



GOVERNMENT OF THE DISTRICT OF COLUMBIA

REQUEST FOR OFFERS

District of Columbia Public Schools (DCPS) School Facility

Fletcher Johnson

Issued by:

The Government of the District of Columbia by and through
The Office of the Deputy Mayor for Education

Offers due by:

October 31, 2014

no later than 5:00 p.m. EDT

**REQUEST FOR PROPOSALS
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I. OVERVIEW

The Government of the District of Columbia (“District”), through the Deputy Mayor for Education (“DME”), in conjunction with the Department of General Services (“DGS”) and the Deputy Mayor for Planning and Economic Development (“DMPED”) invites interested parties who are “Eligible Entities” (defined below) to respond to this Request for Offers (“RFO”) with offers (“Offers”) for reuse of the following District of Columbia Public School (“DCPS”) asset (“Reuse Site”) listed below:

- **Fletcher Johnson – 4650 Benning Road, SE**

The District has identified the Reuse Site as appropriate for reuse and/or redevelopment. This process began with a community meeting facilitated by the DME to solicit public input on reuse options. Through that community engagement it became clear that the Reuse Site held the potential for valuable cultural and community opportunities for its neighbors and Ward 7 as a whole. As such, the District seeks to leverage this Reuse Site to maximize economic and quality of life benefits for its surrounding community. Incorporating the feedback of the community meeting was integral in shaping the District’s plans for the Reuse Site and this RFO. A summary of that community meeting can be found on the DME website at [Meeting Notes](#). Because of the size and opportunity presented by the Reuse Site, the District encourages Offers from Project Teams that include but are not limited to a combination of an Eligible Entity and complementary non-profit providers(s) and/or for-profit entities. Each Project Team must include an Eligible Entity.

II. PROPOSED REUSE SITE

This RFO seeks Eligible Entities to renovate and operate the Reuse Site. The District has identified the Reuse Site as a great opportunity to create a multi-tenant/use community hub. Due to the large size of the building (302,000 square feet) and given identified community needs, the Reuse Site will be offered as a colocation among the awarded Respondent, DCPS and DGS. Any offer on the Reuse Site should contemplate a reservation of 20,000 square feet of space on the ground floor for the District (DCPS and DGS) agency uses. The District also reserves the right for up to an additional 20,000 square feet of space for the University of the District of Columbia Community College.

The Reuse Site would serve as a community hub that fosters adult education, community activities and provides resources for community members. In addition to the District uses outlined and a charter school component, the community hub could contain a combination of mixed uses. Some ideas for uses are contained in the [Meeting Notes](#).

The field adjacent to the Reuse Site is not the subject of nor is it included in this RFO.

	School	Square	Lot	Presumed Address	Gross Building Square Feet
1.	Fletcher Johnson	5344	0802	4650 Benning Road, SE	302,000

Respondents are encouraged to attend the site visit to gather further information. See Section VII for further information regarding the site visit. Nothing contained herein or in the Appendix shall be deemed a representation, warranty or guaranty by the District as to the condition of the Reuse Site. It is the Respondent's sole responsibility to confirm all site characteristics, zoning requirements, laws, potential historic designation and regulations prior to Offer submission.

III. DISTRICT GOALS FOR THIS SOLICITATION

Through this solicitation the District is seeking to leverage a vacant school building to create a community hub serving Ward 7 through partnerships between public charter schools and other appropriate entities.

Specifically, the District seeks Offers that propose to maximize the following District goals:

- Optimize building and site use to create a community hub that provides space for various complementary programs, including a DCPS alternative and/or adult education program and District government agency space to be administered by DGS.
- Provide adult and/or alternative educational programs that respond to the specific needs of the community and Ward 7.
- Activate a closed and vacant public school building thereby preventing blight and adverse impact to the surrounding community, while also preserving a public asset for educational use.
- Offer stable and suitable space to public charter schools.
- Support cultural, arts and other non-profit and for profit programs, services and activities that serve the Ward 7 community.
- Create both temporary and permanent jobs for District residents.
- Provide workforce development and job readiness programming.
- Promote sustainable development practices that adhere to all District of Columbia Green Building Act (GBA) requirements.

IV. DATA OVERVIEW OF THE REUSE SITE

The DME compiled information on the area surrounding the Reuse Site and solicited community feedback in order to identify potential uses for the Reuse Site. Please see section VII.D Evaluation Procedure to understand how this information relates to the eligibility requirements and evaluation scoring.

Fletcher Johnson

The DME has compiled data on the area surrounding the Fletcher Johnson School and solicited community feedback on the reuse of it. Please refer to the Fletcher Johnson School data sheet, Power Point presentation, and community meeting notes in the Appendix when reviewing this section. The summary below outlines

some potential uses of the facility based on the data, community meetings and current/planned educational offerings in the Fletcher Johnson School vicinity.

Neighborhood Overview

The Fletcher Johnson School is located in Ward 7 in the DC Office of Planning's Neighborhood Cluster 33, which consists of the Capitol View, Marshall Heights, and Benning Heights neighborhoods (as defined by the DC Office of Planning). A 1.5 mile radius around the Fletcher Johnson School also includes Cluster 30 (Mayfair, Hillbrook, and Mahaning Heights), Cluster 31 (Deanwood, Burrville, Grant Park, Lincoln Heights, Fairmont Heights neighborhoods) and Cluster 32 (River Terrace, Benning, Greenway, Fort Dupont neighborhoods). Cluster 33 was home to 4,483 public school students in SY2013, the fourth largest neighborhood cluster in the city.

Population Projections

The DC Office of Planning has estimated population forecasts for each of the 39 neighborhood clusters. They estimated that Cluster 33 and two of the three surrounding clusters (Cluster 31 and 32) will hold flat regarding the number of 0-3 year olds between 2014 and 2020, and experience modest growth (less than the city average) for elementary, middle, and high school students. Cluster 30 is estimated to grow above the city average for toddler, middle, and high school students.

School Capacity

Currently, there are 13 DCPS schools and 10 public charter schools serving all grades located within approximately 1.5 miles of the Fletcher Johnson School. Five of the eight DCPS elementary schools in the area have healthy facility utilization rates above 80%, while the remaining three have low facility utilization. One of the nearby middle schools has a facility utilization rate above 80% while the other DCPS middle school and high school has lower rates.

There is a need for adult programming in Ward 7. The share of adults without a high school diploma is higher than the city average in Neighborhood Clusters 30, 31, 32, and 33 (rates ranging between 15% and 23% while the city average is 13%). Currently there are no DCPS adult or alternative programs in Ward 7, and among the 15 adult charter school schools operating in the city, only one is located in Ward 7. (This is Maya Angelou Young Adult Learning Center, which only serves students ages 17-24 and primarily focuses on young adults who are transitioning out of incarceration.)

Of the 1,141 adult students in SY2013-14 who lived in either Wards 7 or 8, 42% were enrolled at Ballou STAY in Ward 8, 16% were enrolled at Roosevelt STAY in Ward 4, and 12% were enrolled at Community

College Preparatory in Ward 8. Only 10% of these adults are enrolled in an adult program in Ward 7.

Community Feedback

Residents who attended the September 12, 2014 public meeting suggested many different uses for the Reuse Site. Some suggested that it be used for adult education and programming while others envisioned it as an arts and culture community hub. Some residents commented that the community hub should include a health service or clinic component. Residents also welcomed the idea of a DCPS use and development of the site. Many residents were concerned about having a charter school in Fletcher Johnson.

Potential Uses of Fletcher Johnson

Based on the information above about available seats in some of the nearby schools, a child population not expected to substantially increase, a lack of adult programming, and the community's interest in a community hub, the Fletcher Johnson School appears to be potentially suited for a colocation of programs serving a wide range of needs in the community including adult education and arts and culture.

V. REGULATORY FRAMEWORK

Eligible Entity Right of First Offer

A. Eligible Entity

Pursuant to D.C. Official Code § 38-1802.09 (2007 Supp.) revised and known as the "Comprehensive Planning and Utilization of School Facilities Amendment Act of 2014) (the "Act"), the right of first offer must be given to the following described entities (referred to in this RFO as "**Eligible Entities**" or "**Eligible Entity**"). An Eligible Entity is, as of the date Offers are due in response to this RFO, defined in the Act as:

1. A public charter school;
2. An eligible applicant whose petition to establish a public charter school has been conditionally approved pursuant to section §2203d)(2);
3. A Board of Trustees; or
4. A charter school facility incubator, as defined in the Act.

B. An Eligible Entity has a right of first offer under the Act. In order to exercise the right of first offer under the Act, a Respondent must be an Eligible Entity as of the date submissions are due under this RFO. An Offer submitted by an Eligible Entity is its offer to the District pursuant to said right of first offer. All Eligible Entities may submit an Offer to this RFO. Two or more Eligible Entities may submit a combined Offer to this RFO. An Eligible Entity may also partner with any for profit or nonprofit organization to complete its Offer.

Compliance with Applicable Laws and Related Costs

If selected, Respondent shall be required to plan, construct and operate the project described in its Offer in accordance with all applicable federal and District of Columbia laws, rules and regulations. Respondent shall further be required to obtain all necessary permits, approvals, and licenses at the appropriate time. In preparing an Offer to this RFO, Respondents should consider all existing land uses, physical conditions, regulatory requirements, and community interests. Offers need not conform to existing zoning; provided, however, if a zoning change is necessary, the Offer should describe, in detail, the Respondent's proposed approach to obtain such zoning change(s) and the estimated timeframe thereof. Respondent should also submit with its Offer a description of all permits, approvals, and licenses expected to be required in connection with its Offer and proposed plans and schedules for obtaining the same. All costs associated with complying with applicable laws, rules and regulations, and obtaining all necessary permits, approvals, and licenses shall be borne by Respondent.

Certified Business Enterprises and First Source Hiring Requirements

The Respondent shall, after selection and prior to lease execution, execute a Certified Business Enterprise ("CBE") agreement with the DC Department of Small and Local Business Development, which requires compliance with the District's "Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005" (D.C. Official Code §§ 2-218.01 et seq.) ("CBE Program"). Additionally, the Respondent shall, after selection and prior to lease execution, execute a First Source agreement with the DC Department of Employment Services, which further requires compliance with "The First Source Employment Agreement Act of 1984" (codified in D.C. Official Code §§ 2-219.01 et seq.) ("First Source Agreement"). The District's First Source Program requires that 51% of the new jobs created by a redevelopment project be filled by District residents.

Local Project Review and Local Zoning

A Respondent will be expected to meet District land use, environmental, planning, zoning, and other regulatory requirements. Please refer to Title 11 of the District of Columbia Municipal Regulations ("DCMR") for a complete list of zoning provisions and requirements. Any Offer must comply with the goals and priorities outlined in the District's Comprehensive Plan, which can be viewed online at: www.planning.dc.gov.

Green Building Act

Adherence to the District of Columbia's Green Building Act of 2006 D.C. Official Code 6-1451.01 *et seq.* (2007) is required. An Offer shall meet all requirements of the aforementioned Act for District-owned properties as well as any LEED certification requirements for the construction, rehabilitation and/or renovation of District-owned properties. Charter school projects that are new construction or meet the "substantial improvement" definition of the Act are required to be verified as having fulfilled or exceeded the U.S. Green Building Council's LEED-Gold standard. If there is a legitimate reason why the project cannot fulfill the LEED-Gold level requirement of the

Green Building Act due to lack of “sufficient funding,” the justification should be explained in the Offer.

Note on Building Conditions

Respondent shall be required to accept the Reuse Site, including without limitation, any and all improvements, betterments and equipment in its “**As Is**” condition, without warranty, express or implied, by the District as to physical condition or suitability of the Reuse Site for the Respondent’s purpose. The District makes no representations regarding (i) the character or extent of soil or subsurface conditions or (ii) the conditions and existence of utilities that may be encountered during the course of any use or redevelopment of the Reuse Site. Each Respondent should draw its own conclusions concerning conditions that may affect the methods or cost of its Offer. Moreover, the Respondent, at Respondent’s sole cost and expense, shall comply with all environmental laws applicable to the District of Columbia and shall perform all investigations, removal, remedial actions, cleanup and abatement, or other remediation that may be required pursuant to any environmental laws, including without limitation removing or abating any asbestos, asbestos containing materials and/or underground storage tanks, District shall have no responsibility or liability with respect thereto. Additionally, Respondents shall be responsible for any and all requisite pre-development (including demolition of existing improvements and due diligence studies such as traffic, geotechnical, storm water management and other site preparations, as applicable) and development costs for any redevelopment of part or all of any building or the Reuse Site.

VI. SUBMISSION REQUIREMENTS

This RFO is open to any and all Eligible Entities. Any Project Team must include at least one Eligible Entity.

Economic analysis and/or real estate advisory services are not being solicited as part of this solicitation.

The District strongly urges that an Offer not exceed 25 pages (excluding appendices).

Respondents shall provide four (4) bound hard copies and one (1) USB Flash Drive of the written Offer in 12 point font size on 8.5” by 11” paper. Each Offer shall be hand-delivered to the location set forth in Section VII.A of this RFO. Electronic and facsimile Offers will not be accepted.

Each Offer shall be submitted in a sealed envelope conspicuously marked: “**Offer in Response to RFO for the Reuse of DCPS Space dated September 30, 2014**”.

A Responsive Offer must be timely submitted from an Eligible Applicant and comply with this RFO (a “**Responsive Offer**”). In order to enable the District to fully evaluate Offers, a Responsive Offer should explain, with supporting documents, the Respondent’s program, organizational capacity, experience, and financial resources to implement the

proposed vision. Offers should respond to each RFO item in the order outlined below with each item marked by tabs to indicate the section number.

Offers should include the following:

A. Executive Summary/Description of Program and Respondent

Please describe the following:

- Description of how the proposed vision relates to the District goals discussed in Section III and how the programs will complement the District uses;
- Proposed development program, including potential square footage of charter school, government, and/or other uses;
- How the Offer will meet the needs of students in the vicinity of the school and in the District as a whole; and
- Whether the respondent's need for the Reuse Site is to serve a new program, expand an existing program, or obtain permanent space for a program currently in temporary space.

B. Description of Project Team and Qualifications

Eligible Entities are encouraged but not required to partner with for-profit and/or non-profit service providers to create a Project Team to fulfill the goals presented in Section III. Team Members are each entity that will participate in creating and completing the Offer outside of the Respondent; i.e. architect, real estate company, developer, nonprofit partner, etc. Respondent and/or a Member of Respondent's Team must demonstrate prior experience and success with developing/operating a charter school facility similar to what is proposed in response to this RFO. Respondent should provide no more than three (3) examples detailing its, or a team member's, experience with comparable projects. Team Member qualifications may include the following:

- Respondent's primary Point of Contact (POC) and legal address;
- Brief organizational description (i.e. corporation, non-profit or charitable institution, partnership, LLC, etc.) and under which laws it is operating;
- Copy of the executed charter agreement and documentation of charter extensions or documentation of conditional approval of the petition for a public charter school;
- An organizational chart or description of key personnel or team members who will be working on the project including a description of their roles and relevant experience;
- Name, address, telephone number, and e-mail address of each team member, including the identity of each principal, partner, or entity that composes such team member;
- Signed tax certificate affidavit;
- Legal status of each key team member, including the state under whose laws the organization/corporation is organized and operating;
- Previous experience for each team member delivering the types of services that such team members will be providing in the redevelopment and operation of the Reuse Site(s); including at least two professional references;
- A description of the Project Team's non-academic successes such as jobs created or sustainability measures implemented in other properties;

- Respondent should provide such other information Respondent believe will assist the District in evaluating the capabilities of Respondent and any other team members who will participate in the project; and
- Any personal or professional relationship among or between any team members and any person working for, appointed to a position in, or elected to an office of the District of any entity for which there may be conflict. The District, in its sole discretion, reserves the right to determine a conflict of interest or the appearance thereof.
- Respondent shall provide a certification from each team member:
 - ✓ Noting any debarments, suspensions, bankruptcy, or loan defaults on real estate development projects and/or government contracts of any team member;
 - ✓ Stating that that all tax liabilities and other government impositions are current;
 - ✓ Stating that there is no ongoing litigation in which the District is a party that relates to any team member or to any other entity or individual having a controlling interest in the team member (or, if such litigation exists, the name and civil action numbers of such litigation and a description of the subject matter of such litigation); and
 - ✓ Providing the names of any member, employee, or agent of the team member who, within three (3) years prior to the publication of this RFO, were District employees, consultants, or contractors to the District.

C. Financial Feasibility

Respondent should provide financial information so that the District may determine the initial feasibility of the Respondent's proposed vision and program. Financial information requested is as follows:

- Certificate of good standing issued by the Chief Financial Officer (CFO) or relevant tax authority for each jurisdiction of operation;
- Statement of whether Respondent is a certified local, small, or disadvantaged business enterprise;
- **Sources and Uses Development Budget:** A sources and uses statement that details the anticipated private and public sources of funds for any acquisition, construction, ongoing maintenance or operational costs for the reuse plan as described in the Offer. This should include assumptions on interest rates, amortization period, return on equity, internal rate of return, and coverage ratios. Respondent should account for any available non-District sources of financing (i.e. federal grants, tax credits, etc.) Sources and uses should be presented in a clear and readable format, such as a chart or spreadsheet;
- **Respondent's equity commitment to the project, if any:**
- **Draft construction budget for reuse,** including estimates of hard costs, soft costs (with fees broken out), financing assumptions, and estimated operating expenses (as applicable);
- **Proposed Transaction Structure:** A detailed description of Respondent's proposed transaction structure including a statement of the material terms offered by Respondent.
- **Respondent financial capacity:**
Respondent shall demonstrate its financial capacity by furnishing:
 - ✓ Respondent's current balance sheet;

- ✓ Audited annual reports for last three years;
- ✓ Operating budget for the last three years;
- ✓ Evidence of lines of credit, if any;
- ✓ Explanation, with supporting documentation, of how the Respondent plans to obtain financing;
- ✓ Proposed partnership structures, if applicable; and
- ✓ Any other material financial statements.

Note that the District may seek additional project financial information from Respondent at any time in the evaluation of RFO responses for the purpose of clarifying project feasibility.

D. Project Implementation

Respondent shall identify and describe the following:

- Site plan indicating proposed location and configuration of all uses within the Reuse Site;
- Respondent’s development strategy and proposed timing from predevelopment through completion and occupancy. The project schedule should list each step in the redevelopment process from award through project completion and when the facility will be fully operational. Describe also Respondent’s ability to mobilize and commence predevelopment activities immediately upon selection in order to meet the project schedule submitted by the Respondent; Respondent’s ability and plan to guarantee to the District that Respondent’s milestones will be met;
- How the Respondent has involved or will involve community members or plans to offer community services such as a voting location, access to on-site recreation facilities or meeting space, community programming, etc.;
- Approximate number of full time and part-time permanent employees upon project completion and how the construction and school operations will generate opportunities to hire District residents and contract with local, small and disadvantaged businesses. Or any job placement or job readiness programs proposed;
- A plan to fulfill the requirements of the Green Buildings Act (GBA); and
- Proposed repair and maintenance program to ensure that the Reuse Site is maintained and kept in a good condition, repair and working order.

E. Partnership Networking Opportunity

On October 9, 2014 at 12:30 p.m. DME, DGS and DMPED will host a Partnership Networking event for potential Respondents, non-profit and for profit entities that are interested in the Reuse Site. The goal of this event is to begin the process of making complementary matches for Project Teams. This event is strongly encouraged but not mandatory.

F. Community Vision Casting

On October 9, 2014 at 6 p.m. the DME will provide the community with an additional opportunity to cast a vision for the community hub use at the Reuse

Site. This meeting is an opportunity to: hear further details about the District use at the Reuse Site, to receive direction from DGS on potential ways to co-locate within the Reuse Site, and to hear directly from the community the goals of the community hub. Respondents are required to attend this Community Vision Casting.

VII. EVALUATION PROCESS

A. *Deadline for Submission of Offers*

RFO responses are due by **5:00 p.m. EDT, October 31, 2014**. Any submissions received after 5:00 p.m. will not be considered, without any exceptions. Respondents are required to deliver their Offers to:

The Office of the Deputy Mayor for Education
ATTN: Althea O. Holford
1350 Pennsylvania, NW
Suite 307
Washington, DC 20024

B. *Timetable for RFO*

The District will endeavor to follow the timetable set forth below; however, the activities and timetable represented below are subject to change in the District's sole discretion and without prior notice:

Issuance of RFO:	9/30/14
Site Visit:	10/6/14 – 12PM – 2PM
Partnership Networking	10/9/14 – 12:30PM Reeves Center 2nd Floor Community Rm. 2000 14th Street, NW
Community Vision Casting	10/9/14 – 6:00PM Dorothy Height Library 3935 Benning Road, NE
Offers Due:	10/31/14 – 5PM Wilson Building 1350 Pennsylvania Ave, NW Suite 307
Expected Awards:	November 2014

THE SCHEDULED SITE VISIT WILL BE THE ONLY TIME THE REUSE SITE WILL BE ACCESSIBLE FOR VISITATION DURING THE RFO PERIOD.

Respondents are encouraged to bring any member of the Project Team it deems necessary to the site visit and other meetings.

C. Award and Unsolicited Offers

The District will aim to conclude the RFO on the Reuse Site by award or other measure within 30 days of the Submission Deadline.

If no award is made 30 days after the Submission Deadline, pursuant to the Act, "Eligible Entities [will have] an opportunity to submit unsolicited proposals for the [reuse] the [Reuse Site]... for 12 months or until an Eligible Entity is selected, whichever occurs first." These Unsolicited Offers should be made on the first business day of every month beginning December 2014. Unsolicited Offers will be evaluated by the same criteria outlined in Section VII. D. (Evaluation Procedure) of this RFO, on a rolling basis until December 1, 2015.

Unsolicited Offers will not be received until December 1, 2014. Additionally, Unsolicited Offers will not be reviewed until all timely and responsive Offers to this RFO have been evaluated.

D. Evaluation Procedure

Eligibility Requirements

Both requirements are necessary in order for the applicant's Offer to be evaluated. No Offer that is timely will be rejected as non-responsive if it meets the below Eligibility Requirements:

- An Eligible Entity
- Certificate of Good Standing

Selection

A selection panel comprised of representatives from DME, DGS, DMPED and OP (the "Selection Panel") will be established to review and evaluate the Offers. The composition of the Selection Panel will be determined by the District, in its sole discretion. In addition, the Selection Panel may consult with professional consultants for technical assistance. All responsive Offers received will be considered by the District. The Selection Panel, however, will evaluate Offers submitted in response to this RFO in the context of the evaluation criteria and the regulatory framework outlined in the Act.

E. Evaluation Scoring

School/Local Education Authority (LEA) Performance 30 Points

- Respondent's academic program address the needs of the community as outlined in Section IV.
- Respondent has a high rating in the DC Public Charter School Board's Performance Management Framework (PMF), a high rating under an accountability framework, or other evidence of strong student outcomes and growth in the District of Columbia or in another jurisdiction.

- Respondent’s academic program focuses on literacy and numeracy instruction, attainment of a secondary diploma, degree or credential, and/or workforce training/preparation, or integrated instruction that incorporates a combination of all three.
- Respondent demonstrates a record of positive educational student outcomes through literacy and numeracy gains and/or high levels of attainment of secondary diplomas/credentials and high levels of matriculation into post-secondary education or training.
- If an adult education provider, Respondent demonstrates a record of positive workforce training/preparation student outcomes through high levels of attainment of industry-recognized workforce certifications and/or high rates of job placements and job retention.
- If the applicant has not previously operated a charter school in the District of Columbia, or is a newly established charter school in the District of Columbia the applicant shall describe related experience that provides evidence of the ability to ensure strong student outcomes such as the experience of school leadership, classroom success, or unique program offerings.

Financial Feasibility

30Points

- Respondent has demonstrated fiscal responsibility, evidenced by audited financial statements and other documentation.
- Respondent’s proposed capital improvements are financially feasible and reasonable given expected enrollment, other sources of funds and proposed use of the Reuse Site.
- Respondent’s project team has a demonstrated track record of successfully funding and completing projects such as the one offered.
- Respondent outlines a fiscally sound and sustainable plan for construction, operation and maintenance of the Reuse Site.

Project Vision and Implementation Plan

20 Points

- Respondent’s vision clearly aligns with the District’s Goals outlined in Section III.
- Respondent’s timeline and implementation/development plan are feasible.
- Respondent’s vision is unique and/or creative and presents optimal use of the Reuse Site.
- Respondent has a highly qualified leadership team and demonstrates experience managing charter schools and/or projects such as the one offered.
- The Respondent’s Offer clearly identifies and provides evidence for how it will meet the needs of the community.
- Respondent provides evidence that the project implementation and operation will not detract from its school performance and mission.
- Respondent’s development strategy will meet both CBE and Green Building Act (GBA) requirements.
- Construction, school operations and or programs offered by the Respondent or Respondent’s Team will create jobs for District residents.

Community Engagement and Access

20 Points

- Offer reflects information presented in Section III above regarding community input and additional input received from the Community Vision Casting.
- Respondent has demonstrated strong relationships with community organizations or members, as possibly demonstrated by Letters of Support or positive feedback for the Respondent's plans for the Reuse Site.
- Offer includes partnership(s) with community organization(s) serving the needs of the local community.
- Offer reflects opportunity for community use of the Reuse Site through program offerings, meeting space, recreational activities or other uses.

VIII. RFO UPDATES AND MODIFICATIONS

DME will post on its website (<http://dme.dc.gov>) any notices or information regarding cancellations, withdrawals, modifications to deadlines, and other modifications to this RFO. Respondent shall have an obligation to check the website for any such notices and information, and the District shall have no duty to provide direct notice to Respondent.

IX. SELECTION AND NEGOTIATION

While the District, may enter into negotiations with one or more Respondent(s) based on Offers submitted in response to this RFO, this RFO does not commit DME or the District to select any Respondent or to enter into negotiations with any Respondent that may respond. The District reserves the right to reject any Offer, or part of an Offer, to amend this RFO, or to reject all Offers and re-issue a RFO at a later date, each at its sole discretion.

The District will determine, in its sole discretion, whether each Offer received in response to this RFO is a responsive Offer. For any Offer that is considered to be non-responsive, the Respondent will be notified in writing within ten business days after the submission deadline. The decision of the District in this regard is final and will be explained to the Respondent upon request.

Based upon responses, the District, in its sole and absolute discretion, may choose to:

1. Require oral presentations by one more Respondent(s);
2. Select a short list of Respondents and require additional information from the short-listed Respondents or that they modify their Offers or provide a 'Best and Final Offer' for the District's review;
3. Enter into exclusive negotiations with one or more selected Respondent(s) without requesting more detailed information or selecting a short list of Respondents;
4. Suggest new compositions of Project Teams based on the Offers presented;
5. Request more detailed information leading to final Respondent(s) selection; and/or
6. Take no action on the Offers received.

Following receipt of additional information, if requested, the Selection Panel may select, in its sole and absolute discretion, one or more Responsive Offer(s), as modified or

otherwise, to recommend to the Mayor, who, in his absolute discretion, may accept or reject the Selection Panel's recommendations.

Upon recommendation by the Selection Panel, and if approved by the Mayor, DME shall notify the selected Respondent(s), if any.

If one or more Respondent(s) is thereby chosen for commencement of negotiations, the selected Respondent(s) may be requested by the District to proceed to negotiate final terms consistent with the Respondent's proposed terms or to revised terms. If the District and the selected Respondent are unable to agree on the final terms within ninety (90) calendar days, the District, in its absolute and sole discretion, may terminate negotiations and select a different Respondent that responded to the RFO, re-issue the RFO, or take such other measures as it deems reasonable, appropriate, and/or necessary.

X. RESERVATION OF RIGHTS AND MISCELLANEOUS PROVISIONS

A. Rights Reserved

The District reserves the right to:

- Cancel or withdraw the RFO at any time prior to or after the submission deadline;
- Issue modifications or clarifications to the RFO prior to the submission deadline;
- Reject any submission it deems incomplete or unresponsive to the submission requirements;
- Reject all submissions that are submitted under the RFO;
- Modify the deadline for submissions or other actions; and/or
- Reissue the RFO or a modified RFO whether or not any submissions have been received in response to the initial RFO issuance.

The District may exercise one or more of these rights, in its sole discretion, as it may deem necessary, appropriate, or beneficial to the District.

B. No Conflicts of Interest

In its response to this RFO, the Respondent should represent and warrant the following to the District:

- No person or entity employed by the District or otherwise involved in preparing this RFO on behalf of the District (i) has provided any information to potential Respondent which was not made available to all entities potentially responding to this RFO, (ii) is affiliated with or employed by or has any financial interest in any potential Respondent, (iii) has provided any assistance to potential Respondent in responding to this RFO, or (iv) will benefit financially if any Respondent is selected in response to this RFO.

- The Respondent has not offered or given to any District officer or employee any gratuity or anything of value intended to obtain favorable treatment under this RFO or any other solicitation or other contract, and Respondent has not taken any action to induce any District officer or employee to violate the rules of ethics governing the District and its employees. Respondent has not and shall not offer, give or agree to give anything of value either to the District or any of its employees, agents, job shoppers, consultants, managers or other person or firm representing the District, or to a member of the immediate family (*i.e.*, a spouse, child, parent, brother or sister) of any of the foregoing. Any such conduct shall be deemed a violation of this RFO. As used herein, “anything of value” shall include but not be limited to any (a) favors, such as meals, entertainment, transportation (other than that contemplated by this RFO, if any, or any other contract with the District), etc., which might tend to obligate a District employee to Respondent, and (b) gift, gratuity, money, goods, equipment, services, lodging, discounts not available to the general public, offers or promises of employment, loans or the cancellation thereof, preferential treatment or business opportunity. Such term shall not include work or services rendered pursuant to any other valid District contract.

- The Respondent shall report to the District directly and without undue delay any information concerning conduct which may involve: (a) corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority; or (b) any solicitation of money, goods, requests for future employment or benefit of thing of value, by or on behalf of any government employee, officer or public official, any Respondent employee, officer, agent, subcontractor, or labor official, or other person for any purpose which may be related to the procurement of this RFO by Respondent, or which may affect performance in response to this RFO in any way.

- Neither Respondent or any subcontractor or affiliate thereof, nor any employee of any of them, shall retain any material or items of any kind salvaged from the Reuse Site at issue in this RFO as memorabilia or souvenirs or otherwise.

C. Change in Respondent Information

If information provided in a submission changes (*e.g.*, change or addition to any of the Respondent’s team members or new financial information) the Respondent shall provide updated information in the same format for the appropriate section of the RFO may consider the modified submission.

D. Ownership and Use of Submissions

All submissions shall be the property of the District. The District may use any and all ideas in any submission, whether the submission is selected or rejected. No Respondent shall be entitled to compensation or reimbursement of costs in connection with their submission of a response to this RFO.

E. Further Efforts

The RFO Review Panel may request that Respondent clarify its Offer and/or submit additional information pertaining to its Offer; the RFO Review Panel may request best and final Offers from any Respondent and/or request an oral presentation from any Respondent.

F. Restricted Communications

Upon release of this RFO, potential Respondents shall not communicate with the Review Panel or any District staff about the RFO or issues related to the RFO except as authorized in this RFO or in public meetings called in connection with this RFO.

G. Confidentiality

Submissions and all other information submitted in response to this RFO are subject to the District's Freedom of Information Act (D.C. Official Code § 2-531 *et seq.*) ("FOIA"), which generally mandates the disclosure of documents in the possession of the District upon the request of any person, unless the content of the document falls within a specific exemption category. An example of an exemption category is "trade secrets and commercial or financial information obtained from outside the government, to the extent that disclosure would result in substantial harm to the competitive position of the person from whom the information was obtained." If a Respondent provides information that it believes is exempt from mandatory disclosure under FOIA ("exempt information"), the Respondent shall include the following legend on the title page of the submission:

**THIS OFFER CONTAINS INFORMATION THAT IS EXEMPT FROM
MANDATORY DISCLOSURE UNDER THE DISTRICT'S FREEDOM OF
INFORMATION ACT**

In addition, on each page that contains information that the Respondent believes is exempt from mandatory disclosure under FOIA, the Respondent shall include the following separate legend:

**THIS PAGE CONTAINS INFORMATION THAT IS EXEMPT FROM
MANDATORY DISCLOSURE UNDER THE DISTRICT'S FREEDOM OF
INFORMATION ACT**

On each such page, the Respondent shall also specify the exempt information and shall state the exemption category within which it believes the information falls. The District will generally endeavor not to disclose information which in the opinion of the District is exempt from disclosure. The District may, in its discretion, contact the Respondent to provide notice that their submission materials have been requested and provide the Respondent with the opportunity to further identify exempt information. The District will independently determine whether any information, designated by the Respondent or not, is exempt from mandatory disclosure. The District has the ultimate decision as to whether information is exempt from disclosure. Moreover, exempt information may be disclosed by the District, at its discretion, unless

otherwise prohibited by law, and the District shall have no liability related to such disclosure.

H. Non-Liability

By participating in the RFO process, the Respondent agrees to hold the District, its officers, employees, agents, representatives, and consultants harmless from all claims, liabilities, and costs related to all aspects of this RFO.

I. Questions

Any questions regarding this RFO should be submitted via e-mail to Althea O. Holford at althea.holford@dc.gov.

RFO Appendix

A. Fletcher Johnson

- a. [Community Feedback](#)
 - i. On September 10th, 2014, Deputy Mayor for Education held a public hearing on the surplus designation of the Fletcher Johnson School. Notes from that hearing can be found on the DME website.
- b. [Data Sheet](#)
- c. [Public Hearing Presentation](#)
- d. [Floor plan](#)
- e. [Facility Assessment](#)