoning, subdivision, transportation, development potential, utilities, physical conditions and restrictions, if any, for the Site. Proposers may not solely rely upon any information provided by the County concerning Public Parking Garages 5 and 55 in this RFDP. Soils tests and other invasive tests may not be conducted upon the Site during the RFDP stage.

Proposers are subject to the provisions of law pertaining to ethics in public contracting, including but not limited to, those provisions found in Chapters 11B and Chapter 19A of the Montgomery County Code.

XIV. Minority, Female, and Disabled Participation

The County encourages contracting and development opportunities with business interests reflecting its diverse population and interests. Therefore, the County encourages Proposers to include where possible meaningful minority, female, and disabled (“**MFD**”) participation in the proposed development. This participation could include, but not be limited to, the Proposer teaming with MFD developers, builders and subcontractors for the proposed development.