



REQUEST FOR PROPOSAL  
No. RFP56-18

## EL PASO WATER UTILITIES HEADQUARTERS RELOCATION EVALUATION

Proposal Due Date: May 23, 2018 at 2:00 P.M MST

Proposal must be sealed and delivered to:  
El Paso Water (EP Water)  
Attention: Levi Chacon, Purchasing Agent  
1154 Hawkins Boulevard  
El Paso, Texas 79925

Proposals received after the date and time specified above will not be accepted and will be returned unopened. The RFP documents, including addendums, will be posted to the EP Water website at [www.epwu.org](http://www.epwu.org) Proposals received and accepted shall become the property of EP Water and will **NOT** be returned.

**Note: Faxed and/or Email proposals will not be accepted.**

Procedural or contractual questions can be directed to Levi Chacon, Purchasing Agent at [ljchacon@epwu.org](mailto:ljchacon@epwu.org).

The El Paso Water Utilities – Public Service Board (EPWater) is pleased to present this Request for Proposals (RFP) to identify available properties for relocating EPWater’s headquarters building currently located at 1154 Hawkins Blvd. (hereafter, referred to as “the Project”).

EPWater was established in 1952 and currently supplies about 90% of all municipal water in El Paso County. EPWater is managed by the Public Service Board, a seven-member board of trustees. EPWater has 890 employees with 150 of them residing in the headquarters building at 1154 Hawkins Blvd. The administrative functions have resided in the Hawkins building since 1992. Prior to that, EPWater’s administrative offices were located in downtown El Paso.

The Hawkins building was originally designed as a bank. The building is currently in need of significant renovations, including replacement of the roof, windows and other mechanical equipment. Furthermore, the building’s layout is highly inefficient and in order to accommodate EPWater’s growth projections, the building will need significant additional modifications.

A renovation of the Hawkins building is under consideration. However, the Public Service Board is also interested in exploring opportunities to relocate the offices to downtown El Paso to help advance urban revitalization efforts. This would be an opportunity to bring 150 employees—and up to 230 employees by 2037 based on current growth projections—into the downtown area to support businesses and increase the vitality of the downtown district.

EPWater issued Request for Information # 186-17 on September 5, 2017 to identify potential properties for purchase. The responses included a variety of relocation options ranging from direct property sale transactions to potential “turnkey” development on vacant parcels and buildings.

EPWater is issuing this Request for Proposals (RFP) to collect additional information for further evaluation of downtown relocation options. This RFP has been designed to allow for optional proposals. Option 1 is seeking information on properties for sale and the response will be a Property Sale Term Sheet outlining a property sale offer to EPWater (“Property Sale Option”), Option 2 is seeking a developer or developers to serve as a “turn-key developer” in which the Proposer would design, permit and construct/renovate a facility to EPWater’s specifications and then sell the property to EPWater (“Developer Proposal Option”). Proposers may submit responses for either Option 1, or both Options 1 and 2.

EPWater will compare the opportunities presented in the Proposals with the option to renovate the Hawkins Building. From that, EPWater will determine whether or not to pursue property acquisition, negotiate with a preferred developer, advance further due diligence on sites that may be of interest or terminate the solicitation.

This RFP is separate and distinct from the Request for Information (RFI) for Property Purchase Opportunities for the El Paso Water Headquarters, Solicitation #RFI 86-17. Proposers may participate in this RFP process even if they did not submit a proposal through the previous RFI solicitation.

We appreciate your interest in EPWater’s relocation process and hope that you will consider submitting a response to this RFP.

EPWater recognizes that assembling proposals requires a commitment of effort and resources. Your assistance in providing information relating to properties that could meet EPWater’s requirements is greatly appreciated.

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## **SECTION 1 INTENT OF SOLICITATION AND NOTICES**

### **1.1 INTENT OF SOLICITATION**

The intent of this solicitation is to identify potential properties and partnership opportunities for relocating EPWater to downtown El Paso. EPWater will consider all proposals and may select the highest ranked proposal whose response, in the sole opinion of EPWater, is best suited for EPWater's needs. EPWater reserves the right to accept or reject any or all proposals. EPWater also reserves the right to pursue an acquisition of property that was not submitted through this RFP process if it is deemed to be in the best interest of EPWater.

Proposers are encouraged to demonstrate how EPWater's expansion needs can be accommodated on a site through cost-effective investment and smart use of public funds while also supporting investment in the revitalization of downtown El Paso.

**Sealed proposals in conformance with this solicitation will be received by EPWater until May 23, 2018 at 2:00 p.m. There will be no pre-proposal conference.**

### **1.2 SOLICITATION PROCESS AND SCHEDULE**

This solicitation process includes submittal options and Proposers may submit proposals for one or both options:

1. **Property Sale Option** in which the property owner wishes to identify the terms and conditions for a property transfer to EPWater ownership. Proposers shall provide "Part A" information and will be evaluated on that information.
2. **Developer Proposal Option** in which the Proposer wishes to serve as a "turnkey developer" to design, permit and construct a facility to EPWater's specifications and transfer the property to EPWater ownership. Proposers shall provide "Part A" and "Part B" information and will be evaluated as described in Section 4.

Proposals from qualified respondents shall include the specified information requested for each respective option. Interviews and possible site visits may be conducted during which clarifications to information included in the proposals may be requested.

Upon determination to proceed with further negotiation for a downtown location and selection of a preferred proposal, EPWater staff and the selected Proposer will enter into good faith efforts to execute a Land Sale Agreement, Development Agreement or other appropriate agreement(s).

The submittal and review dates will be as follows:

<b>Request for Proposals issued:</b>	<b>March 28, 2018</b>
<b>Deadline for submittal of written questions:</b>	<b>April 25, 2018 at 5:00 P.M. MST</b>
<b>RFP Submittals due:</b>	<b>May 23, 2018 at 2:00 P.M. MST</b>

### 1.3 CONE OF SILENCE

The “Cone of Silence” is imposed upon each RFP, RFQ or Bid from the time of advertising until it is posted on the Public Service Board Agenda for award. The Cone of Silence prohibits communications with El Paso Water Utilities employees to attempt to influence the purchasing decision. As such, the Cone of Silence prohibits any communication regarding RFP’s, RFQ’s or Bids between, among others:

- ) Potential vendors, service providers, respondents, or consultants and El Paso Water Utilities employees.
- ) Potential vendors, service providers, respondents, or consultants, any member of the Board, the President/CEO, or their respective staff and members of the respective selection committee.

The provisions do not apply to, among other communications:

- ) Oral communications with Sr. Purchasing Agent, Purchasing Agent, Contracts Developer Coordinator, or Procurement Analyst, provided the communications is limited strictly to matters of process or procedure already contained the solicitation document;
- ) The provisions of the Cone of Silence do not apply to oral communications at pre-proposal or pre-proposal conferences, oral presentations before selection committees, contract negotiations during duly notice public meeting, public presentations made to the President/CEO and Board members during a duly noticed public meeting; or
- ) Communications in writing at any time unless specifically prohibited by the applicable, RFP, RFQ or bid document.

In addition to any other penalties provided by law, violation of the Cone of Silence by any Proposer or Respondent shall render that Proposer’s or Respondent’s RFP, RFQ or bid award voidable. Any person having personal knowledge of a violation of these provisions shall report such violations to El Paso Water Utilities General Counsel and the Purchasing Agent.

The “Cone of Silence” applies to any and all potential subcontractors as well.

### 1.4 COMMUNICATIONS AND EL PASO WATER CONTACT PERSON

All communications, including questions and requests for additional information on this solicitation shall be made in writing to:

**El Paso Water**  
**Attn: Levi Chacon, Purchasing and Contracts**  
**Request for Proposal Number RFP 56 – 18**  
**1154 Hawkins Blvd, El Paso, TX, 79925**  
**Email: Ljchacon@epwu.org**

This RFP document, exhibits and any related updates or amendments will be posted at [www.epwu.org/bids/](http://www.epwu.org/bids/). It is the responsibility of the respondent to check this site for information updates.

## 1.5 TEXAS PUBLIC INFORMATION ACT

EPWater, as a component of the City of El Paso, is subject to the Texas Public Information Act, Chapter 552, Texas Government Code (the "Act"). Most information collected, assembled, or maintained by the City and/or EPWater in connection with the transaction of official business is public information subject to disclosure upon written request. The Act exempts certain categories of information from required public disclosure. The Office of the Attorney General determines whether information may be withheld, not the City or EPWater.

All information provided to EPWater will be handled in accordance with the Act and the requirements of the Texas Public Information Act while in the EPWater's possession. All documents submitted by a Respondent should be regarded as public records and subject to disclosure; provided however, such documents will be held in confidence by EPWater as required by the Act.

**PRIVATE ENTITIES ARE CAUTIONED THAT ONCE A RESPONSE (SOLICITED OR UNSOLICITED) IS OPENED, ALL INFORMATION CONTAINED THEREIN WILL BE AVAILABLE TO THE PUBLIC UNLESS THE INFORMATION IS EXCEPTED FROM THE REQUIREMENTS OF THE PUBLIC INFORMATION ACT.**

Private Entities who claim that information contained in a bid should be protected from public disclosure after the award of the contract may be asked to support such claim if the City or EPWater receives an Open Records request for the information and requests a determination by the Attorney General.

A Respondent should identify those portions of a response that the Respondent considers to be trade secrets or confidential commercial, financial, or proprietary information. If any information contained in the Solicited or Unsolicited response qualifies for an exception because it falls into one of the categories above it should be clearly marked "CONFIDENTIAL" and the basis of the claim of confidentiality should be stated. Data so identified will be maintained as a protected record, to the extent permitted by law. Blanket statements regarding the confidentiality of information may not be sufficient to protect the confidentiality of information submitted. Cost estimates relating to a proposed transaction prepared by or for the City with regard to any proposed project are not open to public inspection.

1. Trade Secrets: Under the Public Information Act, in order for confidential and proprietary information and trade secrets to be considered exempt from disclosure, the Respondent should do each of the following:
  - a. Invoke such exclusion upon submission of the information or other materials contained within the Response for which protection is sought;
  - b. Specifically identify the data or other materials for which protection is sought with conspicuous labeling;
  - c. State the reasons why protection is necessary; and
  - d. Fully comply with any applicable provisions of Texas law with respect to information the Respondent contends should be exempt from disclosure.
2. Public Inspection. Trade secrets, financial records, or other records of a Respondent or the contracting person excluded from disclosure under Government Code Section 552.101 may not be posted or made available for public inspection except as otherwise agreed to by the City and a Respondent or the contracting person.

While inspection of documents submitted to a governmental entity are generally subject to inspection by members of the public any inspection of procurement transaction records is subject to reasonable restrictions to ensure the security and integrity of the records.

## **SECTION 2 SCOPE OF WORK / PROJECT INFORMATION**

### **2.1 RELOCATION REQUIREMENTS AND PREFERENCES**

Given EPWater's responsibility as a public agency, the EPWater facility improvements must meet multiple public objectives, whether renovating the existing Hawkins Building or relocating downtown.

EPWater's relocation decision must reflect a reasonable balance between the public's investment and the benefit the public receives in return. For this reason, EPWater has identified the public objectives for which the "success" of the project will be measured:

- ) The Project must provide a cost-effective development solution.
- ) The level of finish and type of building should be appropriately modest but of quality, durable construction, as appropriate for a public agency.
- ) The project must be able to accommodate readily-accessible parking for employees and the public.

The **minimum requirements** to respond to this RFP include:

- Z Proposers must be able to demonstrate site control at the time of proposal.
- Z The property is within the area defined in "Exhibit C - EPWater Relocation Zone Map".
- Z Site must be able to accommodate approximately 60,000 square feet of office space, meeting rooms and support functions. EPWater will consider options that include greater square footage consistent with the criteria identified in this RFP.
- Z A minimum of 250 parking spaces are required to accommodate EPWater utility vehicles, and employee and visitor autos. Spaces shall be onsite or on a contiguous parcel.
- Z Proposals must commit to EPWater ownership of the parking and demonstrate site control of the parking
- Z An ownership opportunity for EPWater. Short-term lease structures that ultimately result in EPWater ownership may be considered to meet other project goals.
- Z Proposals that require displacement of existing residential uses will not be considered.

Proposals with the following attributes are **preferred**:

- Z Move-in to occur no sooner than January 2019
- Z Accommodate a "turnkey" development approach that includes a proposed development team and minimizes risk to EPWater.
- Z Allow EPWater investment to occur over a minimum of three fiscal years.

## **SECTION 3 - SUBMITTAL CONTENT AND REQUIREMENTS**

### **3.1 SUBMITTAL DELIVERY**

All proposals shall be **DELIVERED BY THE DATE AND TIME ON THE COVER PAGE OF THIS SOLICITATION** to:

Levi Chacon, Purchasing Agent  
EPWater  
1154 Hawkins Blvd., 1st Floor  
El Paso, TX 79925

EPWater will not accept proposals, submittals or any documents by fax, email or other electronic transmittal. Proposals submitted to EPWater that are received at the Purchasing Department after the specified date and time will not be accepted. The Proposer accepts all responsibility for delivering its responsive proposal to the address stated above within the specified time or the submittal will be considered non-responsive and will be mailed back unopened. If the envelope does not reflect a return address, it will be opened for the sole purpose of obtaining the return address.

**FOR THIS SOLICITATION, PLEASE INCLUDE THE FOLLOWING INFORMATION ON YOUR ENVELOPE:**

**DO NOT OPEN IN MAILROOM**

Title of the Solicitation

Solicitation #

Respondent's Name

Mailing Address

**NOTE: THE CITY'S CONE OF SILENCE APPLIES TO ALL RESPONDENTS AND THE PROPOSER OR ANY REPRESENTATIVE MAY NOT CONTACT MEMBERS OR STAFF OF EPWATER, OR ANY ELECTED OR APPOINTED OFFICIAL EXCEPT THE CONTACT PERSON DESIGNATED IN Part 3, paragraph 3.1.**

**3.2 CONFIDENTIAL MATERIALS**

Any documents submitted by a Proposer that contain trade secrets, financial records, proprietary or other confidential records exempt from disclosure under Government Code Section 552.101 shall be submitted in a separate, sealed envelope, designated on the cover as **CONFIDENTIAL MATERIALS**. A cover letter listing all exempt material shall be attached. Clearly mark any material believed to be a trade secret, confidential or proprietary information protected from disclosure under applicable law - such material must be clearly marked in all caps as **CONFIDENTIAL**.

**3.3 SUBMITTAL FORMAT AND CONTENT REQUIREMENTS**

All proposals, at a minimum, shall provide Part A materials. Proposers pursuing the Development Proposal Option are to also provide Part B materials. All materials shall be provided as noted unless the requirement(s) is waived in writing by EPWater.

- Z Proposals must be organized in the manner outlined in this solicitation.
- Z Part A of the Proposal shall not exceed a total of 8 pages (exclusive of illustrations to clarify written narrative in Tab 2 item .2); brevity is appreciated.
- Z Part B shall not exceed a total of 12 pages (exclusive of Confidential Statement of Financial Capacity, individual resumes identified in Tab 5 item .1 and materials submitted under Tab 7); brevity is appreciated.
- Z Pages shall be numbered and organized by paginated table of contents corresponding to the tabbed sections identified below.
- Z The contents shall be printed on 3-hole punched, 8½" x 11" paper.
- Z Proposals shall be submitted as one (1) original and ten (10) copies and one (1) electronic copy (searchable PDF format on CD or thumb drive).
- Z The original copy containing original signatures shall be marked ORIGINAL on the cover letter to the Purchasing Department.

## **PART A – Property Sale**

### **TAB 1: TERM SHEET**

- .1 Provide information contained in Exhibit A – Property Sale Term Sheet.
- .2 If Proposer is also pursuing the Development Proposal Option and submitting information in Part B, please indicate any change in property sale terms should EPWater wish to proceed with property acquisition only and not pursue negotiations with the proposed Development Firm.
- .3 Include proof of site control.
- .4 Provide a statement that no residential uses are currently located on the property nor will any residential uses be located on the site in the period prior to property transfer to EPWater.

### **TAB 2: CONCEPTUAL PROPOSAL**

Proposers must demonstrate how EPWater’s programmatic and development needs can be met on the property.

- .1 Provide a map identifying the property location within the area defined in Exhibit C.
- .2 Provide a brief summary of the proposed property, including a description of how EPWater’s program and total square footage requirements could be accommodated. Separately describe the number of floors required to accommodate the approximately 60,000 square foot building area and a minimum of 250 parking spaces given existing site or building constraints. At the Proposer’s option, Proposer may include simple, conceptual drawings to illustrate the written narrative of the proposal. For existing buildings, please provide existing floor plans if available. (Conceptual drawings and illustrations will not count towards the page limit).
- .3 Identify entitlements, zoning changes or similar actions that would be required to accommodate EPWater’s desired improvements and occupancy. Provide a list of available due diligence documents (e.g. surveys, environmental studies) and associated document dates.
- .4 For existing buildings, provide a brief description of building improvements that would be required to accommodate EPWater’s occupancy. Describe any building areas in excess of EPWater’s stated programmatic needs, and proposed uses for those areas (if any).

### **TAB 3: PARKING ACCESS**

Proposers must demonstrate how EPWater’s parking needs can be met.

- .1 Describe how EPWater parking could be accommodated either onsite or on a contiguous parcel.
- .2 Identify parking location(s), quantities, nature of the parking (surface or structured) and confirm that purchase price includes cost for acquisition of required parking. Describe any contingencies or terms associated with their use.

## **PART B – Developer Proposal**

### **TAB 4: DEVELOPMENT FIRM EXPERIENCE**

Proposers shall provide sufficient information to convey the experience and capacity of their company to serve as EPWater's turnkey developer.

- .1 Experience. Provide a brief description of the Proposer's firm and up to five completed comparable projects including project program, location, hard construction costs, design and construction firms and year of completion.
- .2 Financial Capacity. Provide evidence that Proposer has the financial resources to undertake the proposed project by completing the Confidential Statement of Financial Capability (Exhibit B).
- .3 References. Provide a minimum of three references, including at least one tenant/user reference.

EPWater reserves the right to request a copy of all notices of default, termination, claims of damage received on projects, and claims against performance and payment bonds, received within the past five years prior to entering into any development agreement with a selected Developer.

### **TAB 5: PROJECT TEAM QUALIFICATIONS**

- .1 Identify the key team members that will be involved in executing the Project and their roles/responsibilities. Provide maximum 2-page resumes for each individual listed in this tab. (Resumes will not count towards the page limit).

### **TAB 6: BUSINESS PROPOSAL**

Proposers are to describe the nature of the proposed business relationship with EPWater and the responsibilities of each party.

- .1 Provide a brief overview of the Proposer's scope of services to be provided.
- .2 Describe the proposed partnership arrangement with EPWater. Describe how schedule, scope and cost risks are to be allocated between EPWater and Developer. If desired, describe a range of options that could be considered.
- .3 Indicate the proposed method to calculate the Developer Fee (e.g., x% of construction costs, with actual percentage provided) and identify any other fees to be paid to Developer.
- .4 Provide a high level project schedule indicating assumed durations for entitlements, due diligence, design, permitting and construction.
- .5 Submit a preliminary Project Financing Plan including key milestones and a timeline for securing project equity and debt, as appropriate. Describe potential funding sources that may be available (including tax credits) and any innovative strategies to minimize EPWater's capital requirements for acquisition. Note that EPWater is interested in exploring options that allow project-related expenditures to occur over a minimum of three budget cycles. Please identify possible approaches to accommodate this preference.

- .6 If appropriate, identify any building area in excess of EPWater's stated programmatic needs and identify any revenue opportunities for EPWater and potential EPWater/Proposer property management roles and responsibilities.
- .7 Identify any additional terms or conditions to be included as part of the negotiation process with EPWater. Include discussion of any special requirements to execute the development proposal.

#### TAB 7: FORMS / ADDENDA

Use this Section to provide Conflict of Interest Questionnaire and executed Forms included in Exhibit D (Certificate of Interested Parties Form 1295 and Statement of Nondivestment From Israel). Also include additional information such as letters of recommendation, letters of interest from prospective lenders or tenants, additional information concerning the development team, and other information that supports the proposal.

## **SECTION 4 EVALUATION**

### **4.1 EVALUATION PROCESS, EVALUATION CRITERIA AND SCORING**

EPWater shall undertake full and proper due diligence in the evaluation and selection of Proposals. In this regard, the qualifications, capabilities, resources and other attributes of a site, the Proposer and the development team shall be carefully evaluated as appropriate. In addition, private entities shall be held strictly accountable for representations and information provided regarding their qualifications, experience or other contents of their proposals, including all specific aspects of proposed services to be performed by the Proposer. The evaluation process of all Proposals will include the following:

- Z Evaluate Proposals in accordance with the criteria set forth in this section.
- Z If needed, conduct additional due diligence on one or more of the proposals.
- Z If appropriate, conduct interviews and possible site visits with selected Proposers.
- Z Review and compare options—to purchase a downtown property or pursue turnkey developer relationship—and identify the preferred approach.

Following identification of a preferred site and development approach by the evaluation committee, the preferred option will be presented to the Public Service Board at a duly noticed public meeting. At its sole discretion, the Public Service Board may authorize staff to enter into negotiations with the highest ranked proposal regarding either a property sale or Development Agreement.

EPWater reserves the right to *not* select from those who apply, to solicit new proposals or to contract for property acquisition and/or development through other means, as deemed most beneficial to EPWater.

## Evaluation Criteria

The following criteria will be used to evaluate proposals:

### **Part A – Property Sale:**

#### **1. EPWater Program Fit / Concept.**

- a. Ability and approach to accommodate EPWater's programmatic needs within the proposed building/site.

#### **2. Parking Access.**

- a. Proximity of parking spaces for EPWater customers, employees and general public.
- b. Parking costs when compared with comparable site proposals.

#### **3. Purchase Price.**

- a. Relative value when compared with comparable site proposals.

### **Part B – Developer Proposal:**

#### **4. Development Firm Experience.**

- a. Proven ability of the development entity to successfully develop comparable projects.
- b. Experience working with the public sector on public-private real estate development projects.
- c. Ability to secure necessary equity and debt to execute the proposed project within the proposed schedule

#### **5. Team Member Qualifications.**

- a. Proven ability of the proposed team members to successfully develop comparable projects within established budgets and schedules.

#### **6. Business Proposal.**

- a. Overall strength of the business proposal, including proposed delivery approach and fee calculations.
- b. Viability of proposed preliminary Project Financing Plan and potential opportunities to minimize EPWater's capital requirements.
- c. Relative value when compared with other business proposals received as a result of this RFP.

## Scoring Sheet

The following scoring guidelines shall be used to rank proposals. EPWater intends to assemble a committee to evaluate the proposals. The committee may be comprised of EPWater staff, hired consultants, and members of the Public Service Board.

	<b>Property Sale Option</b>	<b>Developer Proposal Option</b>
<b>PART A</b>		
1. Program Fit / Concept	35	15
2. Parking Access	30	10
3. Purchase Price	<u>35</u>	<u>25</u>
<b>PART B</b>		
4. Development Firm Experience		25
5. Team Member Qualifications		10
6. Business Proposal		<u>15</u>
Total Points	100	100

## **SECTION 5 PROPERTY SALE / DEVELOPMENT AGREEMENT**

### **5.1 TIME IS OF THE ESSENCE**

Time is of the essence to EPWater for completion of either 1) Property Sale Term Sheet, or 2) a Development Agreement and Design Notice to Proceed. In the event that timely agreement cannot be reached, EPWater may choose to pursue a similar agreement with the second ranked Proposer identified through this RFP process or may choose to not proceed.

### **5.2 DUE DILIGENCE/PRE-DEVELOPMENT ACTIVITIES**

EPWater shall have no liability for pre-development activities performed by any Proposer prior to execution of a written agreement with EPWater.

## **EXHIBITS**

The following documents attached to this solicitation must be filled out and submitted as part of the response to this solicitation:

EXHIBIT A: Term Sheet

EXHIBIT B: Confidential Statement of Financial Capability

EXHIBIT C: EPWater Relocation Zone Map

EXHIBIT D: Forms

**EXHIBIT A: PROPERTY SALE TERM SHEET  
EPWATER OFFICE RELOCATION EVALUATION**



El Paso Water Utility Relocation Project  
Request for Proposals RFP #56-18

**RFP Submittal Form for Property Information**

*Fill out this form as part of your response to RFP # 56-18  
Provide in Excel format with your other electronic submittal documents.  
Please refer to the RFP document for additional project and submittal information.*

	EXAMPLE	PROPOSED SITE
PROPERTY ADDRESS		
PROPERTY OWNER'S NAME		
SITE SIZE (SF)		
ZONING DESIGNATION	Central Business District (C-5)	
OFFERED SALE PRICE	\$	
PROPERTY OWNER OR AUTHORIZED OWNER'S REPRESENTATIVE CONTACT INFORMATION		
Name		
Company		
Mailing Address		
Email		
Phone		
IF PROPERTY HAS EXISTING STRUCTURES, PROVIDE THE FOLLOWING INFORMATION:		
Building Size (gross square feet)	30,000SF	
Square feet per each use classification	30,000SF Office / 10,000SF Retail	
Construction date(s)	1908	
Historic Designation (if any)	Individually designated on the National Register of Historic Places	
Date and description of any major remodels/renovations	Office received new carpet and paint in 2011.	
Building Systems: describe condition and dates of any replacements or major upgrades	Mechanical: HVAC replaced in 2008. Electrical: original to building. Plumbing: original to building.	
Number of On-Site Parking Spaces		
DESCRIBE CURRENT USE OF PROPERTY AND ANY CURRENT LEASES	Office used by owner. Owner will close business upon sale.	
DESCRIBE ANY DEED RESTRICTIONS AND/OR EASEMENTS ON THE PROPERTY	15' access easement along the full length of the southern boundary of the property	
DESCRIBE ANY KNOWN ENVIRONMENTAL ISSUES	There is one known underground storage tank near the SE corner of the warehouse	
DESCRIBE ANY OTHER KNOWN SITE DEVELOPMENT CONSTRAINTS		
PROVIDE ADDITIONAL INFORMATION AS DESIRED		

**EXHIBIT B: CONFIDENTIAL STATEMENT OF FINANCIAL CAPABILITY**  
**DEVELOPMENT PROPOSAL TRACK**  
**EPWATER OFFICE RELOCATION EVALUATION**

1. Name and address of Proposer:

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2. The property which the Proposer proposes to develop is described as follows:

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3. The financial condition of the Proposer, as of \_\_\_\_\_, is as reflected in the **attached financial statement**.

Note: Attach to this form an accountant prepared financial statement showing the assets and the liabilities, including contingent liabilities, fully itemized in accordance with accepted accounting standards. If the date of the financial statement precedes the date of this submission by more than six (6) months, also attach an interim balance sheet not more than sixty (60) days old.

Name and address of public accountant or auditor who prepared the financial statement:

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4. Estimated amount of developer equity required for the proposed undertaking: \_\_\_\_\_

**CONFIDENTIAL**  
**Statement of Financial Capability**

5. Source and amount of cash available to Proposer to meet equity requirements of the proposed undertaking:

In Financial Institution:

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Name and Address of Financial Institution:

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Amount:

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By sale of readily salable assets:

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Description:

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Market Value:

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Mortgage or Liens:

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**CONFIDENTIAL**  
**Statement of Financial Capability**

6. Name and address of two financial institution references:

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7. Has the Proposer or the parent corporation, or any subsidiary or affiliated corporation of the Proposer or parent corporation, or any of the Proposer's officers or principal members, shareholders or investors, or other interested parties (referred to herein as "Principals of the Proposer"), been adjudged bankrupt, either voluntary or involuntary, within the past ten years?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, give date, place and under what name:

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8. Has the Proposer or anyone referred to in Number 7 above as "Principal of the Proposer," been indicted for or convicted of any felony within the past 10 years?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, give for each case (a) date; (b) charge; (c) place; (d) court; and (e) action taken. Attach any explanation deemed necessary.

9. In the previous ten years, has the Proposer or the parent corporation, or any subsidiary or affiliated corporation of the Proposer or parent corporation, been engaged in arbitration, litigation, or other legal actions, either as plaintiff or defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please provide an explanation:

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**CONFIDENTIAL**  
**Statement of Financial Capability**

**CERTIFICATION**

I (We)\* \_\_\_\_\_

Certify that this Confidential Statement of Financial Capability and the attached evidence of the Proposer's financial responsibility, including financial statements, are true and correct to the best of my (our) knowledge and belief.

Dated \_\_\_\_\_

Dated \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\* If the Proposer is a corporation, this Statement should be signed by the President and Secretary of the corporation; if an individual, by such individual; if a partnership, by one of the partners; if an entity not having a president or secretary, by one of its chief officers having knowledge of the financial status and qualifications of the Proposer.

# EXHIBIT C: EPWATER RELOCATION ZONE MAP





**CONFLICT OF INTEREST QUESTIONNAIRE**  
**For vendor doing business with local governmental entity**

A complete copy of Chapter 176 of the Local Government Code may be found at <http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>. For easy reference, below are some of the sections cited on this form.

**Local Government Code § 176.001(1-a):** "Business relationship" means a connection between two or more parties based on commercial activity of one of the parties. The term does not include a connection based on:

- (A) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity;
- (B) a transaction conducted at a price and subject to terms available to the public; or
- (C) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency.

**Local Government Code § 176.003(a)(2)(A) and (B):**

(a) A local government officer shall file a conflicts disclosure statement with respect to a vendor if:

\*\*\*  
(2) the vendor:

(A) has an employment or other business relationship with the local government officer or a family member of the officer that results in the officer or family member receiving taxable income, other than investment income, that exceeds \$2,500 during the 12-month period preceding the date that the officer becomes aware that

- (i) a contract between the local governmental entity and vendor has been executed;
- or
- (ii) the local governmental entity is considering entering into a contract with the vendor;

(B) has given to the local government officer or a family member of the officer one or more gifts that have an aggregate value of more than \$100 in the 12-month period preceding the date the officer becomes aware that:

- (i) a contract between the local governmental entity and vendor has been executed; or
- (ii) the local governmental entity is considering entering into a contract with the vendor.

**Local Government Code § 176.006(a) and (a-1)**

(a) A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with a local governmental entity and:

- (1) has an employment or other business relationship with a local government officer of that local governmental entity, or a family member of the officer, described by Section 176.003(a)(2)(A);
- (2) has given a local government officer of that local governmental entity, or a family member of the officer, one or more gifts with the aggregate value specified by Section 176.003(a)(2)(B), excluding any gift described by Section 176.003(a-1); or
- (3) has a family relationship with a local government officer of that local governmental entity.

(a-1) The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

(1) the date that the vendor:

- (A) begins discussions or negotiations to enter into a contract with the local governmental entity; or
- (B) submits to the local governmental entity an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the local governmental entity; or

(2) the date the vendor becomes aware:

- (A) of an employment or other business relationship with a local government officer, or a family member of the officer, described by Subsection (a);
- (B) that the vendor has given one or more gifts described by Subsection (a); or
- (C) of a family relationship with a local government officer.

## Changes to Form 1295

Changes to the law requiring certain businesses to file a Form 1295 are in effect for contracts entered into or amended on or after January 1, 2018. The changes exempt businesses from filing a Form 1295 for certain types of contracts and replace the need for a completed Form 1295 to be notarized. Instead, the person filing a 1295 needs to complete an “unsworn declaration.”

### **What type of contracts are exempt from the Form 1295 filing requirement under the amended law?**

The amended law adds to the list of types of contract exempt from the Form 1295 filing requirement. A completed Form 1295 is not required for:

- a sponsored research contract of an institution of higher education;
- an interagency contract of a state agency or an institution of higher education;
- a contract related to health and human services if:
  - the value of the contract cannot be determined at the time the contract is executed; and
  - any qualified vendor is eligible for the contract;
- a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;\*
- a contract with an electric utility, as that term is defined by Section 31.002, Utilities Code;\* or
- a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.\*

The newly exempt contract types are marked with an asterisk.

### **Why do I need to include my date of birth and address when I sign Form 1295? Was this always the case?**

In 2017, the legislature amended the law to require Form 1295 to include an “unsworn declaration” which includes, among other things, the date of birth and address of the authorized representative signing the form. The change in the law applies to contracts entered into, renewed, or amended on or after January 1, 2018. The unsworn declaration, including the date of birth and address of the signatory, replaces the notary requirement that applied to contracts entered into before January 1, 2018.

**Will my date of birth and address appear on the TEC's website when I file the form?**

No. The TEC filing application does not capture the date of birth or street address of the signatory and it will not appear on forms that are filed using the TEC filing application.

Although the TEC does not capture the date of birth and street address of the signatory, the contracting state agency or governmental agency will have a physical copy of the form that includes the date of birth and address of the signatory. The TEC cannot answer whether the contracting state agency or governmental agency may release such information. Questions regarding the Texas Public Information Act may be directed to the Office of the Attorney General. *See also Paxton v. City of Dall.*, No. 03-13-00546-CV, 2015 Tex. App. LEXIS 5228, at \*10-11 (App.—Austin May 22, 2015),(mem. op.) (pet. denied) ([available here](#)).

**CERTIFICATE OF INTERESTED PARTIES**

**FORM 1295**

Complete Nos. 1 - 4 and 6 if there are interested parties.  
 Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

**OFFICE USE ONLY**

**1** Name of business entity filing form, and the city, state and country of the business entity's place of business.

**2** Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

**3** Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

**5** Check only if there is NO interested Party.

**6 UNSWORN DECLARATION**

My name is \_\_\_\_\_, and my date of birth is \_\_\_\_\_.

My address is \_\_\_\_\_ (street) \_\_\_\_\_ (city) \_\_\_\_\_ (state) \_\_\_\_\_ (zip code) \_\_\_\_\_ (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 (month) (year)

\_\_\_\_\_  
 Signature of authorized agent of contracting business entity  
 (Declarant)

**ADD ADDITIONAL PAGES AS NECESSARY**

