



**REQUEST FOR PROPOSAL FOR TRANSIT-ORIENTED DEVELOPMENT (TOD): #A-08052019  
RIDEKC DEVELOPMENT CORPORATION SEEKS TOD DEVELOPMENT PROPOSALS  
FOR ONE OR MORE OF THREE UNDER-UTILIZED KCATA SITES LOCATED  
AT 12<sup>TH</sup> AND CHARLOTTE, 3<sup>RD</sup> AND GRAND AND 31<sup>ST</sup> AND TROOST AVENUE  
IN KANSAS CITY, MISSOURI**

Date: August 5, 2019  
Contact:  
RideKC Development Corporation  
1200 E. 18<sup>th</sup> Street  
Kansas City, MO 64108

Telephone: (816)-346-0229  
Fax: (816) 346-0270  
Email: [fwhite@ridekcdc.org](mailto:fwhite@ridekcdc.org)

August 5, 2019

**I. INSTRUCTIONS and CONDITIONS**

## 1. PURPOSE

The RIDEKC DEVELOPMENT CORPORATION (RKCDC), a non-profit development corporation and wholly owned subsidiary of the Kansas City Area Transportation Authority (KCATA), is seeking site specific development proposals for Transit Oriented Development on three (3) under-utilized properties owned by KCATA. The development proposal(s) received should be specific to each site. Developers can choose to propose on one (1) site or they may submit on two (2) or three (3) sites. The sites owned by KCATA and subject to this RFP are located at the following intersections: (1.) 12<sup>th</sup> and Charlotte, (2.) 3<sup>rd</sup> and Grand, and (3.) 31<sup>st</sup> and Troost Avenue in Kansas City, Missouri. RKCDC will review the Proposals and make recommendations to KCATA. The KCATA will make the final selection, in its discretion.

## 2. DUE DATE FOR THE PROPOSAL(S)

The due date for submitting proposals to RideKC Development Corporation shall be no later than August 29, 2019 3:00 pm CDT.

## 3. CONTACT PERSON-RIDE KC DEVELOPMENT CORPORATION

General questions (technical, contractual, or administrative) must be directed in writing via email to:

Frank White at [fwhite@ridekcdc.org](mailto:fwhite@ridekcdc.org).

Questions and requests for clarification will be received until 3:00 pm on August 19<sup>th</sup>, 2019. If required, KCATA's response to these submissions will be in the form of an Addendum.

Proposals must be received with all required submittals as stated in the RFP no later than August 29<sup>th</sup>, 3:00 pm. CDT on and submitted to:

RideKC Development Corporation  
Attn: Frank White III, Vice President  
1200 East 18<sup>th</sup> Street  
Kansas City, Missouri 64108

Telephone: (816)-346-0229  
Fax: (816) 346-0270  
Email: [fwhite@ridekcdc.org](mailto:fwhite@ridekcdc.org)

## 4. DEFINITIONS

- This Request for Proposals ("RFP" or "solicitation") is an invitation by RKCDC on behalf of KCATA for Proposers to submit an offer, which may be subject to subsequent discussions and negotiations by RKCDC, KCATA and the Proposer.
- "Proposal" means any document, submittal, interview, presentation, discussion, negotiation, and everything and anything provided in response to this RFP regardless whether the submission is an oral or written submission.
- By submitting a proposal to the RKCDC, Proposer agrees that the Proposer does not obtain any right in or expectation to a contract with the RKCDC and or KCATA or a vested interest or a property right in a

contract with the KCATA regardless of the amount of time, effort and expense expended by Proposer in attempting to obtain a written executed contract with the RKCDC and KCATA.

## 5. PROPOSAL ESTIMATED SCHEDULE

- TOD RFP Issued: August 5, 2019
- Pre-Proposal conference will be held August 15<sup>th</sup>, 2019 at 9:00 a.m. CDT in KCATA's Breen Building, Large Conference Room located at 1200 East 18<sup>th</sup> Street, Kansas City, Missouri, 64108.  
**Firms may participate in person or by teleconference, with call-in information noted here: Dial in #: 605-313-4121, Participant Access Code: 141172.**  
The Pre-Proposal conference is not mandatory, but firms are encouraged to participate.
- Deadline for questions: August 19, 2019 3:00 pm CDT
- Due Date for Proposals: August 29, 2019 3:00 pm CDT
- Notification for Shortlisted Firms/Projects: September 13, 2019
- Interviews for Shortlisted Firms/Projects: September 23, 2019
- Selection/Negotiation Begins: October 2019
- Expected Commencement of Projects: Beginning Fall 2020 with the goal for development to happen on one or more sites within twelve (12) months.

## 6. RFP Documents

This RFP consists of the following sections:

**Section I-** Instructions and Conditions

**Section II-** Project Background

**Section III-** Business/Firm Profile and Legal Structure

**Section IV-** Experience

**Section V-** Management

**Section VI-** Development Approach

**Section VII-** References

**Section VIII-** Sustainability

**Section IX-** Development Finance Information

**Section X-** Incentives and Other Costs

**Attachments:**

- A. KCATA Transit Oriented Policy: Overview, Introduction and Guidelines
- B-1.** AFFIDAVIT OF PRIMARY PARTICIPANTS COMPLIANCE WITH SECTION 285.500 RSMO, ET SEQ. REGARDING EMPLOYEE ELIGIBILITY VERIFICATION
- B-2.** AFFIDAVIT OF LOWER-TIER PARTICIPANTS COMPLIANCE WITH SECTION 285.500 RSMO, ET SEQ. REGARDING EMPLOYEE ELIGIBILITY VERIFICATION
- C-1.** CERTIFICATION OF PRIMARY PARTICIPANT REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS
- C-2.** CERTIFICATION OF LOWER-TIER PARTICIPANTS REGARDING DEBARMENT, SUSPENSION, AND OTHER INELIGIBILITY AND VOLUNTARY EXCLUSION

## 7. EXAMINATION OF ALL RFP DOCUMENTS AND REQUIREMENTS

- Each Proposer shall carefully examine all RFP documents and thoroughly familiarize themselves with all RFP requirements prior to submitting a proposal to ensure that Proposer's Proposal meets the intent of this RFP.
- Before submitting a Proposal to RKCDC, each Proposer shall be responsible for making all investigations and examinations that are necessary to ascertain any and all conditions and requirements that affect the requirements of this RFP. Failure to make such investigations and examinations shall not relieve the Proposer from Proposer's obligation to comply, in every detail, with all provisions and requirements of the RFP.
- By submitting a Proposal to the RKCDC, Proposer certifies that Proposer has provided RKCDC with written notice of all ambiguities, conflicts, mistakes, errors or discrepancies that Proposer has discovered in the RFP, the Proposed Contract, Scope of Services and any other document. By executing a Contract with the RKCDC and or KCATA, Proposer certifies that Proposer communicated to RKCDC and or KCATA all ambiguities, conflicts, errors or discrepancies that it has discovered in the RFP, the Proposed Contract, Scope of Services and any other document and that written resolution thereof by RKCDC and or KCATA as embodied in the final Contract is acceptable to Proposer.

### **TOD RFP Proposal Format/Content**

Proposers are asked to submit one original and six (6) copies of their proposal.

- A. The Original shall be unbound. The copies may be bound, and all copies and originals shall have the RFP number and name, the offeror's identity, volume number and volume title printed on the cover page.
- B. Proposers are asked to provide a complete set of their proposal documents in .PDF format on a flash/jump drive.
- C. The proposal page limit is 20 pages. Proposers are asked to number all pages. If a Proposer submits a proposal exceeding this limit, RKCDC may consider the pages up to the allowable number and discard all subsequent pages.
- D. The following are excluded from the page count:
  1. Title Page
  2. Table of Contents
  3. Letter of Transmittal
  4. Tabs or Indices
  5. Additional lists of project examples and developer and team references
  6. Résumé/background information (please restrict to a maximum of three (3) pages per individual)
- E. One page is defined as one side of a single, 8-1/2 x 11" page, with 11-point minimum font size for the substantive text. Any page over this size will be counted as two (2) pages. Any page or partial page with substantive text, tables, graphics, charts, résumés, etc. will be counted as one (1) page. Proposers may use their discretion for the font size of other materials (e.g. graphics, charts).
- F. Each proposal should enable the evaluation committee to make a thorough evaluation and arrive at a sound determination as to whether the TOD proposal will meet KCATA's requirements. Each proposal must be specific as possible, detailed and complete to clearly and fully demonstrate that the Proposer has a thorough knowledge and understanding of the requirements. Statements which paraphrase the requirements or state that "standard procedures will be employed" are inadequate to demonstrate how the Proposer will comply with the requirements of this procurement.

G. To achieve a uniform review process and obtain the maximum degree of compatibility, development proposals must be organized as follows:

1. Title Page

Show the RFP number and title, the name of the firm, address, telephone number(s), name and title of the contact person, telephone number(s), email address, facsimile number, and date.

2. Letter of Transmittal

The letter should be addressed to Frank White, Vice President, and signed by a corporate officer with authority to bind the firm. The letter must contain the following:

- a. Identification of proposing firm(s), including the full legal name of the organization or institution, address, telephone number(s) and email addresses of each subcontractor.
- b. Name, title, address, telephone number and email address of the contact person for the project.
- c. Proposed working relationship among proposing firms (e.g., developer, team member, contractor), if applicable.

3. General Project Financing Overview

- a. Project proposals will broadly outline and explain the estimated budget of the proposer's development concept, plan, projected cost, likely finance sources for the project including breakout for developer equity (requests of RKCDC and or KCATA), bank and conventional or bond financing, other financing tools, and consideration if it regards RKCDC and or KCATA's role as a development/equity partner. Please provide a list of financial institutions with reference letters detailing the principal's ability on recent projects to secure development financing.
- b. RKCDC (KCATA) is interested in working with the development team to explore bringing multiple forms of transit service to the development that may include imbedded annual transit passes for residents and workers located on the site(s), and other relevant business users of the development. The developer is encouraged to be creative in exploring ways for the development to stimulate revenue to help provide unique and beneficial transit services beyond fixed bus routes and BRT, mobility and walkability benefits to the development.

4. Disclosure of Investigations/Actions.

- a. Proposer must provide a detailed description of any investigation or litigation, including administrative complaints or other administrative proceedings, during the past five (5) years including the nature and status of the investigation, and, for any litigation, the caption of the action, a brief description of the action, the date of inception, current status, and, if applicable, the disposition.
- b. Proposer must provide information regarding any adjudicated violations, penalties paid, or licenses revoked that was a result of a violation of any professional licensing laws, regulations, codes, and ordinances of any governmental agency.

5. Employee Eligibility Verification

- a. The Proposer is required by affidavit and provision of documentation, to affirm its enrollment and participation in a Federal work authorization program with respect to employees working in connection with the contracted services (Attachment B).
- b. The Proposer shall also affirm that it does not knowingly employ any person in connection with the contracted services who does not have the legal right or authorization under Federal law to work in the United States as defined in 8 U.S.C. §1324a(h)(3).
- c. The Proposer is required to obtain the same affirmation from all subcontractors at all tiers.

6. Debarment

- a. The Proposer must certify (Attachment C) that is not included in the "U. S. General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs."
- b. The Proposer agrees to refrain from awarding any subcontractor of any amount (at any tier) to a debarred or suspended subcontractor and to obtain a similar certification from any subcontractor

- (at any tier) seeking a contract exceeding \$25,000.
- c. The Proposer agrees to provide KCATA with a copy of each conditioned debarment or suspension certification provided by a prospective subcontractor at any tier and to refrain from awarding a subcontract with any party that has submitted a conditioned debarment or suspension certification until FTA approval is obtained.

### **Submittal Instructions**

- A. Proposals must be submitted in accordance with the instructions contained at the date and time specified in Section I, “Instructions and Conditions.” Proposals received after the time specified shall not be considered for award. Proposals not meeting specified delivery and method of submittal will not be opened nor considered responsive.
- B. Proposals submitted must be addressed and delivered to KCATA at the following address. This is also the address to be used for all communication in connection with this RFP:

RideKC Development Corporation  
Attn: Frank White III – Vice President  
1200 E 18<sup>th</sup> Street  
Kansas City, Missouri 64108

- C. **The outside of each package delivered shall be clearly marked, “TOD RFP: A-08052019.”**
- D. Proposals may be hand delivered, sent via overnight carrier, or mailed via USPS.
- E. All hand deliveries must be made through KCATA’s Shipping/Receiving Department. If delivering in person, please allow time to navigate KCATA’s security clearance and parking.
- F. Proposals received after the time specified shall not be considered for award. Proposals received via facsimile (fax) or electronic mail (e-mail) shall not be considered. Proposals not meeting specified delivery and method of submittal will not be opened nor considered responsive.
- G. Submission of a proposal shall constitute a firm offer to the RKCDC for one hundred twenty (180) days from the date of RFP closing.

### **7.1 GENERAL INFORMATION**

- A. In cases where communication is required between bidders and RKCDC and or KCATA, such as requests for information, instruction, and clarification shall be forwarded in writing directly to Frank White, Vice President, at [fwhite@ridekcdc.org](mailto:fwhite@ridekcdc.org) by the indicated deadline. The subject line of electronic communications must reference the RFP number and title.
- B. RKCDC is not responsible for any cost or expense that may be incurred by the Proposer before the execution of a contract, including costs associated with preparing a proposal or interviews.

### **7.2 RESERVATIONS**

RKCDC reserves the right to waive informalities or irregularities in proposals, to accept or reject any or all proposals, to cancel this RFP in part or in its entirety, and to re-advertise for proposals if it is in the best interest of the Corporation and KCATA, our client. RKCDC shall be the sole judge of what is in its best interest with

respect to this RFP, with input as needed from our client, leading to a recommendation(s) by RKCDC to KCATA.

### **7.3 PROPOSER'S RESPONSIBILITIES**

- A. Information contained within this RFP is presented as “to the best of our knowledge.” Developers are responsible to obtain all relevant information and base their decisions upon their independent due diligence and not from information contained herein.
- B. By submitting a proposal, the Proposer represents that:
  - 1. The Proposer has read and understands the RFP and the proposal is made in accordance with the RFP requirements and instructions;
  - 2. The Proposer possesses the capabilities, resources, and personnel necessary to enter a development relationship with RKCDC and KCATA; and
  - 3. It is authorized to transact business in the State of Missouri.
- C. Before submitting a proposal, the Proposer should make all investigations and examinations necessary to ascertain site or other conditions and requirements affecting the full performance of the contract.

### **7.4 AUTHORIZATION TO PROPOSE**

If an individual doing business under a fictitious name makes the proposal, the proposal should so state. If the proposal is made by a partnership, the full names and addresses of all members of the partnership must be given and one principal member should sign the proposal. If a corporation makes the proposal, an authorized officer should sign the proposal in the corporate name. If the proposal is made by a joint venture, the full names and addresses of all members of the joint venture should be given and one authorized member should sign the proposal.

After either a contract is executed pursuant to this RFP, or all proposals are rejected, the proposals will be considered public records open for inspection. If access to documents marked “Proprietary Information,” as provided above, is requested under the Missouri Sunshine Law, Section 610 of the Revised Statutes of Missouri, the KCATA will notify the Proposer of the request and the Proposer shall have the burden to establish that such documents are exempt from disclosure under the law. Notwithstanding the foregoing, in response to a formal request for information, the KCATA reserves the right to release any documents if the KCATA determines that such information is a public record pursuant to the Missouri Sunshine Law.

## **8. QUESTIONS AND CLARIFICATION ABOUT THIS RFP**

- Question Deadline
  - Proposers may submit written questions, request clarifications or provide notice to the appropriate RKCDC and or KCATA contact person listed in Section 3 of any ambiguities, conflicts, mistakes, errors or discrepancies that Proposer has discovered in the RFP and any other solicitation document at any time until one (1) week prior to the due date for proposals.
  - The RKCDC will answer all inquiries by any Proposer in writing. If any inquiry results in a change in the RFP, the RKCDC will issue an Addendum and the Addendum will be on the KCATA's website. It is the responsibility of Proposers to check and KCATA's website for addenda. [https://www.kcata.org/about\\_kcata/entries/current\\_opportunities](https://www.kcata.org/about_kcata/entries/current_opportunities)

- Questions - Post Deadline
  - If a Proposer discovers any ambiguities, conflicts, mistakes, errors or discrepancies **after the deadline for questions and clarifications or after the proposal due date**, Proposer shall immediately submit the ambiguity, conflict, mistake, error or discrepancy to the appropriate RKCDC Contact person listed in Section 3. The RKCDC, in its sole discretion, shall determine the appropriate response to any issue raised by any Proposer.

## 9. SUBMISSION OF PROPOSALS

**All proposal documents must be submitted in the exact order as listed in the RKCDC TOD RFP.**

- Respondents submitting responses to questions or clarifications can add internal team members to help in the preparation of their responses.
- Each response can be assigned to users of the respondent's team.
- Only complete and approved responses can be submitted.
- Submission after the due date after 3:01 PM (CDT) is not allowed.

## 10. QUESTIONS AND CLARIFICATION ABOUT THIS RFP

In the subsequent sections of this proposal, proposers will be required to prepare answers to various questions. Responses to the RFP should include the materials necessary to provide a detailed explanation of the quality of the proposed development, effect of the proposed development on goals of the RKCDC and KCATA; financial capability of the proposed development team; experience and representative projects of the potential development team; and total costs of the proposed development.

These sections include: Business/Firm Profile and Legal Structure

- Experience
- Management
- Development Approach
- References
- Sustainability
- Development Finance
- Incentives and Other Costs
- Environmental Information

## 11. SELECTION PROCESS

RKCDC will conduct a selection process evaluating both the developer's qualifications and project proposal. Upon receipt of the proposals, RKCDC staff and Advisors to staff will review each proposal to determine consistency with the submission criteria. Upon completion, RKCDC will present each compliant proposal to the Selection Committee along with a recommendation as to its further consideration. This process is designed to assist in the selection of the most qualified developer(s) with the capacity to plan, finance and implement the preferred project(s), and then to move forward with interviews, and developer selection.

The Selection Committee will be comprised of RKCDC staff, and RKCDC, KCATA board member(s) and other officials. Selected proposers/project(s) will be provided an opportunity to enter into a Pre-



Development Agreement leading to a Development Agreement for the redevelopment of the site and/or facility. Any such agreement would include specific performance benchmarks.

The Selection Committee will review both project proposals and team qualifications to develop a Shortlist of top development proposal candidates. The Committee may determine that interviews are necessary to assist in the identification of top candidates. During interviews, developers will present their development proposal in keeping with the goals and criteria described in this solicitation. The Selection Committee will then evaluate the proposal(s) and make a recommendation for approval, if appropriate.

Upon selection, RKCDC and KCATA will enter negotiations for the proposed development project(s) with the selected developer(s). This solicitation is being made to all interested and qualified proposers. Notices have been submitted through both local and national media and other known trade mediums and webpages.

Any evaluation criteria or weighting of criteria is used by RKCDC only as a tool to assist RKCDC and KCATA in selecting the best proposal for the KCATA. Evaluation scores or ranks do not create any right in or expectation to a contract with the RKCDC and or KCATA regardless of any score or ranking given to any Proposer by the RKCDC and or KCATA. In other words, even if the RKCDC and or KCATA gives a Proposer the highest rank and highest score, the Proposer still has no expectation of a contract with the RKCDC and or KCATA, and the RKCDC and KCATA may choose to contract with any other Proposer regardless of the score or rank of the other Proposer.

The RKCDC and or KCATA may change criteria and criteria weights at any time including after the due date for proposals.

## **12. EVALUATION CRITERIA**

### Project Evaluation Criteria

All submitted proposals will be evaluated based upon the proposed project's fulfillment of the RKCDC and or KCATA goals for the TOD redevelopment of the site(s) indicated below:

1. The proposal supports the KCATA's overall TOD recommendations for the area;
2. The proposal provides added ridership, business and economic activity to the area; The proposal supports existing business and community activities in the area;
3. The proposal does not serve as duplicative or competitive with similar assets in the area;
4. The amount of developer equity contributed and non-KCATA funding sources leveraged;
5. The extent the proposal supports and enhances KCATA's transit assets and service obligations to maintain and/or operate an existing facility / site or minimize TOD redevelopment costs;
6. How effectively the proposals support and encourage broader redevelopment efforts in each transit node and neighborhood or business district
7. How the proposal conforms to or may assist KCATA in achieving increased transit ridership, services and revenues that also support the City and neighborhood and business district area plans and goals;
8. How the proposal relates to the existing facilities and/or land uses near the sites; and
9. The extent to which the proposal provides an adequate return to the KCATA to enhance its role as regional transit provider.

### Project Developer Evaluation Criteria

All development teams submitting proposals will be evaluated based upon the criteria indicated below:

1. The team's financial capability and administrative capacity to undertake the project;
2. Overall quality of the development team as shown by their previous experience, as well as that of
3. their principals and participants;
4. The team's expertise in catalytic redevelopment and executing high quality projects of similar scope and scale fitting TOD desired outcomes;
5. The team's caliber of proposed design professionals;
6. The team's experience in successfully structuring and implementing innovative public/private partnerships;
7. The team's proof of project financing (financing commitment letter or letter of interest);
8. Participation of minority- and women-owned businesses in previous and current projects; and
9. The team's ability to utilize firms and suppliers local to Kansas City, Missouri.

### **13. INTERVIEWS**

The RKCDC AND KCATA, in their sole discretion, may interview none, one, some or all the Proposers who submit proposals.

Any proposers selected for an interview will be notified during the month of September 2019 and a time and date for an interview will be scheduled at a mutually convenient date/time.

### **14. DISCUSSIONS AND NEGOTIATIONS**

The RKCDC AND KCATA, in their sole discretion, may do any or all the following:

- evaluate Proposals and award a contract with or without discussions or negotiations with any or all the Proposers;
- discuss and negotiate anything and everything with any Proposer or Proposers at any time;
- request additional information from any or all Proposers;
- request a Proposer or Proposers to submit a new Proposal;
- request one or more best and final proposals from any or all Proposers;
- accept any Proposal in whole or in part;
- recommend an alternate project(s) in case negotiations with the first developer are not successfully culminated;
- require a Proposer to make modifications to their initial Proposals;
- make a partial award to any or all Proposers;
- make a multiple award to any or all of Proposers;
- terminate this RFP and reissue an amended RFP.

### **15. PROPOSAL MUST REMAIN IRREVOCABLE OFFER TO RKCDC AND KCATA FOR 180 DAYS**

- By submitting a proposal to the RKCDC AND KCATA, Proposer agrees that Proposer's Proposal shall constitute a firm irrevocable offer to the RKCDC AND KCATA that Proposer shall not withdraw or modify without the RKCDC AND KCATA'S approval for one hundred eighty (180) days after the proposal due date. Proposer agrees that even if the RKCDC AND KCATA negotiates or makes a counter offer to Proposer on Proposer's original Proposal or any subsequent Proposal

submitted by Proposer to the RKCDC AND OR KCATA, Proposer hereby grants to the RKCDC AND KCATA, in the RKCDC AND KCATA's sole discretion, the unconditional right for the RKCDC AND KCATA to accept Proposer's original Proposal and the RKCDC AND KCATA's negotiation or counter offer shall not be deemed to be a counter offer.

- After one hundred eighty (180) days, the RKCDC AND KCATA can accept any proposal or subsequent proposals from any Proposer with the consent of the Proposer at any time and regardless of the length of time that has passed from the proposal due date.

## **16. SELECTION**

The RKCDC AND KCATA may select any proposal that in the sole judgment of RKCDC and or KCATA determine to be the best proposal or no proposal at all. RKCDC AND KCATA will require a written executed contract signed by both parties prior to anyone performing services or providing any goods, supplies, materials or equipment to the RKCDC AND KCATA.

This means that a proposer does not have a contract with the RKCDC and or KCATA until a written contract is *executed*. A contract is *executed* when all of the following have occurred: (1) the Board of Commissioners authorizes the execution of a contract with the Proposer (if Commission approval is requested by RKCDC and or KCATA staff); (2) persons with actual authority to bind both the Authority and the Proposer execute the contract; (3) the contract is reviewed and approved by Legal Services; (4) the Authority issues an approved Development Agreement order to the Developer with approval of the board of the KCATA, and (5) any other required step.

A Proposer does not have a contract with the RKCDC and or KCATA until all the steps are completed. If the RKCDC and or KCATA does not complete all required steps, there is no contract between the RKCDC and KCATA and the Proposer and the RKCDC and or KCATA has absolutely no contractual or financial obligation to any Proposer regardless of the amount of time, effort and money spent by the Proposer responding to the RFP and attempting to negotiate and obtain a contract with the RKCDC and or KCATA.

## **17. REJECTION OF PROPOSALS**

The RKCDC AND OR KCATA reserves the unconditional right to reject any or all proposals received in response to this RFP at any time prior to the RKCDC AND OR KCATA executing a contract that meets the requirements of RKCDC and or CATA.

## **18. WAIVER OF REGULATIONS AND RFP REQUIREMENTS**

- The RKCDC and or KCATA, at any time, may waive any requirements imposed in this RFP or by any KCATA regulation.
- The RKCDC and or KCATA may waive any requirement imposed by the RKCDC and or KCATA when failure to grant the waiver will result in an increased cost to the RKCDC and or KCATA and the requirement waived would be waived for all Proposers for this RFP and it is in the best interest of the RKCDC and or KCATA to grant the waiver.

## **19. FOLLOWING TOD RFP ISSUANCE**

No person or entity submitting a proposal in response to this RFP, nor any officer, employee, agent, representative,

relative or consultant representing such a person (or entity) may communicate about this RFP with any RKCDC and/or KCATA employee, RKCDC and/or KCATA Commissioner until the Notice of Intent to Award is issued.

## **20. LATE PROPOSALS**

**Submission after the due date at 3:01pm (CDT) is not allowed.** You will receive an email confirmation from RKCDC within 2 business days following submission. Proposals received after the time specified will not be considered for award. Proposals received via facsimile (fax) or electronic mail (e-mail) will not be considered. Proposals not meeting specified delivery and method of submittal will not be opened nor considered responsive.

## **21. CHANGES IN THE RFP**

- After this RFP is issued, the RKCDC and or KCATA, in its sole discretion, may change everything or anything contained in this RFP at any time including after the Proposal due date. If the change is prior to the proposal due date, the RKCDC and or KCATA reserves the right, when considered necessary or appropriate, to modify this RFP.
- If the RKCDC and or KCATA shall amend the RFP after the proposal due date, the RKCDC and or KCATA may, in their sole discretion, solicit new proposals in an amended RFP from anyone or everyone regardless whether a person submitted a proposal in response to the original RFP.

## **22. CHANGES IN EXECUTED CONTRACT AND ADDITIONAL WORK**

- After the RKCDC and or KCATA executes a contract the RKCDC and or KCATA may, in their sole discretion, amend the contract to change anything or everything associated with the contract.
- The RKCDC and or KCATA, in their sole discretion, may award additional contracts for related work or subsequent Project phases to the selected Contractor.
- The RKCDC and or KCATA, in their sole discretion, may extend the term of the contract with the selected Contractor notwithstanding the expiration of the initial term or any subsequent term or all options to renew, until the RKCDC and or KCATA has a new contract in place with either Proposer or another provider or until the RKCDC and or KCATA terminates the Contract.

## **23. PROPOSER SOLELY RESPONSIBLE FOR ALL COSTS**

Regardless of the amount of time, effort, cost and expense incurred by a Proposer in Proposer's attempt to win this RKCDC and or KCATA contract, Proposer agrees that Proposer shall be solely responsible and liable for any and all costs incurred by Proposer.

The RKCDC and or KCATA shall have no liability or responsibility for any of Proposer's costs or expenses. The RKCDC and or KCATA shall make best faith efforts to minimize the time, cost, effort and expense incurred by Proposers through the use of electronic submittals and limitations on required travel.

## **24. OWNERSHIP OF PROPOSALS**

By submitting its Proposal, Proposer hereby agrees that Proposer's Proposal and any supplementary material submitted by the Proposer shall become property of the RKCDC and or KCATA.

## **25. DISCLOSURE OF PROPRIETARY INFORMATION**

- A Proposer may attempt to restrict the disclosure of scientific and technological innovations in which the Proposer has a proprietary interest, or other information that is protected from public disclosure by law, which is contained in the Proposal by marking each response of each such document prominently with the words "Proprietary Information";
- After either a contract is executed pursuant to the RFP, or all submittals are rejected, if access to documents marked "Proprietary Information", as provided above, is requested under the Missouri Sunshine Law, the RKCDC and or KCATA will notify the Proposer of the request, and it shall be the burden of the Proposer to establish that such documents are exempt from disclosure under the law.
- If the Proposer elects to challenge a formal request for such information made to the RKCDC and or KCATA and if the Proposer is unsuccessful in keeping such information closed, the Proposer shall pay for any and all costs, attorney fees and fines that are a result of Proposer's attempt to keep the information closed.
- Notwithstanding the foregoing, in response to a formal request for information, the RKCDC and or KCATA reserves the right to release any documents if the RKCDC and or KCATA determines that such information is a public record pursuant to the Missouri Sunshine Law. The RKCDC and or KCATA shall have no liability to any Proposer or anyone else for releasing any Proprietary Information of a Proposer even if the RKCDC and or KCATA is negligent in releasing or disclosing any Proprietary Information of any Proposer.

## **26. CLOSED RECORDS**

All Proposals including interviews, presentations and documents, and meetings relating thereto may remain closed records or meetings under the Missouri Sunshine Law until a contract is executed or until all Proposals are rejected by the RKCDC and or KCATA. If the RKCDC and or KCATA amends this RFP, Proposals submitted in response to the original RFP may remain closed records until a contract is executed or all proposals submitted in response to the amended RFP are rejected.

Proposals shall remain closed records even if the RKCDC and or KCATA mistakenly informs all Proposers that it is rejecting any and all Proposals prior to amending the RFP as long as the RKCDC and or City intends to amend the RFP and re- solicit Proposals.

## **27. AFFIRMATIVE ACTION**

The selected proposer(s) will enter into a development agreement with the KCATA which will require compliance with the KCATA's policy that any person or entity entering into a contract with the KCATA, will treat employees equally without regard to their race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age.

The development agreement will also require compliance with the Affirmative Action policy of the City of Kansas City Missouri. *See* Ordinance No. 180535 (Construction and Professional Services Requirements) and Ordinance No. 130275 (Workforce Participation Requirements).

## **28. TAX CLEARANCE FOR KCATA**

Prior to the RKCDC and or KCATA making the first payment under any contract or contract renewal term,

Developer must provide a tax clearance letter from the City of Kansas City's Commissioner of Revenue dated not more than ninety (90) days from the date of submission. Proposers may obtain this tax clearance letter from the City's Revenue Division at (816) 513-1135 or (816) 513-1089.

## **29. MISSOURI SECRETARY OF STATE BUSINESS ENTITY REGISTRATION**

Prior to execution of a contract with the RKCDC and or KCATA, the apparent successful Proposer must submit a current copy of Proposer's Certificate of Good Standing from the Missouri Secretary of State's website: <http://www.sos.mo.gov>

## **30. CITY OF KANSAS CITY MISSOURI BUSINESS LICENSE**

Prior to execution of a contract with the RKCDC and or KCATA, the apparent successful Proposer must submit a current copy of Proposer's valid business license.

Proposers may obtain this business license from the City's Revenue Division/Business License section at (816) 513-1135 or visit the City's website. <http://www.kcmo.gov>

## **31. MBE/WBE GOALS**

The RKCDC and KCATA desire that Minority Business Enterprises (MBE) and Women's Business Enterprises (WBE) have a maximum opportunity to participate in the performance of this contract. Due to the unique nature of this solicitation, the RKCDC and or KCATA has not set a specific goal for MBE or WBE participation in this proposal, but will look to the proposer to follow the City of Kansas City Missouri's policy.

The City of Kansas City, Missouri has a list of City Certified MBEs/WBEs at <http://kcmo.org/CKCMO/Depts/CityManagersOffice/HumanRelationsDivision/DisadvantagedMinorityandWomenBusinessEnterpriseSection/index.htm> (click on the "DMWBE Directory Search"). Please contact the City's Human Relations Department at 816-513-1836 for assistance on any aspect of the MBE/WBE program.

## **32. WAIVER OF MBE / WBE REQUIREMENTS**

The RKCDC and or KCATA, in its sole discretion, may waive any and all MBE/WBE requirements imposed by this solicitation and any Proposal Documents or the MBE/WBE Ordinance, and award the contract to the best Proposer if the RKCDC and or KCATA determines a waiver is in the best interests of the RKCDC and or KCATA.

## **33. MBE / WBE PARTICIPATION**

The RKCDC AND KCATA desires that Minority Business Enterprises (MBE) and Women's Business Enterprises (WBE) have a maximum opportunity to participate in the performance of City contracts whenever it is feasible.

If it is feasible for a Proposer to subcontract any of the work or supplies necessary to perform this contract, the RKCDC and or KCATA encourages Proposers to solicit certified MBEs and WBEs for the necessary work or supplies.

## **II. TOD SITES AND PROJECT BACKGROUND**

## **Background and Context**

This RFP is seeking Transit Oriented Development (TOD) proposals from developers to respond to **ONE, OR MORE OF THE THREE SITES** that are subject of this RFP in seeking development proposals: (1) 12<sup>th</sup> Street and Charlotte, (2) 3<sup>rd</sup> and Grand, and (3) 31<sup>st</sup> and Troost.

This Request for Proposal (RFP) is made by RideKC Development Corporation (RKCDC), a non-profit development corporation and wholly owned subsidiary of the Kansas City Area Transportation Authority (KCATA), on behalf of KCATA, to advance and support Transit Oriented Development (TOD) for KCATA, the regional transit authority for the seven-county, bi-state (KS/MO) Kansas City Metropolitan Area. KCATA operates under an Interstate Compact between the States of Kansas and Missouri, and it is a political subdivision and instrumentality of the States of Kansas and Missouri, with certain property tax exemptions and transit-related benefits that may be beneficial for development.

RKCDC's mission includes soliciting and advancing TOD for KCATA to build ridership, strengthen relationships, and generate revenue to support KCATA's mission and vision, which RKCDC accomplishes through securing real estate, development, and making recommendations to the KCATA Board of Commissioners regarding such proposals and associated actions involving TOD.

## **Redevelopment of Three (3) TOD Sites**

RideKC Development Corporation seeks TOD proposals for three (3) KCATA owned sites, and the proposing developer can select only one (1) or more sites to propose.

The first site subject of this RFP is 12<sup>th</sup> and Charlotte and it is in the East Village Transit Center campus. This parcel of property is in the southeast quadrant of the Downtown Loop. The East Village site does have Federal Transit Funds (FTA) invested in the development of the East Village Transit Center, and proposed uses for this site will need to address FTA requirements and conditions for TOD that include complementing the East Village Transit Center and its services, noting the facility is now under construction and expected to be operational at this site in late 2019.

The second KCATA owned site included in this TOD RFP and available for development include property located at 3<sup>rd</sup> and Grand (approximately 2 acres) in the River Market. This site is expected to be a major TOD anchor point to the Downtown Streetcar Line and proposed extensions. The site also now includes 194 public surface parking spaces jointly developed with the City of Kansas City, and 34 spaces are allocated to KCATA for Park and Ride transit users. Parking will need to be accommodated in support of the City of Kansas City Missouri and KCATA in any TOD development proposal for this site supporting public parking and transit ridership goals.

The third property subject to this TOD RFP is located at 31<sup>st</sup> Street and Troost Avenue (less than 1 acre), which extends east-west from Troost Avenue to Harrison Street as the western boundary. The site is part of a City and UNI Neighborhood Plan known as the KC CUR Plan. This TOD site needs to include accommodation of FTA, KCATA and City funding that supports transit, public parking artwork, and park and ride use now accommodated on the site.

KCATA expects that each site proposed for TOD in response to this RFP will tailor the type and use of each

response to the site’s location, unique site and development attributes, public and private area plans including neighborhood plans and goals, and applicable site uses supportive of TOD objectives. KCATA, the City and FTA all have interests associated with each specific property, and they include such priorities as accommodating public parking and associated contracts, park and ride uses, affordable, workforce and or mixed income housing objectives identified by public policy stakeholders and policy and planning documents. Site conditions will need to be considered for each site that may include artwork, transit benches and shelters, zoning, specific site conditions that include environmental, public infrastructure and major public improvements. These site-specific conditions can be addressed during the public pre-proposal conference.

**TOD Development Sites and Locations -- 12th Street and Charlotte, Kansas City, MO 64108**



*Figure 1: KCATA Proposed TOD Development Site at 12<sup>th</sup> Street and Charlotte Street (Federal Opportunity Zone)*





*Proposed TOD Development Site at 3<sup>rd</sup> and Grand Avenue (NOT A Federal Opportunity Zone)*



*Figure 3: KCATA Proposed TOD Development Site at 31st Street and Troost Avenue (NOT A Federal Opportunity Zone)*

## Future Land Use and Planning Guidance

The three TOD sites subject to this TOD RFP are referenced in several significant public and private plans that the potential developer should consider in formulating their response. These public and private plans include, but are not limited to:

- The Greater Downtown Area Plan Draft (2018) – <https://drive.google.com/open?id=1KFAZC3mWfmD6uSkKAuigguivJdDqa36K>
- Bike KC Master Plan Draft (2019) – <https://drive.google.com/open?id=1U9Bdz-xaNzXBN-MDH0QTIIR624cVIF33>
- KCATA TOD Policy (2017)- See enclosed: Attachment A
- KCMO TOD Policy (05-18-2017)- <https://www.kcmo.gov/home/showdocument?id=781>
- The 31<sup>st</sup> Street and Troost Avenue Area:
  - [http://www.lisc.org/media/filer\\_public/d2/a7/d2a728c5-e930-45ad-9dec-51aeecf858fa/kccur-31troost-report-final-rev.pdf](http://www.lisc.org/media/filer_public/d2/a7/d2a728c5-e930-45ad-9dec-51aeecf858fa/kccur-31troost-report-final-rev.pdf)

### A. Federal Opportunity Zone Determination

- a. 12<sup>th</sup> and Charlotte: Yes, the site is located within the Kansas City, Missouri Federal Opportunity Zone
- b. 3<sup>rd</sup> and Grand: No, the site IS NOT in the Kansas City, Missouri Federal Opportunity Zone
- c. 31<sup>st</sup> and Troost Avenue: No, this site IS NOT in the Kansas City, Missouri Federal Opportunity Zone

### B. Sites

- a. Figure 1: 12<sup>th</sup> and Charlotte, Downtown Kansas City
- b. Figure 2: 3<sup>rd</sup> and Grand, River Market
- c. Figure 3: 31<sup>st</sup> and Troost Avenue

### C. Incentives

- a. KCATA will cooperate with the selected proponent(s) in seeking incentives of the City of Kansas City, the State of Missouri, and the KCATA.

### D. Zoning

- a. The 3<sup>rd</sup> and Grand Site is zoned Urban Redevelopment.
- b. The 12<sup>th</sup> and Charlotte Site is zoned DC-15.
- c. The 31<sup>st</sup> and Troost Site is zoned B4-5 and B3-2.

## Project Vision

To identify a financially viable redevelopment use(s) for each of the three TOD sites that:

- Increases transit linkages within and between riders, businesses and residents within each business district or neighborhood associated with each site proposed for TOD.
- Facilitates improved connectivity between the site(s).
- Ensures sustainable year-round utilization of private and public properties within each location that encourages stable and reliable economic growth for the area.

- Encourages activities that integrate with and do not conflict with other development efforts, tourism activities, or economic investments of the business districts and neighborhoods in which the three TOD sites are located.
- Improves access to and utilization of transit that includes: transportation, walkability, mobility, mixed use development and a variety of transit service choices.
- Honors the historic and economic significance of each site, access for the public, employees and riders of transit services associated with each TOD site, and using TOD development to foster economic and commerce opportunities in each location.
- Redevelop each TOD site as a catalyst or in conjunction with broader redevelopment opportunities within the area.

## Project Outcome

Desired TOD outcomes are expected for each site with recognition that it will vary by site and the type of development proposed however all proposals should address how their development will benefit: KCATA for ridership, stakeholders and generate revenues; create positive neighborhood impact; achieve established public policy objectives where applicable that include development, walkability, mobility, and public access to the project and transit services; advance mixed-use commercial and or mixed income residential development; and effectively implement Kansas City Missouri's Transit-Oriented Development Policy and KCATA's TOD Policy. Developers should also summarize how the development project(s) will benefit identified key organizational and TOD stakeholders.

The purpose of this Request for Proposal (RFP) solicitation is to select a qualified proposer or proposal team for each site. The proposing team will have proven experience, financial resources, and professional expertise to present a high quality financially feasible redevelopment proposal for the site. The RKCDC and or KCATA will consider TOD mixed uses that include commercial, residential, office, retail, and services supportive of public transit ridership or any other development that contributes to the redevelopment and in investment supportive of TOD outcomes for each site.

KCATA is looking for developers to propose on a single or multiple sites based upon their development interest and capability, noting there is NO REQUIREMENT to propose on more than one site for this TOD RFP. RKCDC and KCATA are seeking TOD development proposals for each site from one or more developers that support transit ridership, provide access to transit, help serve key stakeholders of KCATA, and generate development revenue to support transit services for KCATA.

RKCDC will work in coordination with the KCATA, FTA and the City of Kansas City, Missouri to promote TOD for all three sites. The TOD proposals for each site should provide sufficient development density to support transit operations and create economic value, benefit and positive impact to the business districts and neighborhoods in which each TOD site is located. Proposals should look beyond traditional development, and may include such considerations as Public/Private Partnerships, Joint Development, and other options that result in unique and impactful TOD.

Each TOD Development Proposal is expected to be site-specific and will:

- Provide improved connectivity and access to and through transit, mobility, and walkability, adding linkages to the surrounding neighborhoods and commercial district
- Support new revenue generation for KCATA
- Identify potential transit impact and benefits for development clients and customers that include: workers, riders, businesses, neighborhoods and the public through access
- Proposals should result in:
  - Project density enhanced and supported by transit through vertical development, development embedded transit services and creating street level public accessibility and location/neighborhood specific services
  - Mixed income residential housing
  - Mixed commercial use
  - The overall enhancement to quality of life for riders, residents and workers in the neighborhood and or business district
- Serve as a catalyst for economic growth and redevelopment compatible with the surrounding area, together with neighborhood and business district public and private plans for each site location.

**NO PROPOSAL REPLY FORM**

**PROPOSAL #A-08-52019**

**DEVELOPMENT OF KCATA PROPERTY AT 12<sup>th</sup> and Charlotte,  
3<sup>rd</sup> and Grand and 31<sup>st</sup> Street and Troost Avenue**

To assist RKCDC and KCATA in obtaining good competition on its RFP, we ask that if you received a solicitation but do not wish to propose, please state the reason(s) below and return this form to:

Frank White, Vice President, RKCDC, 1200 E. 18<sup>th</sup> Street, Kansas City MO 64108

This information will not preclude receipt of future invitations unless you request removal from the Proposer's List by so indicating below.

*Unfortunately, we must offer a "No Proposal" at this time because:*

\_\_\_ 1. We do not wish to participate in the proposal process.

\_\_\_ 2. We do not wish to propose under the terms and conditions of the Request for Proposal document. Our objections are:

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\_\_\_ 3. We do not feel we can be competitive.

\_\_\_ 4. We do not provide the services on which Proposals are requested.

\_\_\_ 5. Other: \_\_\_\_\_

\_\_\_ We wish to remain on the Proposer's list for these services.

\_\_\_ We wish to be removed from the Proposer's list for these services.

\_\_\_\_\_  
FIRM NAME

\_\_\_\_\_  
SIGNATURE

### III. Business/Firm Profile and Legal Structure

Please prepare responses for each of the following in the space provided:

1. Legal Name, address, phone, fax, e-mail, Federal ID#, and website address.
2. Brief history of business/firm including date the business/firm was established under the current name.
3. List all services provided by the business/firm.
4. Number of total employees including number of total employees in Kansas City, Missouri and number of employees in Greater Kansas City Area.
5. Type of ownership, or legal structure of business/firm.
6. Has the business/firm ever failed to complete work for which a development contract was executed? If yes, explain the circumstances.
7. Are there any civil or criminal actions pending against the business/firm or any key personnel related in any way to contracting? If yes, explain in detail. Are there any current unresolved disputes/allegations?
8. Provide a brief history of the business/firm's contractual litigation, arbitration, and mediation cases for the last five (5) years that are material and relevant to this contract.
9. Has the business/firm ever been disqualified from working for the City or any other public entity? If yes, explain the circumstances.
10. Proof of financial capacity to perform this contract such as Dun and Bradstreet, audited financial statements, bonding capacity.

### IV. Experience

Describe the five (5) most relevant or comparable developments completed by your business/firm/team during the past five (5) years.

For each listed development, provide a short summary that includes:

- the assigned project personnel
- development scope
- development cost
- the contracting entity's contact person, e-mail address, cell phone number, and telephone number
- summary of how your business/firm delivered services
- pricing and contractual compensation terms



## V. Management

Please prepare responses for each of the following:

1. Please provide listing of all partners and their respective roles.
2. The proposed capital ownership structure.
3. Project capital sources and uses.
4. Provide an organizational chart for the assigned staff.

## VI. Development Approach

Please prepare responses for each of the following:

1. A preliminary site program and design demonstrating a TOD development that addresses the issues detailed throughout this RFP. Proposals that do not achieve each component of the program must include a detailed explanation of such deviation.
2. Proposers shall provide a description of and conceptual drawings for their proposed development program inclusive of, but not limited to, the following: total gross building area, footprint of specific uses, description of appropriate urban design elements including street level pedestrian orientation/activation and connections to adjacent downtown districts.
3. Highlight unique services and management tools and indicate the benefits of them to the RKCDC and KCATA. What makes your business/firm better than the competition?
4. State approximate date your team is available to begin work on the project.
5. Discuss your transition plan to begin providing services.
6. Although there is no obligation to do so, each Proposer should feel free to provide a description of other factors not accounted for in the RFP that will underscore the Proposer qualifications to undertake the project and what is "unique" about their redevelopment concept.

## VII. References

Proposers are required to provide three (3) client references including contact information, for similar projects that the Proposer has completed within the past five (5) years.

It is preferred that at least one (1) client reference be a public and or government sector client.

## VIII. Sustainability

The KCATA supports an overall use of "green solutions" or enhanced sustainability measures that consider environmental quality, social equity and economic vitality. In order to minimize waste, enhance efficiencies, and achieve multiple benefits and project synergies, responses to this TOD RFP must identify

opportunities for sustainability improvements and implement those improvements when financially reasonable and operationally practical.

Incorporate sustainability and efficiency into the planning, design, construction, operation and maintenance of the project. Highlight each component of the project that you feel deserves consideration in this context and demonstrate how sustainability and efficiency are integrated into the plan.

If it is not possible to comprehensively integrate significant sustainability measures, then highlight elements you feel deserve consideration in this context.

1. Include a concise summary of your company's policies, strategies, and actions that demonstrate your philosophy and commitment to sustainability.
2. Describe how your Development will address the sustainability goals referenced in this RFP specific to the project site (s) on which you are proposing.

## **IX. Development Finance Information**

All proposers shall submit a preliminary financial proposal consistent with the issues detailed throughout this RFP. Proposals shall include, but shall not necessarily be limited to:

1. 10-year operations pro forma
2. 10-year cash flow pro forma
3. Term sheets for all debt and equity to be secured by private financing.
4. Evidence of the Proposer ability to obtain or provide the necessary financing proposed. Proposals should secure the participation of financial institutions in the preparation and submission of the RFP response.
5. A description of how the Proposer will secure the completion of the project to the satisfaction of the RKCDC and or KCATA. For example, completion guarantees, surety bonds, letters or credit, etc.
6. Cash Flow: As stated above, every response should include a 10-year cash flow statement and should detail all sources and uses of cash including distributable income. All entities that are to receive distributions should be identified.
7. A preliminary development budget detailing both soft and hard cost.
8. As stated above, financial Information should include term sheets for all sources, types and terms of anticipated financing, construction and permanent, debt and equity. Proposers with letters from lenders and, if applicable, equity investors, stating an intention to provide funding will be viewed as more favorable.
9. All firms are required to permit the RKCDC and or KCATA or its agents to inspect and examine



their financial statements. Each firm shall submit its audited financial statements for the number of years required by this RFP, in the form of its: (1) balance sheets, income statements, and annual reports; (2) tax returns; or (3) SEC filings. If a firm is privately held and asserts that any of its financial statements are confidential trade secret information, the firm shall make those statements which it asserts are confidential available in Kansas City, MO, for inspection and examination by the appropriate RKCDC and or KCATA staff or advisors or consultants prior to evaluation rating or no later than the time specified in writing by RKCDC and or KCATA.

## **X. Incentives and Other Costs**

- Each proposal must demonstrate its financial feasibility and economic viability. Subject to demonstrated evidence that financial assistance is needed, the RKCDC and or KCATA may support Proposals that require incentives of some yet to be defined type. However, Proposals that do not require any assistance or incentives of any kind, or Proposals that reduce necessary credit support/enhancements through creative financial and ownership structures, will be viewed as more favorable.
- Proposers shall clearly detail type, amount(s), and structure of any/all required public incentives.

**ATTACHMENT A.**

**KANSAS CITY AREA  
TRANSPORTATION AUTHORITY**

**TRANSIT-ORIENTED DEVELOPMENT  
POLICY GUIDELINES**

**KCATA Transit Oriented Development Policy (Adopted 07/26/2017)**

**POLICY INTRODUCTION**

The Kansas City Area Transportation Authority (KCATA) and the RideKC Development Corporation are engaged in the Transit-Oriented Development (TOD) projects and consider that future transit development opportunities are beneficial to the vision, mission, values, and stakeholders of RKCDC and KCATA. To help consider future transit development or TOD opportunities development of enabling policies, goals and measurements are needed to guide decision to review and when appropriate participate in transit opportunities, projects corridors that support transit ridership, stakeholders and revenue. These policies help RKCDC and KCATA to define what TOD and transit development opportunities best serve the goals of the Corporation and KCATA, how much and what type of capital investment might be considered, what the project development process will look like, how the RKCDC and KCATA will evaluate projects to support and measure the types of outcomes and results for a project that addresses TOD or transit development opportunities.

As suggested by the name TOD is anchored by some form and or combination of public transportation. While most often associated with rail, TOD can be effectively implemented along Bus Rapid Transit (BRT) corridors and other modes of public transit. It has been widely accepted as an important planning paradigm to create attractive, livable, walkable and sustainable urban environments. The purpose of TOD is to concentrate higher density housing, commercial and mixed-use development close to existing transit infrastructure, thereby providing alternatives to automobile utilization. Traditionally, TOD development radiates roughly a half mile or less than 10 minutes walking distance from its anchoring transit station.

Most often TOD consists of the following mix of design characteristics:

- Mix of commercial, residential and office land uses
- Moderate-to-high residential densities, mixed income and workforce housing
- High-quality pedestrian environments emphasizing access and mobility options
- Supports various forms of public and private transit and transportation
- Builds or improves public transit connections between and with workforce, residential, industrial/commercial, retail and entertainment.

A mix of compatible land uses is the most desirable in TOD developments allowing for denser developments that are walkable, accessible by the public and decreasing dependency on the automobile. Typical land uses include multi-family residential which should emphasize mixed income and rates, retail and office use. Increased density is a critical aspect of successful TOD that includes, business, workforce, residential and other uses.

In TOD developments, most structures are designed at medium-to-high unit density. Residential density thresholds are often necessary to guarantee a certain population in the area to create economic benefits that include supporting area businesses. This is measured by the number of housing units per acre. For non-residential uses such as offices, planning guidelines such as Floor Area Ratio (FAR), lot coverage, and building massing are used to control and maintain the density.

Creating a high-quality pedestrian environment is the most important aspect of TOD. Ensuring easy and nearby access and walking routes which are comfortable and safe, enjoyable streetscapes and vibrant and interactive public spaces that stand out and encourage people to utilize transit over automobiles. Those characteristics of TOD are achieved through good urban planning and landscape design. Design elements include wide sidewalks, aesthetically pleasing building façades, buildings with street frontage and more. Bicycle, scooter and automobile parking and access are also significant design factors to consider in TOD developments.

TOD developments will look different in a downtown setting than they will at a site more removed from the central business district. Consideration should be given to the surrounding area to determine what level of density, building height, land uses, and business types to encourage in each respective development, project area, and integration into surrounding neighborhoods.

## **PURPOSE/MISSION**

Purpose: “To identify and prioritize transit development opportunities and transit-oriented development that has the potential to create economic value through enhanced ridership, new revenues, and benefit key stakeholders with KCATA services and programs.”

Mission: “To identify TOD development and investment strategies that build customer value for KCATA ridership, stakeholders and new revenue sources while leading, supporting and assisting Transit-Oriented Development.”

## **GOALS**

The KCATA has several economic development goals relating to TOD, with RideKC Development Corporation created and tasked with advancing the below goals for KCATA:

- Growing “transit” riders which create economic benefits for nearby neighborhoods and businesses, including more transit choices.
- Generate new revenues and revenue sources associated with transit-oriented development while supporting riders through development opportunities, projects, and corridors.
- Improve quality of life through transit-related investments:
- Access to employment opportunities, new investments, reduce crime, decrease vehicular traffic, congestion, and environmental impact, cost savings and other benefits for transit riders.
- Support increased residential and commercial activity, including density which benefits from public transit ridership and investment.
- Emphasize and encourage public-private partnerships to better extend and leverage KCATA’s capital, while engaging and supporting the private sector to undertake development, investment and job creation associated with transit development projects and TOD.
- The types of development, projects, and initiatives that are expected to come forward for Board of Commissioner consideration where “TRANSIT” is a key component are expected to be driven by stakeholder, market demand and development responses to marketplace needs, priorities and removing development barriers. Examples of development, project and transit initiatives that may emerge include: mixed-use development; residential and multi-family and senior development, retail, commercial and industrial development, and tools and resources to support these examples located in our major: growth, transit locations, and transit corridors.
- After a short ramp-up period to build a “book” of economic development projects, future revenues generated from all transit development projects will be placed in a separate Economic Development Fund to help build budget capacity for Transit-Oriented Development opportunities and growth that create value for ridership, stakeholders through RKCDC and KCATA.

All policies adopted by RKCDC and KCATA should ensure they are in alignment with the mission and goals set forth by each agency.

## **KCATA TOD POLICY GUIDELINES**

### **Board Approval/Budget for Capital Investment**

The Board of Commissioners will give full consideration to Transit Development Opportunities and TOD that support and promote transit, development, value, and benefits for riders and stakeholders, especially along existing transit corridors and in areas creating new transit demand and development opportunities. Following recommendations by RKCDC, the KCATA's Board of Commissioners and President & CEO shall be involved reviewing and approving the use of funds for any specific development project or economic development initiative determined to support the goals of KCATA, Economic Development and RideKC Development Corporation.

When seeking a return on its investment, RKCDC and KCATA will consider and determine what amount of return it expects to receive, including if it is willing to negotiate or defer a financial return of its investment of capital and resources, or set it aside, based upon the individual merits of each development project request made of RKCDC and or KCATA, including the development impact projected to surrounding community and project area that support broader stakeholder goals.

General Actions and Activities by the Corporation Board and Board of Commissioners may also include:

- KCATA will seek out alternative capital, finance and revenue generation sources, and tools beyond the annual capital budget of KCATA. RKCDC and KCATA will also work with and alongside our stakeholders, state and federal partners, and development partners working with both organizations in pursuit of providing development tools and resources to support transit through economic development.
- All Projects or Developments seeking and considered by RKCDC and KCATA must be reviewed and qualified to affirm they include: the project and or development and initiative has been thoroughly researched and vetted; deemed to be financially viable; clearly recognized to specifically support Transit-Oriented Development goals; possess experienced and development partners and or agencies, including strong preference for a successful track record of experience and involving MBE/WBE and local participation.
- RKCDC and or KCATA may consider providing: financial capital to a development, project or initiative if it is deemed necessary, vital and or impactful to supporting and creating transit benefits, new revenues and overall supportive of transit goals and objectives.
- RKCDC and or KCATA may acquire, assemble, use eminent domain, finance or issue debt, sell or lease property to assist in development of a project, development or transit corridor, including entering into Public/Private Partnerships.
- Infrastructure investments, demolition and or eminent domain made by KCATA that support transit development and projects may be considered as a necessary investment and step for development or a project to reach full and successful implementation.
- RKCDC and or KCATA may consider the use of new "development tools" when funding sources have been identified that support low-interest rate (or "patient capital") loan programs available to qualified developers and small business borrowers whose work directly aids transit through encouraging development along prioritized transit corridors and at TOD nodes.
- All projects and development investments reviewed and approved by the Board of Commissioners that are approved to receive financial participation or assistance from the KCATA will also require some

“reasonable level” of equity participation by the developer, project partner(s) and participating entity to ensure capital and development risk is not solely bore by KCATA.

- RKCDC and or KCATA may consider deferring or setting aside returns on its investment(s) based on development or project’s merit, including impact to transit and development. Organization considerations may extend to advancing capital, deferring or setting aside development fees, bond issuance fees, project administration fees, and reducing or deferring until market stabilization a Return on Investment to achieve mission and goals for transit-related development and projects.

## **Project Process**

Projects seeking RKCDC and or KCATA participation will be subject to budget and funding availability and authorization from the Corporation Board and Board of Commissioners. A Project Application with supporting materials will be submitted to Economic Development staff. After staff’s review of the application, it is ready for submittal and recommendation to the Economic Development Committee (EDC), including assessments and recommendations by internal and external parties engaged by KCATA to help evaluate the project’s investment and development merit and negotiation for desirable terms.

The EDC will review and evaluate projects and consider the recommendations of the Economic Development staff. Upon a project’s review by the EDC, staff will provide the RKCDC Board a review and recommendation for action to the Board of Commissioners (BOC) for Board consideration.

The BOC will review and evaluate projects considering the recommendations of staff and EDC, making the final decision on the KCATA’s level and terms of participation in the proposed development project.

## **Project Evaluation/Measurement**

The RKCDC (Development Advisory Committee) will use the following criteria to evaluate and measure proposed development projects, and to make recommendations to the RKCDC Board, and possibly the KCATA Board of Commissioners:

- Does the development and or project achieve the RKCDC and or KCATA’s overall vision, mission, and goals specific to Transit Development or TOD?
- Is the development adjacent to or near an existing KCATA transit corridor?
- Is the development located at an identified or proposed TOD node?
- Will the development produce a positive return and or other identified benefits for the investment made by RKCDC and or KCATA during the first ten years, regardless of the type of investment, and if so, quantify the projected return? How much?
- Does the development or project support riders, key stakeholders and public or private development partners?
- Will the development or project create long-term economic value including jobs and increase the tax base?
- How many potential new jobs, residents and riders will be created and how many new businesses will be attracted to the development area?
- Are development partners utilizing MBE/WBE and local contractors and vendors?
- Will the development assist in the reduction of crime in the project area?
- Will the development increase surrounding property values?
- Is the project likely to help stimulate further development and investment in surrounding properties, intersections, corridors and developments?
- Will the project or development increase ridership for the KCATA?
- Will the development increase revenue for RKCDC and or KCATA? What are the projected returns over time?
- Is the development likely to lead to new business and job creation?

- Is the proposed development consistent with approved area plans, and if deviating from them they account for the proposed changes?
- Does the development or project increase ridership and benefits for riders at the development site?
- What major economic, neighborhood groups, organizations, and community or local government priorities are being addressed by this development request. Would this development or project likely happen without the participation of RKCDC and or KCATA?
- Are there groups on record supporting the development proposal, and or what groups or individuals are opposed? What has been done to address local concerns?
- Does local government support the project?

To gain the support of the RKCDC and KCATA an evaluation will be made for each development site and proposal in evaluating and measuring the criteria that are met.

## **Implementation**

Following review and recommendations to decline and or advance, development projects will review RKCDC and KCATA Board approvals, enabling the project to advance per contract into an implementation phase. Specific considerations must be given to projects in the implementation phase to assist in making the process smoother for all interested parties.

- Work with local, state and federal jurisdictions to determine what applications, permits, and approvals will be required.
- Sign agreement with all project partners clearly outlining the role of each partner and its respective responsibilities.
- The development group seeking RKCDC and or KCATA assistance agrees to provide reasonable reports of progress periodically, including documentation to address measurable outcomes agreed to by all parties. RKCDC and KCATA will set specific investment goals and terms or terms for deferral or waiver. The development team benefiting from RKCDC and KCATA's participation will help track the project's milestones including investments during and following project implementation to determine if both organization's goals have been met.

## **Additional Policy Considerations**

A regional approach to transportation will help make the region, RKCDC and KCATA more successful in providing high-quality transit service, including transit informed development. Furthermore, zoning, land use, development incentives, parking requirements and other policy decisions which are beyond the control of the RKCDC and KCATA will have a significant impact on the ultimate success of any TOD development or project pursued by either organization.

The RKCDC and KCATA should encourage and support policies enacted by area political subdivisions which support transit and TOD development. Specifically, both organizations should support and encourage policies which promote transit plans for developments and employers and public places that account for density near transit stops, reduce minimum parking requirements, enhance the pedestrian experience, encourage a mix of land uses, promote business and job creation.

The City of Kansas City, Missouri has adopted a TOD policy providing guidance on this development approach. The developer will work collaboratively with KCATA and with the City of Kansas City to ensure that the TOD policy goals for development align as much as possible with the TOD Policy and support the mission and goals of the RKCDC and KCATA.

## **Conclusion**

RideKC Development Corporation and the Kansas City Area Transportation Authority's first TOD projects should be done carefully. Great consideration must be given to the overall mission and goals of the organization and those specific to Transit Development and TOD. The development of transit-oriented developments can assist both organizations, and KCATA in increasing ridership, building stakeholder value, and creating new revenues or revenue neutral impact while helping stakeholders and riders by following TOD design concepts. TOD development can have an overall positive impact in the communities where they are developed, and the Kansas City region. The promotion and support of policies enacted by area agencies and municipalities will help the region develop a robust transit system geared towards TOD and more sustainable development practices. Regardless of what TOD projects RKCDC and KCATA decide to undertake, they will ensure that it continues to provide high-quality service which serves the needs of riders.

**ATTACHMENT B-1  
AFFIDAVIT OF PRIMARY PARTICIPANTS  
COMPLIANCE WITH SECTION 285.500 RSMO, ET SEQ.  
REGARDING EMPLOYEE ELIGIBILITY VERIFICATION**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared \_\_\_\_\_, personally known by me or otherwise proven to be the person whose name is subscribed on this affidavit and who, being duly sworn, stated as follows: I am the \_\_\_\_\_ (title) of \_\_\_\_\_ (business entity) and I am duly authorized, directed or empowered to act with full authority on behalf of the business entity in making this affidavit.

I hereby swear or affirm that the business entity does not knowingly employ any person in connection with the contracted services who does not have the legal right or authorization under federal law to work in the United States as defined in 8 U.S.C. §1324a(h)(3).

I hereby additionally swear or affirm that the business entity is enrolled in an electronic verification of the work program operated by the United States Department of Homeland Security (E-Verify) or an equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, under the Immigration Reform and Control Act of 1986, and that the business entity will participate in said program with respect to any person hired to perform any work in connection with the contracted services.

I have attached hereto documentation sufficient to establish the business entity's enrollment and participation in the required electronic verification of work program. I shall require that the language of this affidavit be included in the award documents for all sub-contracts exceeding \$5,000.00 at all tiers and that all subcontractors at all tiers shall affirm and provide documentation accordingly.

\_\_\_\_\_  
Affiant's signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

**NOTE:** An example of acceptable documentation is the E-Verify Memorandum of Understanding (MOU) – a valid, completed copy of the first page identifying the business entity and a valid copy of the signature page completed and signed by the business entity, the Social Security Administration and the Department of Homeland Security.



**ATTACHMENT B-2  
AFFIDAVIT OF LOWER-TIER PARTICIPANTS  
COMPLIANCE WITH SECTION 285.500 RSMO, ET SEQ.  
REGARDING EMPLOYEE ELIGIBILITY VERIFICATION**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me appeared \_\_\_\_\_, personally known by me or otherwise proven to be the person whose name is subscribed on this affidavit and who, being duly sworn, stated as follows: I am the \_\_\_\_\_ (title) of \_\_\_\_\_ (business entity) and I am duly authorized, directed or empowered to act with full authority on behalf of the business entity in making this affidavit.

I hereby swear or affirm that the business entity does not knowingly employ any person in connection with the contracted services who does not have the legal right or authorization under federal law to work in the United States as defined in 8 U.S.C. §1324a(h)(3).

I hereby additionally swear or affirm that the business entity is enrolled in an electronic verification of work program operated by the United States Department of Homeland Security (E-Verify) or an equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, under the Immigration Reform and Control Act of 1986, and that the business entity will participate in said program with respect to any person hired to perform any work in connection with the contracted services.

I have attached hereto documentation sufficient to establish the business entity's enrollment and participation in the required electronic verification of work program. I shall require that the language of this affidavit be included in the award documents for all sub-contracts exceeding \$5,000.00 at all tiers and that all subcontractors at all tiers shall affirm and provide documentation accordingly.

\_\_\_\_\_  
Affiant's signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

**NOTE:** An example of acceptable documentation is the E-Verify Memorandum of Understanding (MOU) – a valid, completed copy of the first page identifying the business entity and a valid copy of the signature page completed and signed by the business entity, the Social Security Administration and the Department of Homeland Security.

**ATTACHMENT C-1  
CERTIFICATION OF PRIMARY PARTICIPANT  
REGARDING DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS**

The Primary Participant (applicant for an FTA grant or cooperative agreement, or potential Contractor for a major third-party contract), \_\_\_\_\_ certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this bid, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three-year period preceding this application/bid had one or more public transactions (Federal, State or local) terminated for cause or default.

If the primary participant (applicant for FTA grant, or cooperative agreement, or potential third-party Contractor) is unable to certify to any of the statements in this certification, the participant shall attach an explanation to this certification.

**THE PRIMARY PARTICIPANT (APPLICANT FOR AN FTA GRANT OR COOPERATIVE AGREEMENT, OR POTENTIAL CONTRACTOR FOR A MAJOR THIRD-PARTY CONTRACT), \_\_\_\_\_ CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C., SECTIONS 3801 *ET SEQ.* ARE APPLICABLE THERETO.**

\_\_\_\_\_  
Signature and Title of Authorized Official

\_\_\_\_\_  
Date

**ATTACHMENT C-2  
CERTIFICATION OF LOWER-TIER PARTICIPANTS REGARDING  
DEBARMENT, SUSPENSION, AND OTHER INELIGIBILITY  
AND VOLUNTARY EXCLUSION**

The Lower Tier Participant (potential sub-grantee or sub-recipient under an FTA project, potential third-party Contractor, or potential subcontractor under a major third-party contract) \_\_\_\_\_, certifies, by submission of this bid, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

If the Lower Tier Participant (potential sub-grantee or sub-recipient under an FTA project, potential third-party Contractor, or potential subcontractor under a major third-party contract) is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this bid.

**THE LOWER-TIER PARTICIPANT (POTENTIAL SUB-GRANTEE OR SUB-RECIPIENT UNDER AN FTA PROJECT, POTENTIAL THIRD PARTY CONTRACTOR, OR POTENTIAL SUBCONTRACTOR UNDER A MAJOR THIRD-PARTY CONTRACT), \_\_\_\_\_, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C., SECTIONS 3801 *ET SEQ.* ARE APPLICABLE THERETO.**

\_\_\_\_\_  
Signature and Title of Authorized Official  
  
\_\_\_\_\_