



**October 14, 2022**

**Request for Proposal for Land Use and Advocacy Legal Services**

**A. Project Description**

The Lynnwood Public Facilities District (PFD) owns approximately 13.01 acres of land and buildings including the Lynnwood Convention Center at the NWC of 196<sup>th</sup> Street and 36<sup>th</sup> Avenue West in Lynnwood, Washington. The property was purchased in 2002 and 2003 for the purpose of building the convention center. The center opened in April 2005. The convention center totals approximately 63,975 SF (34,000 SF Net Usable) on two levels. Four additional freestanding buildings on the site total nearly 124,000 SF occupied by retail, restaurant and office uses. The site is accessed from either 196<sup>th</sup> Street SW on the South or 36<sup>th</sup> Avenue W on the East and is at the 5 Freeway / 196<sup>th</sup> Street on/off ramps providing convenient freeway access.

The Lynnwood PFD envisions a redevelopment of the entire site, retaining and potentially expanding the existing convention center and raising (or redeveloping) the four freestanding buildings on the balance of the site in a high-density mixed-use development. The PFD has conducted public outreach and visioning sessions with the local community and has conducted market research and analysis that would support the following mix of uses:

- Hotel
- Multi-family residential
- Retail, restaurant, and entertainment
- Office (limited quantity)
- Parking
- Convention Center Expansion

The property is zoned CC-C (City Center Core) with a Planned Unit Development overlay and is part of/subject to the City Center Sub-Area Plan allowing for higher density mixed use development with FAR's ranging from 8:1 to 10:1 and building heights ranging from 15 – 34 stories (150' – 350'). The ultimate density and mix of uses of the proposed Lynnwood Convention Center Master Plan will be dependent on market demand and economic factors.

The right of way and eventual extension of 194<sup>th</sup> Street SW between 36<sup>th</sup> Avenue W and 40<sup>th</sup> Avenue W is a condition of redevelopment. Exact location and routing may potentially be modified from existing engineering studies.

The PFD has contracted with Jones, Lang, LaSalle International (JLL) for an umbrella of services related to this project including overall project management, expanding our economic impact, property management for the current and future tenants.

## **B. Scope of Services**

### **1. Objective**

Provide land use entitlement support and guidance to the Lynnwood PFD and contracted master planning consultants for the approval of the proposed master planned development on the 13+ acre Lynnwood Convention Center site. The proposed master plan and ensuing land use entitlements aim to enhance the overall experience for convention center guests and local resident visitors meeting the needs of the greater Lynnwood community while providing a sustainable income stream for the Lynnwood Public Facilities District (PFD) and maximizing the value of real estate over the long term. The entitlement consultant will provide the PFD a full understanding of the of the political climate, necessary requirements and process, and guide community engagement in seeking approvals for full entitlement of the site as envisioned.

### **2. Scope**

Collaborate with the Lynnwood PFD, JLL and master plan consultant team in developing a new master plan for the site, providing land use and environmental regulation advisory services and legal guidance, which may include participation in community engagement meetings and public hearings, to garner public and political support to advance and obtain the necessary entitlements and permits to construct public and private buildings consistent with the proposed master plan. The proposed master plan may include options to expand the existing convention center facility with a flexible “event” center; develop hotel, retail, dining and entertainment uses, residential/multi-family for rent and for sale housing, office and parking together with public plazas, promenades and public/private street access and may involve the expansion of the site to adjacent parcels. General and specific services shall include but not be limited to the following:

- Perform an initial assessment and regulatory due diligence review including a review of site due diligence reports currently available (geo-tech, environmental, traffic and transportation, survey, etc.).
- Collaborate and advise the Lynnwood PFD, JLL master planning and development team, architects and necessary consultants in the advancement of a master plan providing strategic advice for plan adoption and amendments to facilitate land use entitlements.
- Review the City Center Subarea Plan (Plan) and the City Center Environmental Impact Statement (EIS) among other documents that provide mitigation for environmental impacts in the City Center Subarea Plan and advise on adoption of Alternative C – Amended from the EIS or provide alternative strategy for site entitlement.
- Advise on property zoning, development regulations, applicable use permits and variances.

- Provide coordination of efforts with agency staff and project stakeholders.
- Formation and negotiation of a development agreement (if applicable).
- NEPA and SEPA environmental review/coordination/compliance (see above).
- Provide impact fee and mitigation fee guidance.
- Review agency staff reports, conditions of approval, supportive documents and public comments.
- Provide community engagement strategy including participation in public meetings.
- Prepare presentations and engage in public meetings/hearings.
- Facilitate necessary development applications and master plan submittal.
- Provide permit acquisition and approval services.
- Attend internal project team meetings, advise and report on communications with agency staff.

The preference of the PFD is to enter into a three (3) year professional services agreement with three one year renewable options at the discretion of the PFD

#### **B. SUBMISSION OF PROPOSALS**

Proposers should e-mail or mail copies to the address below no later than 3:30 p.m., Pacific Standard Time, on October 28th. All proposals and any accompanying documentation become the property of the District and will not be returned.

All proposals should be labeled "Lynnwood PFD Land Use Request for Proposal" in the e-mail subject line or mail envelope. All questions should be referred to the Executive Director Janet Pope.

Proposals should include the following:

- Cover letter
- General statement of team and experience
- Task area descriptions
- Project Schedule and work plan
- Fee structure
- Submission of one signed copy by an authorizing authority sent to [Jpope@Lynnwoodpfd.com](mailto:Jpope@Lynnwoodpfd.com) or mailed to:

Lynnwood Public Facilities District  
3815 196<sup>th</sup> Street SW  
Suite 136  
Lynnwood, WA 98036

**PROPOSALS ARE DUE BY October 28th. NO DELIVERIES ACCEPTED AFTER 3:00 PM.**

The cover letter must contain the following statements and information:

- “This proposal may be released as public information in accordance with requirements of laws covering same”.
- An acknowledgement that the proposer fully accepts all terms and conditions listed in the RFP.
- Proposal and cost schedule shall be valid and binding for one hundred and eighty days (180) following proposal due date.
- Company name, address, and telephone number of submitting firm.
- Name, title, e-mail address and telephone number of person or persons who are authorized to represent the firm.
- Proposal should state the proposers federal and state tax taxpayer identification.

The Executive Director shall be the sole point of contact for the PFD for this procurement. All communication between the Proposer and the District shall be with the Executive Director as follows

Janet Pope, Executive Director  
Lynnwood Public Facilities District  
3815 196<sup>th</sup> St. SW, Ste. 136  
Lynnwood, WA 98036  
Phone (425) 440-0970  
[jpoppe@lynnwoodpfd.com](mailto:jpoppe@lynnwoodpfd.com)

### C. SCHEDULE FOR PROCESSING PROPOSALS

Issue Request for Proposals	October 14, 2022
Proposals due	October 28, 2022
Proposals Reviewed	October 31 <sup>st</sup> -Nov. 3 <sup>rd</sup>
Conduct oral interviews with finalist, if required	November 4 <sup>th</sup> , 2022
Notice of Award	November 7 <sup>th</sup>
Begin contract work	November 14 <sup>th</sup>

The PFD reserves the right to revise the above schedule.

### 5. PROPOSED FEE STRUCTURE

Propose a compensation package, outlining all service fees/costs. The PFD is open to a variety of fee approaches. The PFD will select the finalist based on the evaluation criteria but will consider the firm’s compensation proposal(s) as a “best and final offer”. Nevertheless, the PFD reserves the right to negotiate terms as needed to improve elements of the proposal to best meet the needs of the PFD, including cost.

## 6. PROPOSAL EVALUATION

All proposals received shall remain confidential until the contract, if any, resulting from this RFP is signed by the Executive Director of the District and the apparent successful Contractor; thereafter, the proposals shall be deemed public records as defined in RCW 42.17.250 to 42.17.340, "Public Records".

Proposals will be evaluated by the PFD to determine which proposal, if any, should be accepted in the best interest of the PFD. The PFD, at its sole discretion, reserves the right to accept or reject proposals or parts of proposals submitted and to waive minor irregularities. Additionally, information may be requested of Proposers to fully evaluate a proposal.

An evaluation committee shall review the proposals, discuss, assess, and rank the proposals according to evaluation criteria. These rankings will be used to determine if there is a single proposal that is most advantageous and is in the best interest of the PFD. If so, the PFD may proceed with an award to that proposer.

The following criteria will be utilized to evaluate the proposals:

1. Description of services to be provided. The comprehensiveness, clarity and quality will be considered.
2. Cost and/or commission structure for proposed services. A breakdown may be provided if appropriate.
3. Company experience to include the following:
  - a. Type, size, and location of current and prior clients.
  - b. Experience representing similar properties.
  - c. Explanation of services provided to current and prior clients.
  - d. Provide a list of three (3) references for current or prior clients.
  - e. Corporate information, including financial details.
  - f. Qualifications for the team assigned this work.

## 7. EVALUATION CRITERIA

CRITERIA	POINTS
<b>Description of Services related to scope</b>	<b>30</b>
<b>Cost or commission structure</b>	<b>20</b>
<b>Experience with similar projects</b>	<b>20</b>
<b>Quality Control and Management of Services</b>	<b>20</b>
<b>Presentation and professionalism</b>	<b>10</b>

## **8. APPEALS**

Proposers who wish to appeal a disqualification must submit the appeal in writing to Executive Director Janet Pope within ten (10) working days of the issue date of the Notice of Award. The appeal must describe the specific citation of law, rule, regulation or common business practice upon which the protest is based. Neither the judgement used in the scoring by individual evaluators, nor disagreement with the procurement process shall constitute grounds for appeal. The filing of a protest shall not prevent the Lynnwood PFD from executing a contract with any other proposer. Appeals should be sent to:

Janet Pope, Executive Director  
 Lynnwood Public Facilities District  
 3815 196<sup>th</sup> St SW  
 Suite 136  
 Lynnwood, WA 98036

## **9. PROPOSERS COST TO DEVELOP PROPOSAL**

Cost for developing proposals in response to the RFP are entirely the obligation of the proposer and shall not be chargeable in any manner to the Lynnwood PFD.

## **10. WITHDRAWAL OF PROPOSALS**

Proposals may be withdrawn at any time in the submission time specified in this RFP by notification in writing.

## **11. REJECTION OF PROPOSALS**

The Lynnwood PFD reserves the right to reject any or all proposals, to waive any minor informalities or irregularities contained in the proposal, and to accept any proposal deemed to be in the best interest of the PFD.

## **12. PUBLIC RECORDS**

RCW 42.56.070(1) requires Lynnwood PFD to make available for inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public records" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by Lynnwood PFD regardless of physical form or characteristics. A "public record" can be any writing "regardless of physical form or characteristics." RCW 42.56.010 (3). "Writing" is defined very broadly as: "... handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated." RCW 42.56.010(4). An email, text, social media posting, and database are therefore also "writings."

Under Washington state law, the documents submitted in response to this Request for Proposals (the “documents”) become a public record upon submission to Lynnwood PFD, subject to mandatory disclosure upon request by any person, unless the documents are exempted from public disclosure by a specific provision of law. If the Lynnwood PFD receives a request for inspection or copying of any such documents provided by a proposer in response to this RFP, it will promptly notify the proposer at the address given in response to this RFP that it has received such a request. Such notice will inform the proposer of the date Lynnwood PFD intends to disclose the documents requested and affording the proposer a reasonable opportunity to obtain a court order prohibiting or conditioning the release of the documents. Lynnwood PFD assumes no contractual obligation to enforce any exemption.

### **13. CONTRACT AWARD AND EXTENSION**

Lynnwood PFD reserves the right to make an award without further discussion of the proposal submitted. Therefore, the proposal should be initially submitted on the most favorable terms the proposers can offer. It is understood that the proposal will become a part of the official file on this matter without obligation to the Lynnwood PFD.

The proposer selected will be expected to enter into an agreement with the Lynnwood PFD. If the proposer fails to sign a contract with the Lynnwood PFD within five (5) days of the final contract than the Lynnwood PFD may cancel the award and award the contract to the next highest-ranking proposer.

