

# INSTRUCTIONS FOR COMPLETING ONLINE APPLICATION

## Read Carefully

### Overview

1.1 The Cleveland Metropolitan School District requests expressions of interest in schools that are not being used for educational purposes this academic year for a lease not to exceed three (3) years to promote public education and the public good. The District will consider these expressions of interest in determining the final list of schools that will be available.

Please express interest by sending an email to [patrick.graf@cmsdnet.net](mailto:patrick.graf@cmsdnet.net) on or before December 31, 2010. The email should identify the school that you are interested in and your contact information. No fee is required for expressing preliminary interest.

After receiving preliminary interest, the District will compile a list of buildings available for lease and co-location as set forth in paragraphs 1.1.1 and 1.1.2 below. In the event the District elects to offer that school for lease, it will follow the procedures listed below and such other procedures as may be identified by the District.

1.1.1 The buildings available for lease are as follows:

- 1.
- 2.
- 3.

1.1.2 The buildings containing space available for co-location with an existing District school are as follows:

- 1.
- 2.
- 3.

1.2 The District strongly encourages that any unsolicited proposals to contain truly innovative ideas by a public or private entity that support public education or ideas by another public body that serve a public purpose. Eligible lease projects include, but are not limited to, the following:

1.2.1 An educational facility developed and operated by a District-sponsored community school;

1.2.2 An educational facility developed and operated by a college or university;

1.2.3 A recreational facility;

1.2.4 A facility that meets a public purpose and is developed and operated by another Ohio public entity.

2.1 All leases awarded shall contain a clause permitting the District to cancel the lease and re-take the property in the event the District determines the facility is needed for the educational purposes of the District. Any lease which is subsequently negotiated with a proposer shall require the proposer to bear all operating costs.

2.2 To ensure the District receives the best value for any qualifying lease project, the District will seek and encourage competing unsolicited proposals when it receives an unsolicited proposal it deems to have merit unless more than three proposals have been received for the same facility that also have merit.

2.3 In the event a Lease is awarded, the District will provide the premises in a “broom clean” condition.

**Proposals will be conducted in a three-step process:**

3.1 Step 1: Preliminary Interest. Proposer will submit its interest in specific building. All proposals submitted at this stage will be considered public records and proposals shall not contain any proprietary, commercial or trade secrets or data. No fee will be charge for a preliminary expression of interest.

3.2 Concept Phase. Proposer will submit proposal for a lease of a specific building. All proposals submitted at this stage will be considered public records and proposals shall not contain any proprietary, commercial or trade secrets or data.

3.2.1 Submit your concept-phase proposal by completing the online application. Once the review fee has been received (see below), then the District will determine if the concept has merit for further consideration.

3.3 Step 2: Detailed Phase. Step 1 proposals deemed by the District to have merit will be entered into the competitive range and those proposers will be invited to submit detailed proposals. Any information which the proposer considers confidential due to being proprietary, commercial or trade secrets data shall be clearly marked on each page containing the information.

3.4 Do not submit written detailed-phase proposals unless invited to do so by the District.

3.5 Proposals should be prepared simply and economically. Proposals can be submitted in either written form or on a compact disk (CD).

**Proposal Review Fees**

4.1 The District will require payment of a review fee by a private entity submitting an unsolicited proposal to the District and by any private entities submitting competing proposals in response to the unsolicited proposal. Review fees are to cover the costs of processing, reviewing, and evaluating proposals, including the cost to compare a proposal to any competing proposals. Such costs include, but are not limited to, District staff time, the cost of any materials or supplies expended, the cost of meals and travel related to the review process, and the cost of any outside advisors or consultants, including but not limited to attorneys, consultants, and financial advisors, used by the District in its sole discretion, to assist in processing, reviewing, or evaluating the proposal. Such fees generally will be in the amount necessary to completely cover all of the costs of the District.

All fees and additional fees shall be submitted in the form of a cashiers check payable to CFO, Cleveland Municipal School District, 1380 E. Sixth Street, Cleveland, OH 44114. No proposal will be considered until the initial fee has been received.

4.1.2 Such fees shall be imposed as follows:

4.1.2.1 Initial fee. Payment of an initial fee must mailed or hand-delivered to the District in order for the District to proceed with its review. The initial fee shall be \$2,500; provided, however, that the Chief Executive Officer or his designee, in his or her discretion, may specify a different initial fee amount or no fee or a different fee.

4.1.2.2 Additional fees. Additional fees shall be paid by proposers throughout the processing, review, and evaluation of the proposals, if and as the Chief Executive Officer or his designee requires, based upon costs in excess of initial review fees assessed that the Chief Executive Officer or his designee reasonably anticipates incurring. The Chief Executive Officer or his designee may impose additional fees on proposers selected for Step 2 detailed-phase consideration as a condition of consideration of their detailed-phase proposals. The Chief Executive Officer or his designee will notify the

proposers concerned of the amount of such additional fees. Proposers must promptly pay such additional fees before the District will continue to process, review, and evaluate the proposer's proposal.

Unless otherwise specified by the Chief Executive Officer or his designee, additional fees for detailed-phase review will be \$5,000. The Chief Executive Officer or his designee, in his or her discretion, may waive additional fees or require lower additional fees.

4.2.2.3 No reimbursement of fees paid. The District will retain all fees paid.

5.1 Concept-Phase Evaluation. After a concept-phase proposal is submitted and the requisite review fee received, the District will make an initial determination whether or not to fully consider the proposal and to seek competing proposals based upon the following factors:

- (1) qualifications and experience,
- (2) project characteristics,
- (3) project financing,
- (4) project benefit to the District and compatibility with the mission of the District;
- (5) public purpose, educational purpose, service to the community; and
- (6) any additional information as the Chief Executive Officer or his designee may reasonably request.

6.1 Decision to Accept and Consider Unsolicited Proposal; Notice

6.1.1 Upon receipt of any unsolicited proposal and payment of any required fee by the proposer, or proposers, the District will determine whether to accept the unsolicited proposal for publication of notice and conceptual phase consideration. If the District determines not to accept the proposal and not to proceed to publication of notice on the District's webpage and conceptual-phase consideration, the District will return the proposal, together with all fees and accompanying documentation, to the proposer.

6.1.1 If the District chooses to accept an unsolicited proposal for conceptual-phase consideration, the District shall:

6.1.2 Reserved.

6.1.3 Reserved.

6.1.4 Have the Chief Executive Officer or his designee (i) prepare a short document entitled "Notice of Receipt of Unsolicited Proposal and Request for Competing Proposals" (hereinafter "Notice") for purposes of publication on the District's webpage and such other venues as the District may determine.

6.1.5 The Notice shall state that the District (i) has received and accepted an unsolicited proposal, (ii) intends to evaluate the proposal, (iii) may negotiate a comprehensive lease agreement with the proposer based on the proposal, and (iv) will accept for simultaneous consideration any competing proposals that comply with program requirements as stated on the District's webpage.

6.1.6 The Chief Executive Officer or his designee shall post the Notice in a public area regularly used by the District for posting of public notices and on the District's web site and in such other venues as the District determines for a period of not less than 45 days. Competing proposals may be submitted to the Chief Executive Officer or his designee during the period specified in the notice following the publication required above.

6.1.7 The Notice shall contain the following information and shall be provided to prospective competing offerors and members of the public on request:

- (i) The instructions, terms and conditions applicable to the program;

- (ii) A summary of the project proposed in the unsolicited proposal;
- (iii) The evaluation criteria to be used for the selection process;
- (iv) Instructions for obtaining any portions of the unsolicited proposal that are releasable; and
- (v) such other instructions and information as the Chief Executive Officer or his designee deems reasonable and desirable.

## 6.2 Initial Review at the Conceptual Stage

6.2.1 Only proposals complying with the requirements of this program that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the District for further review at the conceptual stage.

6.2.2 After reviewing the original proposal and any competing unsolicited proposals submitted during the notice period, the District may determine:

- 6.2.2.1 Not to proceed further with any proposal,
- 6.2.2.2 To proceed to the detailed phase of review with the original proposal,
- 6.2.2.3 To proceed to the detailed phase with a competing proposal, or
- 6.2.2.4 To proceed to the detailed phase with multiple proposals.

However, the District may not proceed to the detailed phase with only one proposal unless it has determined in writing that only one proposer is qualified or that the only proposer to be considered is clearly more highly qualified than any other proposer.

## 7. Detailed-Proposal Preparation and Submission

### 7.1 Proposal Content and Format for Submissions at the Conceptual Stage

The Chief Executive Officer or his designee may generally require that proposals at the conceptual stage contain information in the following areas:

- (1) qualifications and experience,
- (2) project characteristics,
- (3) project financing,
- (4) project benefit to the District and compatibility with the mission of the District;
- (5) public purpose, educational purpose, service to the community; and
- (6) any additional information as the Chief Executive Officer or his designee may reasonably request.

Conceptual-phase proposals should include an executive summary of the proposal at the beginning of the proposal. An unsolicited proposal shall describe the proposed qualifying project sufficiently so that potential competitors can reasonably formulate meaningful competing proposals from a review of the summary and publicly-available information. Unless otherwise indicated in the solicitation or Receipt of Unsolicited Proposal conceptual-phase proposals should contain the information indicated below in the format indicated below:

#### 7.1.1 Qualifications and Experience

7.1.1.1 Identify the legal structure of the private entity making the proposal. Identify the organizational structure for the project, the management approach, and how each participant in the structure fits into the overall team. If the private entity that would be

signing any comprehensive agreement would be a corporation, limited liability company, limited partnership, or an entity formed especially for the project, and if the proposer is relying at all on the past experience, name, or financial statements of any other person or entity to show the private entities' capabilities and responsibility, state what guaranty of performance will be provided by such other persons or entities.

7.1.1.2 Describe the experience of the entities making the proposal, the key principals and project managers involved in the proposed project including experience with projects of comparable size and complexity, including prior experience bringing similar projects to completion on budget and in compliance with design, land use, service and other standards. Describe past safety performance and current safety capabilities. Describe the past technical performance history on recent projects of comparable size and complexity, including disclosure of any legal claims relating to such projects. Describe the length of time in business, business experience, public sector experience, and other engagements. Include the identity of any firms that will provide design, construction and completion guarantees and warranties, and a description of such guarantees and warranties.

7.1.1.3 For each firm or major subcontractor that will be utilized in the project, provide a statement listing the firm's prior projects and clients for the past 3 years and contact information for same (name, address, telephone number, e-mail address). If a firm has worked on more than ten (10) projects during this period, it may limit its prior project list to ten (10), but shall first include all projects similar in scope and size to the proposed project and, second, it shall include as many of its most recent projects as possible. Each firm or major subcontractor shall be required to submit all performance evaluation reports or other documents, which are in its possession evaluating the firm's performance during the preceding three years in terms of cost, quality, schedule maintenance, claims, change orders, lawsuits, safety and other matters relevant to the successful project development, operation, and completion.

7.1.1.4 Provide the names, prior experience, addresses, telephone numbers and e-mail addresses of persons within the firm or who will be directly involved in the project or who may be contacted for further information.

7.1.1.5 Provide the current or most recent financial statements of the firm (audited financial statements to the extent available), and if the firm is a joint venture, limited liability company, partnership or entity formed specifically for this project, provide financial statements (audited if available) for the firm's principal venturers, members, partners, or stockholders that show that the firm or its constituents have appropriate financial resources and operating histories for the project.

7.1.1.6 Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to Ohio laws.

7.1.1.7 Identify the proposed plan for obtaining sufficient numbers of qualified workers in all trades or crafts required for the project.

7.1.1.8 Reserved.

7.1.1.9 Describe efforts to facilitate participation of small businesses and businesses owned by women and minorities and the success of those efforts for the project.

## 7.1.2 Project Characteristics

7.1.2.1 Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified.

7.1.2.2 Identify and fully describe any work to be performed by the District or any other public entity.

7.1.2.3 Include a list of all federal, state and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.

7.1.2.4 Identify any anticipated adverse social, economic, environmental and transportation impacts of the project measured against the County's or other affected jurisdiction's comprehensive land use plan and applicable ordinances and design standards. Specify the strategies or actions to mitigate known impacts of the project. Indicate if an environmental and archaeological assessment has been or will be completed.

7.1.2.5 Identify the projected positive social, economic, environmental and transportation impacts of the project measured against the County's or other affected jurisdiction's comprehensive land use plan and applicable ordinances and design standards.

7.1.2.6 Identify the proposed schedule for the work, if any, on the project, including sufficient time for the District's review and the estimated time for completion.

7.1.2.7 Identify contingency plans for addressing public needs in the event that all or some of the project is not completed according to projected schedule.

7.1.2.8 Propose allocation of risk and liability, and assurances for timely completion of the project.

7.1.2.9 State assumptions related to ownership, legal liability, law enforcement and operation of the project and the existence of any restrictions on the District's use of the project.

7.1.2.10 Provide information relative to phased openings of the proposed project.

7.1.2.11 Describe any architectural, building, engineering, or other applicable standards that the proposed project will meet.

### 7.1.3 Project Financing

7.1.3.1 Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment (e.g., design, construction, and operation), or both.

7.1.3.2 Submit a plan for the development, financing and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds, including any anticipated debt service costs. The operational plan should include appropriate staffing levels and associated costs based upon the District's adopted operational standards. Include any supporting due diligence studies, analyses, or reports.

7.1.3.3 Include a list and discussion of assumptions underlying all major elements of the plan. Assumptions should include all fees associated with financing given the recommended financing approach, including but not limited to, underwriter's discount, placement agent, legal, rating agency, consultants, feasibility study and other related fees. A complete discussion or interest rate assumptions should be included given current market conditions. Any ongoing operational fees should also be disclosed, as well as any assumptions with regard to increases in such fees and escalator provision to be required in the Comprehensive Agreement.

7.1.3.4 Identify the proposed risk factors and methods for dealing with these factors. Describe methods and remedies associated with any financial default.

7.1.3.5 Identify any local, state or federal resources that the proposer contemplates requesting for the project along with an anticipated schedule of resource requirements. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment, both one-time and ongoing.

7.1.3.6 Identify any dedicated revenue source or proposed debt or equity investment on behalf of the private entity submitting the proposal.

7.1.3.7 Clearly describe the underlying support and commitment required by the District under your recommended plan of finance.

#### 7.1.4 Project Benefit and Compatibility

7.1.4.1 Identify community benefits, including the economic impact the project will have on the local community in terms of amount of tax revenue to be generated for local and state government or other affected jurisdictions, the number of jobs generated for area residents and level of pay and fringe benefits of such jobs, and the number and value of subcontracts generated for area subcontractors.

7.1.4.2 Identify any anticipated public support or opposition, as well as any anticipated government support or opposition, for the project.

7.1.4.3 Explain the strategy and plans, including the anticipated timeline that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.

7.1.4.4 Describe any anticipated significant benefits to the community and the Public Schools, including anticipated benefits to the economic, social, environmental, transportation, Comprehensive Plan, etc., condition of the Public Schools and whether the project is critical to attracting or maintaining competitive industries and businesses to the City.

7.1.4.5 Describe the project's compatibility with any local comprehensive plan (including related environmental, land use and facility standards ordinances, where applicable), infrastructure development plans, transportation plans, the capital improvements plan and capital budget or other government spending plan.

7.1.5 Any additional information as the Chief Executive Officer or his designee may reasonably request.

Evaluation criteria will include the following factors, among others:

- (1) price;
- (2) the proposed cost of the qualifying facility, its scope and size;
- (3) the general reputation, qualification, industry experience and capability of the private or public entity;
- (4) the proposed design of the qualifying project, if remodeling or construction is proposed;
- (5) local citizen and government comments;
- (6) benefits to the public;
- (7) the private or public entity's compliance with a minority business enterprise participation plan or good faith effort to comply with such a plan;
- (8) the private entity's plans to employ local contractors and residents; and,
- (9) the project characteristics and financial capabilities and plan.

#### 8.2.1 Qualifications and Experience

Factors to be considered in either phase of the District's review to determine whether the proposer possesses the requisite qualifications and experience will include the following:

- 8.2.1.2 Experience, training, and preparation with similar projects;
- 8.2.1.3 Demonstration of ability to perform work;
- 8.2.1.4 Demonstrated record of successful past performance, including timeliness of project delivery, compliance with plans and specifications, quality of workmanship, cost-control, lack of excessive claims, change orders, and litigation, and project safety;
- 8.2.1.5 Demonstrated conformance with applicable laws, codes, standards, regulations, and agreements on past projects;
- 8.2.1.6 Leadership structure;
- 8.2.1.7 Project manager's experience;
- 8.2.1.8 Management approach;
- 8.2.1.9 Project staffing plans, the skill levels of the proposed workforce, and the proposed safety plans for the project;
- 8.2.1.10 Financial condition;
- 8.2.1.11 Project ownership; and
- 8.2.1.12 Efforts to facilitate participation of small businesses and businesses owned by women and minorities in the project.

## 8.2.2 Project Characteristics

Factors to be considered in determining the project characteristics include the following:

- 8.2.2.1 Project definition;
- 8.2.2.2 Proposed project schedule;
- 8.2.2.3 Operation of the project;
- 8.2.2.4 Technology; technical feasibility;
- 8.2.2.5 Conformity to local, County and State laws, regulations, and standards;
- 8.2.2.6 Environmental impacts;
- 8.2.2.7 Condemnation impacts;
- 8.2.2.8 State and local permits; and
- 8.2.2.9 Maintenance of the project.

## 8.2.3 Project Financing

The District reserves the right to select their own finance team, source and financing vehicle in the event any project is financed through the issuance of obligations that are deemed to be tax supported debt, or if financing such project may impact debt rating or financial position. The decision as to whether to use the financing plan contained in any proposal (whether solicited or unsolicited) is at the District's sole discretion.

Factors to be considered in determining whether the proposed project financing allows access to the necessary capital, at the lowest practical cost given the project, to finance the project include the following:

- 8.2.3.1 Cost and cost benefit to the Public Schools;
- 8.2.3.2 Financing and the impact on the debt or debt burden on the District;
- 8.2.3.3 Financial plan including overall feasibility and reliability of plan; default implications; proposer's past performance with similar plans and similar projects; degree to which proposer has conducted due diligence investigation and analysis of proposed financial plan and results of any such inquiries or studies.
- 8.2.3.4 Estimated cost; including financing source, operating costs, etc., and
- 8.2.3.5 Life-cycle cost analysis.

## 8.2.4 Project Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the County's, affected jurisdiction's or regional comprehensive or development plans include the following:

- 8.2.4.1 Community benefits; including the economic impact the project will have on the community in terms of amount of tax revenue to be generated for local government, the number jobs generated for area residents and level of pay and fringe benefits of such jobs, and the number and value of subcontracts generated for area subcontractors.
  - 8.2.4.2 Community support or opposition, or both;
  - 8.2.4.3 Public involvement strategy;
  - 8.2.4.4 Compatibility with existing and planned facilities;
  - 8.2.4.5 Compatibility with County, regional, and state economic development efforts;
  - 8.2.4.6 Compatibility with local land use, environmental and transportation plans; and
  - 8.2.4.7 Participation of small and minority-owned business.
-

ONLINE APPLICATION FOR CONCEPT-PHASE PROPOSAL

NAME OF PERSON SUBMITTING PROPOSAL:

NAME OF COMPANY:

FEDERAL IDENTIFICATION NUMBER:

ADDRESS:

EMAIL:

PHONE:

EXECUTIVE SUMMARY (DESCRIBE YOUR PROPOSAL SUCCICNTLY)

STATE YOUR FIRM'S MISSION, GOAL OR OBJECTIVE (INCLUDE PROJECT DESCRIPTION INCLUDING CONCEPTUAL DESIGN IN SUFFICIENT DETAIL AND INTENT SO THE LOCATION AND COMMUNITIES AFFECTED CAN BE IDENTIFIED):

ARE YOU WILLING TO REMIT THE REVIEW FEE OF \$2,500?

LEGAL STRUCTURE (CORPORATION, PARTNERSHIP, SOLE PROPRIETORSHIP, NON-PROFIT CORPORATION, GOVERNMENT AGENCY)

IDENTIFY ALL OWNERS, STOCKHOLDERS, DIRECTORS, TRUSTEES, AND OFFICERS OF ALL ENTITIES TO BE INVOLVED IN THIS PROJECT

ORGANIZATION STRUCTURE (GOVERNANCE AND CLASSIFICATIONS OF EMPLOYEES TO BE UTILIZED; EXPLAIN IF OTHER VENDORS, OPERATORS OR SUBCONTRACTORS WILL BE USED)

MANAGEMENT APPROACH (SHOW HOW ALL PARTNERS AND EMPLOYEES FIT INTO YOUR MISSION, GOAL OR OBJECTIVE; IDENTIFY KEY PERSONNEL AND FUNCTION)

DESCRIBE YOUR PAST EXPERIENCE WITH COMPARABLE PROJECTS OF EQUAL OR GREATER SIZE AND SCOPE

DESCRIBE THE POSITIVE SOCIAL, ECONOMIC, ENVIRONMENTAL AND TRANSPORTATION IMPACTS

**DESCRIBE THE ADVERSE SOCIAL, ECONOMIC, ENVIRONMENTAL AND TRANSPORTATION IMPACTS**

**EXPLAIN ANY DEMANDS OR REQUIREMENTS NEEDED FROM THE SCHOOL DISTRICT STATE ANY ASSUMPTIONS BEING MADE UNDERLYING MAJOR ELEMENTS OF THE PROPOSAL AND PROJECT**

**DESCRIBE THE REVENUE SOURCE FOR THE PROJECT**

**IDENTIFY ANY ANTICIPATED PUBLIC SUPPORT OR OPPOSITION TO THE PROJECT**

**EXPLAIN THE STRATEGY, PLANS AND TIMELINE TO INFORM THE GENERAL PUBLIC, BUSINESS COMMUNITY AND OTHER GOVERNMENTAL AGENCIES AND TO RECEIVE PUBLIC INPUT**

**DESCRIBE ANY REMODELING, CONSTRUCTIONS, RE-CONSTRUCTION OF THE BUILDING AND ANY INSTALLATION OF EQUIPMENT, TECHNOLOGY OR OTHER ITEMS NEEDED FOR THE PROJECT**

ADDRESS YOUR PLANS TO ACHIEVE FEMALE, CLEVELAND RESIDENT, MINORITY AND DISADVANTAGED GOALS OF THE DISTRICT FOR CONTRACTS, SUBCONTRACTORS AND FOR YOUR WORKFORCE

STATE THE LENGTH OF TIME THE PROJECT WILL BE IN OPERATION AND THE PLANS, IF ANY, FOR ITS RE-LOCATION OR DISSOLUTION