RESOLUTION NO. 2016-11

A RESOLUTION AUTHORIZING THE FUNDING OF UP TO $10,000 FOR INDEPENDENT TESTING OF THE PROPOSED DEVELOPMENT CODE BY THE DOWNTOWN CID

WHEREAS, the Downtown Community Improvement District (the "District"), which was formed on February 7, 2011, by Ordinance No. 20866 (the "Ordinance") of the City Council of the City of Columbia, Missouri, is a political subdivision of the State of Missouri and is transacting business and exercising powers granted pursuant to the Community Improvement District Act, Sections 67.1401 through 67.1571, RSMo., as amended ("the Act"); and

WHEREAS, 67.1461.1 of the Act grants the board of directors (the "Board of Directors") of the District the authority to possess and exercise all of the District's legislative and executive powers; and

WHEREAS, the Board had elected to solicit consultant proposals and fund up to $10,000 for independent testing of the Proposed Development Code attached hereto as Exhibit A; and

WHEREAS, the Board of Directors desires to partner with other local organizations to participating in funding the independent testing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DOWNTOWN COMMUNITY IMPROVEMENT DISTRICT AS FOLLOWS:

1.   The Board of Directors hereby approves the funding and the Chairman of the District is authorized to execute, and the Secretary is authorized to attest on behalf of the District, funding of up to $10,000 in substantially the form as the RFP for a Professional Consultant to Test the Proposed Development Code attached hereto as Exhibit A.

2.   This resolution shall be in full force and effect from and after its passage by the Board of Directors.

Passed this 12th day of January 2016.

_____, Chairman of the Board of Directors

(SEAL)
Attest:
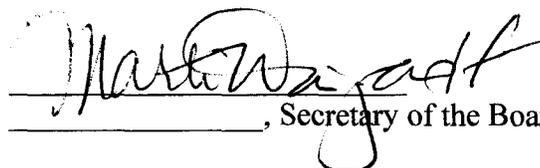
_____, Secretary of the Board of Directors

EXHIBIT A
TO RESOLUTION NO. 2016-11

RFP for Professional Consultant to Test the Proposed Development Code
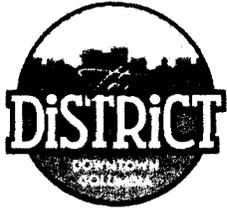
REQUEST FOR PROPOSALS – PROFESSIONAL CONSULTANT TO TEST THE PROPOSED DRAFT ZONING CODE FOR DOWNTOWN

Professional Consultant Services – The Downtown Community Improvement District
Columbia, MO

Date of Advertisement: January 18, 2016

Date of Final Submission: February 5, 2016 at Noon (CST)

The Downtown Community Improvement District (Downtown CID) in the City of Columbia, Missouri, is advertising a request for proposals (RFP) for professional consulting services for testing the Proposed Draft Zoning Code for Downtown.

The Downtown CID is an independent organization dedicated to keeping Columbia's downtown – The District – vital. The District encompasses 50 square blocks, more than 300 individual properties, 1200 residences and over 600 businesses, non-profits and government entities. (Refer to Exhibit A) Bounded by 3 Universities and Colleges and City Government buildings, the area offers both a strong day and night economy. It is the policy of The District to negotiate contracts for professional services on the basis of demonstrated competence and qualifications for the professional services required and such services shall be at fair and reasonable prices.

1) Introduction

The City of Columbia has been working to develop a proposed draft code. The Development Code Update project began in January 2014 with the hiring of lead consultant Clarion Associates and their sub-consultant Ferrell Madden Associates. Following completion of the review period, the Planning and Zoning Commission will begin hearings to consider approval of the draft code and make recommendations to the City Council.

Details on the draft and project may be found by visiting:
http://www.gocolumbiamo.com/community-development/planning/development-code-update-project/

Titled the "Integrated Draft," the latest revision combines three "modules" presented earlier into a single document. Footnotes indicate where text is different from the existing City Code, denoting changes in response to public comment, corrections, and text moved from the existing code, and changes recommended by consultants and staff. In all, there are more than 1,000 changes from the existing code.

The Development Code consists of the full Zoning Ordinance, Subdivision Regulations, Sign Ordinance, and parts of the Land Preservation and Planning Chapters of the City Code. The material is organized into 5 sections: 1) General Provisions; 2) Zoning Districts; 3) Permitted Used; 4) Form and Development Controls; and 5) Procedures and Enforcement.

The Development Code Update Project does not "rezone" property, though it does revise the rules for development in a number of zoning districts. An exception is the downtown area where a new form-based M-DT Mixed-use Downtown District replaces the existing C-2 Central Business District and some pockets of M-1 General Industrial Zoning. In the downtown, traditional zoning based on the mapping of parcels into districts will be replaced by a form-based system of mapping streets into one of several "building form standards" which determine the form and development controls of properties that front on those streets.

Other changes include:
- Improved organization of contents
- More frequent use of figures and tables
- Consolidation of zoning districts, including replacement of four different planned districts into one
- Fewer, more flexible land use categories
- More than 40 uses with associated "use-specific standards", including multi-family housing, to specify conditions of use
- New Design Standards and Guidelines and Neighborhood Protection Standards to protect neighborhood character
- A process for optional development standards to enable "cottage" development in the R-2 Family Dwelling District, pedestrian-oriented development standards in the M-N Mixed Use Neighborhood District, and transit-oriented standards in the M-C Mixed Use Commercial District.
- Lot bonus provisions for environmentally sensitive subdivision design
- Adequacy of utilities and infrastructure assessments to be provided to the Planning and Zoning Commission in zoning map amendment (rezoning) cases

The Downtown CID has been actively engaged in this process and would like to conduct independent tests of the proposed code in order to offer additional feedback. The City plans to test student housing development within the downtown, therefore the CID would like to test other types of development projects.

2) Scope of Work

STEP 1. DEVELOP AN UNDERSTANDING OF THE PROJECT BACKGROUND
Objective: To establish a working understanding of the draft code, the adoption process and the current issues related to it

Tasks:
- Review background information, including:
  - The draft code document
  - Other related comments and background information
  - Voluntary Design Guidelines (available for review by visiting http://discoverthedistrict.com/wp-content/uploads/2013/08/Columbia-Design-Guidelines_low-copy.pdf

- Conduct a briefing session with The District to identify issues and refine objectives.
- Interview city staff to develop an understanding of the current approach to adoption.

STEP 2. SET THE PARAMETERS FOR THE ANALYSIS
Objective: To establish which specific standards will be considered in the testing.

Tasks:
- Determine if the code, as it is drafted, will be tested or if some revisions discussed in the Clarion memo will be incorporated as "assumed revisions."
- Summarize the assumed standards in a working memo.

STEP 3. IDENTIFY THE SET OF FOUR CASE STUDIES TO BE TESTED
Objective: To establish a range of development scenarios that are most likely to represent the different conditions for development that are of greatest concern. As the City is testing proposed student housing, this project will focus on other types of development.

Tasks:
- Determine which variables will be used to select case study sites, such as:
  - Representing different locations in the Character Areas as described in the design guidelines
  - Representing the different Building Forms as described in the Regulating Plan of the draft code
  - Representing adaptive reuse and incremental alterations to existing buildings
  - Representing the areas with different height limits as proposed in the draft code
  - Representing different uses
- Select specific sites for testing
  - Assume four case studies to be developed, not including student housing which will be tested by the City.
  - Develop memo summarizing sites to be tested.
  - (Note these may be "real," or "hypothetical" sites, depending upon what will be most appropriate.)

STEP 4: DEVELOP THE CASE STUDY MODELS
Objective: To craft a set of potential development projects which illustrate the effects of the code in different settings, to provide sufficient detail for testing physical character and economic feasibility

Tasks:
- Develop sketch site plans.
- Develop description of each project, to include:
  - Uses
  - Floor area
  - Height
  - Materials
  - Site improvements

STEP 5: DEVELOP PRO FORMA ANALYSIS
Objective: To test the economic feasibility of each scenario

Tasks:
- Collect base information related to local development costs.
- Generate feasibility analysis.
- Identify impacts of specific code requirements.
- Summarize findings.

STEP 6: DEVELOP RECOMMENDED AMENDMENTS
Objective: To provide specific language to potential revisions to the draft code, based on the analysis

Tasks:
- Review findings of the analysis with the Downtown CID to develop a consensus on recommended changes.
- Develop draft language for the recommended amendments.
- Present final recommendations.

3) Desired Qualifications
Consultants interested in testing the Proposed Draft Code for Downtown should have the following qualifications:

a) Professional experience in working with local municipal government.
c) Professional experience in working with downtown development projects.

4) Qualifications Format
To be considered for selection, please submit the following information in keeping with the following format and identifying each item by number and letter:

a) Letter of Introduction: Describe your understanding of the project and proposed professional team. (One 8.5x11 page maximum)
b) Firm Profile: Profile of the professional services offered by your business.
c) Resumes: Resumes of proposed professionals.
d) Project Examples: Project descriptions of a maximum of five (5) projects, similar in scope and scale, of other public code testing.
e) References: Provide a contact name, telephone number and email address of a client whom the firm has provided professional services for on past projects.

5) Evaluation of Qualifications

Qualifications Submissions will be screened for adequacy of content, technical competency and experience.

Criteria for the selection shall be as follows:

a) Qualifications Submission content

b) Background and similar experience

c) Capacity and capability of firm to perform the work.

d) Experience of key people, including project specific experience for each person

e) Satisfactory references

f) Past record of performance for firm with respect to such factors as control of costs, quality of work and ability to meet deadlines.

g) Sensitivity to context of Columbia, Missouri

The Downtown CID reserves the right to reject any qualification and/or modify the requested qualifications as deemed necessary by the Board of Directors.

Contract Conditions

The acceptance of any proposal and selection of any Vendor shall be subject to, and contingent upon, the execution by the CID of a Contract. The contract shall contain, among other terms, certain provisions required by law and by policies of the CID including, without limitation, the following providing that the Vendor:

i. Shall defend, indemnify and hold harmless the CID, including employees and directors, against any claims or damages relating to its acts and omissions;

ii. Shall maintain financial and other records relating to the Contract, including, without limitation, payroll records for a period of seven (7) years from the end of the Contract Term, and shall make such records available for inspection and audit;

iii. Shall maintain insurance with insurers licensed or authorized to provide insurance and in good standing with the State of Missouri, such policies shall be in a form acceptable to, and include any conditions reasonably required by the CID, and naming the CID, employees and directors as additional insured's;

iv. Shall be licensed to conduct business in the State of Missouri;

v. Shall represent and warrant that neither it nor any of its directors, officers, members, or employees has any interest, nor shall they acquire any interest, directly or indirectly, which would conflict in any manner or degree with the performance of the Services as set forth in the Contract. Further, the Vendor must agree that it shall employ no person having such a conflict of interest in the performance of the Services; and

vi. Shall agree to Boone County, Missouri as the venue in any legal action or proceeding between the Vendor and the CID.

State Sunshine Law

All Submissions submitted to the CID in response to this request may be disclosed in accordance with the standards specified in the Sunshine Law. The CID is a "public governmental body" pursuant to said Sunshine Law, therefore, all proposals may be disclosed.

Costs

The CID shall not be liable for any cost incurred by the respondent in the preparation of this Proposals Submission or for any work or services performed by the respondent prior to the execution and delivery of

the Contract. The CID is not obligated to pay any costs, expenses, damages or losses incurred by any respondent at any time unless the CID has expressly agreed to do so in writing.

CID Rights
This is a "Request for Bids". The CID shall be the sole judge of whether a proposal conforms to the requirements of this RFP and of the merits and acceptability of the individual proposals. Notwithstanding anything to the contract contained herein, the CID reserves the right to take any of the following actions in connection with this RFP: amend, modify or withdraw this RFP; waive any requirements of this RFP; require supplemental statements and information from any respondents to this RFP; award a contract to as many or as few or none of the respondents as the CID may select; to award a contract to entities who have not responded to this RFP; accept or reject any or all proposals received in response to this RFP; extend the deadline for submission of proposals; negotiate or hold discussions with one or more of the respondents; permit the correction of deficient proposals that do not completely conform with the RFP; waive any conditions or modify any provisions of this RFP with respect to one or more respondents; reject any or all proposals and cancel this RFP; in whole or in part, for any reason or no reason, in the CID's sole discretion. The CID may exercise these rights at any time, without notice to any respondents or other parties and without liability to any respondent or other parties for their costs, expenses or other obligations incurred in the preparation of this proposal or otherwise. All proposals become the property of the CID.

Applicable Law
This RFP and any Contract, Subcontract or any other agreement resulting henceforth shall be governed by the Laws of Missouri, and are subject to all applicable laws, rules, regulations and executive orders, policies, procedures and ordinances of all Federal, State and City authorities, as the same may be amended from time to time, including, without limitation, equal employment opportunity laws.

Brokerage Fees or Commissions
The CID shall not be obligated to pay any fee, cost or expense for brokerage commissions or finder's fees with respect to the execution of this Contract. The Respondent agrees to the pay the commission or other compensation due any broker or finder in connection with the Contract, and to indemnify and hold harmless the CID from any obligation, liability, cost and/or expense incurred by the CID as a result of any claim for commission or compensation brought by any broker or find in connection with this Contract.

Additional Work
During the Contract, the CID, at its sole discretion, may choose to work with the selected Vendor and/or hire its services for projects other than the Scope of Services or projects that exceed the Scope of Services. The CID's decision to do so may be based on the firm's relevant experience and its successful performance under the contract.

Insurance
The Vendor and all approved subcontractors shall carry and maintain, during the Term, insurance issues by insurance companies authorized to provide insurance and in good standing in the State of Missouri. Vendor shall provide certificates of insurance and proof of payment.

	TYPE	AMOUNT
A.	Workers' Compensation	Statutory
	Employers' Liability	$500,000/$500,000/$500,000
B.	Commercial General (public) Liability Insurance	
	a. General Aggregate limit	$2,000,000
	b. Products & Completed Operations limit	$2,000,000
	c. Personal & Advertising Injury limit	$1,000,000
	d. Each Occurrence limit	$1,000,000
The above insurance to include coverage for the following: Premises/Operations, Independent Contractors, Products/Completed Operations, Personal Injury and Contractual liability		
C.	Broad form property damage, to include fire legal liability	$50,000 per occurrence
D.	Business Automobile Liability	
	a. Owned/leased vehicles	Combined Single Limit (CSL) of $1,000,000
	b. Non-owned vehicles	
	c. Hired vehicles	
E.	Umbrella Coverage	$5,000,000

Disclaimer

The CID, and its respective officers, directors, members and employees make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFP. Further, the CID does not warrant or make any representation as to the quality, content, accuracy or completeness of the information, text, graphics or any other facet of this RFP, and hereby disclaim any liability for any technical errors or difficulties of any nature that may arise in connect with any website on which this RFP has been posted, or in connection with any other electronic medium utilized by the respondents or potential respondents in connection with or otherwise related to this RFP.

Questions

Respondents may submit questions and/or request clarifications from the Downtown CID by submitting them in writing to the contact person at the contact person's email address listed below.

Contact Information for Questions should be via email correspondence only to the following:
Katie Essing
kessing@discoverthedistrict.com
573-442-6816

Qualifications Submissions

A sealed envelope including one hard copy of the Proposal Submissions and one digital file copy should be delivered to the following:

> **RE: REQUEST FOR PROPOSALS – PROFESSIONAL CONSULTANT TO TEST THE PROPOSED DRAFT ZONING CODE FOR DOWNTOWN**
> Ms. Katie Essing, Executive Director
> The District
> 11 S. Tenth St.
> Columbia, MO 65201

(Note: the digital file copy can be submitted with the hard copy on drive or be emailed to Katie Essing at kessing@discoverthedistrict.com)

All Qualification Submissions are due by Noon (CST) on Friday, February 5, 2016.

Exhibit A: The Downtown CID (The District) Map: