

# Master Developer Selection/Negotiation Process

*The Economics of Land Use*



Berkeley  
Sacramento  
Denver

*presented by*

James Musbach  
Economic & Planning Systems, Inc.

William Anderson Barnes  
Barnes & Company

April 29, 2009

Economic & Planning Systems, Inc.  
2501 Ninth Street, Suite 200, Berkeley, CA 94710  
510.841-9190 • 510.841-9208 fax

# Master Developer Process

## **RFQ (Request for Qualifications)**

- Solicit from large pool of potential developers
- Clear statement of project characteristics, roles and responsibilities, required core competencies of developer
- Select short list of highly qualified developers to prepare proposed Business Plan
- Minimal submission fee: \$2,500

# Master Developer Process

## **RFBP (Request for Business Plan)**

- Require selected developers to prepare detailed business plan
- Developer conduct due diligence on market, land use, infrastructure costs, phasing, financing, feasibility
- Include pro forma: indicate expected financial outcomes, sources of financing, required developer returns, development and financial partners
- Not a financial offer, but starting basis for negotiating terms of Master Sublease
- Careful evaluation, interviews, vetting of assumptions
- Select based on strength of developer, development and financing concepts, and best potential lease terms for UA-SV LLC
- Expected \$200,000 non-refundable deposit upon selection

# Master Developer Process

## **ENA (Exclusive Negotiation Agreement)**

- Specify terms for exclusive negotiation with developer on a Master Ground Sublease
- Term of exclusive, milestones and performance standards, scope of due diligence/predevelopment activities (planning, engineering, CEQA, et. al.), stipulated business terms, default provisions
- Cost Recovery to pay for UA-SV LLC costs, including advisory team
- Substantial non-refundable deposit

# Master Developer Process

## **Master Ground Sublease**

- Business terms, and all provisions that govern the development and use of the property over the length of the lease
- Subject to approval by NASA

# Developer Selection Criteria

1. Experience with Public-Private Partnerships
2. Experience with the Specific Land Uses, Users, and Environmental Review Process expected at the Site
3. Experience with Ground Leases
4. Financial Capacity and Acumen
5. Development Entity Capacities
6. Organizational Approach
7. Capacity to Lead Visionary Sustainable Development Project

# Developer Selection Criteria

8. Quality of Completed Projects
9. Familiarity with Context
10. Familiarity with Subject Property
11. Non-Refundable Deposit Payments
12. Special Requirements before ENA Signing
13. Interest in the Project
14. Experience with CERCLA or Brownfield Sites

# Developer Selection Schedule

- Release RFQ May 4
- Pre-Bidders' Conference May 18
- Responses Due June 15
- Review Responses June 16 to July 7
- Evaluation Committee ranks/  
President selects RBFP shortlist July 8 to July 10
- Executive Committee Briefing  
by President Week of July 13
- NASA review of shortlist Completed by July 21 \*

\* Estimate: time required by NASA for review uncertain

# Developer Selection Schedule

- |   |                        |
|---|------------------------|
| • Issue RFBP to shortlist   | July 22                |
| • RFBP Information Sessions   | August 3* and 4        |
| • Responses Due   | September 2            |
| • Review Responses  | September 3 to 25      |
| • Interview Responsive Bidders  | September 28* and 29   |
| • Evaluation Committee ranks/<br>President selects successful<br>developer and two runners up | October 2 to October 9 |
| • Executive Committee Briefing<br>by President  | Week of October 12     |
| • Negotiation of ENA  |                        |

\* Dates may need to be adjusted due to civic/religious holidays.