

REQUEST FOR APPLICATIONS (RFA)

**District of Columbia
Office of the Deputy Mayor for Education**



2016 UDC Community College Relocation Feasibility Study Grant

RFA Release Date

Wednesday, January 13, 2016

Pre-proposal Meeting Date:

Thursday, January 28, 2016

Application Submission **Deadline Extended**

Monday, March 7, 2016

**APPLICATION CHECKLIST
2016 UDC COMMUNITY COLLEGE
RELOCATION FEASIBILITY STUDY
GRANT**

- ☐ Five (5) hard copies of the application (3-ring bound) and one (1) electronic copy emailed to dme.udcgrant@dc.gov (all documents combined into one PDF file). If the Applicant fails to submit five (5) hard copies and one (1) electronic copy in one PDF File, the application **will not** be reviewed.
 - The hard copies of the application must be delivered to: Taneka Miller, Office of the Deputy Mayor for Education, 1350 Pennsylvania Ave. NW, Suite 307, Washington, DC 20004. Applications received at or after 5:01 p.m. EST, on Wednesday, February 17, 2016, will not be reviewed. Applicants will not be allowed to assemble application materials on the premises of the Office of the Deputy Mayor for Education (DME). Applications must be ready for receipt by the DME.
 - The electronic application must be in PDF format (one file or multiple files – being sure to name the files accordingly – [Organization Name - UDC Community College Relocation Feasibility Study RFA15DOP.pdf](#) and so on). The applicant has responded to all sections of the Request for Applications (“RFA”) and the application contains all the information and attachments requested.
- ☐ Application Cover Sheet, with signature.
- ☐ Proposal Narrative (not to exceed 10 pages).
- ☐ Proposed Budget Form with narrative.
- ☐ If a 501(c)(3) organization, a valid 501(c)(3) designation letter from the Internal Revenue Service, documenting the organization or the fiscal sponsor’s tax exempt status as a non-profit organization, if applicable.
- ☐ A recent DC Clean Hands Form from the DC Office of Tax and Revenue showing the organization and/or fiscal sponsor is in good standing, if applicable.
- ☐ A recent Certificate of Good Standing from DC Department of Consumer and Regulatory Affairs.
- ☐ Evidence of Community Support – evidence of support from a community organization(s), school, funder, or other entity familiar with the services provided by the Applicant.

SECTION 1: GENERAL INFORMATION

1.1 Introduction

The University of the District of Columbia (UDC) is the sole public institution of higher education in the District of Columbia. The University is comprised of a Community College, School of Engineering and Applied Sciences, School of Business and Public Administration, College of Arts and Sciences, College of Agriculture, Urban Sustainability and Environmental Sciences, and the David A. Clarke School of Law. With the exception of the Community College (UDC-CC), all of UDC's schools are located on its main campus in Van Ness, Washington, DC. UDC-CC has several different locations. Those locations are listed below:

- The UDC-CC Center (the main hub of UDC-CC) - 801 North Capitol St. NE,
- Bertie Backus - 5171 South Dakota Ave. NE,
- PR Harris EC - 4600 Livingston Rd., SE,
- Shadd - 5601 East Capitol St. SE,
- United Medical Center - 1310 Southern Ave. SE,
- St. Elizabeths (R.I.S.E. Demo Center) – 2730 Martin Luther King Ave., SE,
- Excel Institute – 1235 Kenilworth Ave., SE,
- Green Leaf Gardens – 203 N St., SW, and
- Reagan National Airport, Hangar #2

The District of Columbia, by and through the Office of the Deputy Mayor for Education (DME), is soliciting grant applications from for-profit and non-profit organizations to conduct a study of the optimal location(s) for the UDC-CC; the 2016 UDC Community College Relocation Feasibility Study Grant ("Grant"). The Grant is a one-time grant of operating funds not to exceed \$150,000. The funds were allocated by the Council of the District of Columbia pursuant to section 4152(a)(1) of the Fiscal Year 2016 Budget Support Act of 2015 (A21-148) to "evaluate the cost, benefits, and feasibility of relocating the University of the District of Columbia Community College..." This study serves an important public service to the District and must provide forward-thinking, strategic recommendations to help shape the future direction of the UDC's facility and program planning, while evaluating the current locations, and space and program needs of UDC-CC. The study must also take into account the ever-changing shifts in education and instruction that will be necessary to train and educate District residents and put them on a path to the middle class.

1.2 Grant Award

A total of \$150,000 is available for award through the 2016 UDC Community College Relocation Feasibility Study Grant. Award amounts can range from \$100,000 to \$150,000. The Grant period will be from the date of award until September 30, 2016, provided that the grantee successfully meets its performance objectives, which will be articulated to grantees via a Performance Agreement that will be executed between the grantee and the DME prior to the disbursements of any grant funds.

1.3 Eligibility

An Applicant applying for the 2016 UDC Community College Relocation Feasibility Study Grant is subject to the following criteria to be eligible to apply under this RFA:

- Qualified for-profit or non-profit organization providing consulting services related to educational real estate, educational facilities, real estate development, portfolio management, architectural services, and/or urban planning with a focus on education, and or the development of college facilities plans. Applicants must have a demonstrated track record of completing similar projects.
- Non-profit Applicants must verify their non-profit status by submitting a valid 501(c)(3) designation letter from the Internal Revenue Service, documenting the organization or the fiscal sponsor's tax exempt status as a non-profit organization.
- Applicants must submit a recent DC Clean Hands Form (August 1, 2015 or later) from the DC Office of Tax and Revenue showing the organization and/or fiscal sponsor is in good standing. The application for this form can be found at <https://ocfocleanhands.dc.gov/cch>
- Applicants must submit a Certificate of Good Standing from the DC Department of Consumer and Regulatory Affairs ("DCRA"). The Certificate shall be current to within 60 days of the application submission.
- Applicant must demonstrate prior experience and success with planning studies similar to what is proposed in response to this RFA.
- Each submission to this RFA should include the following:
 - Applicant's primary Point of Contact (POC) and legal address;
 - Brief organizational description (i.e. corporation, non-profit or charitable institution, partnership, LLC, etc.) and under which laws it is operating;
 - An organizational chart or description of key personnel or team members (if a team is proposed) who will be working on the project including a description of their roles and relevant experience;
 - Name, address, telephone number, and e-mail address of each team member, including the identity of each principal, partner, or entity that composes such team member;
 - Signed tax certificate affidavit.
 - Legal status of each key team member, including the state under whose laws the organization/corporation is organized and operating.
 - Previous experience for each team member delivering the types of services that such team members will be providing in the redevelopment and operation of the Reuse Site(s); including at least two professional references;
 - A description of comparable project(s) and visual documentation (photos and/or portfolio presentations), where available;
 - A description of aspects of the projects (e.g., comparable university, student and community demographics) make it comparable to Applicant's submission;

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

1.4 Permissible Use of Grant Funds

Grantees may only use grant funds for allowable grant project expenditures during the grant award period.

SECTION 2: SCHEDULE

2.1 RFA Release

The release date of the RFA is **Wednesday, January 13, 2016**. The RFA is available on-line at www.dme.dc.gov.

2.2 Contact Person

Applicants are advised that the authorized contact person for all matters concerning this RFA is:

Ms. Taneka Miller
Office of the Deputy Mayor for Education
1350 Pennsylvania Ave. NW, #307
Washington, DC 20001
taneka.miller@dc.gov

Applicants should direct all questions regarding this RFA by email to the contact person listed above.

2.3 Pre-proposal Meeting

A pre-proposal meeting will be held on **Thursday, January 28, 2016** from 1:00-3:00 p.m. in order to answer questions regarding this RFA at UDC-CC, 801 North Capitol Street, NE, Room 810, Washington, DC 20002. Interested parties must contact Ms. Taneka Miller in order to RSVP for this meeting by **Tuesday, January 26 2016**.

2.4 Application Deadline

Applications are due on **Monday, March 7, 2016** by 5:00 pm and must be delivered to Ms. Taneka Miller at the address provided above.

2.5 Updates

Information and updates regarding this RFA will be made available on-line at www.dme.dc.gov or via email through the Office of Partnerships and Grant Services Funding Alert.

2.5 Timetable for Evaluation and Award

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

Issuance of RFA:	Wednesday, January 13, 2016
Pre-proposal meeting:	Thursday, January 28, 2016
Applications Due:	Monday, March 7, 2016
Award Issued:	Spring 2016

SECTION 3: SCOPE OF PROGRAM

3.1 Program Scope

As stated above, the purpose of the grant is to provide a study to include assessing space utilization, space programming, and current and projected student trends for UDCC as a whole and for each UDC-CC location that evaluates the cost, feasibility, benefits, and disadvantages of relocating and/or consolidating UDC-CC by program and location. The study should include each of the existing locations, as well as make recommendations on any other appropriate location(s). Locations to be proposed in the study shall include those east of the Anacostia River, the UDC Van Ness Campus, and any other location within Washington, DC.

The study must:

- Provide a comparative analysis that assesses feasibility of:
 - not moving from existing locations
 - relocation to other locations,
 - a partial consolidation and
 - a full consolidation.
- Respond to the following inquiries:
 - Can UDC-CC be relocated and or consolidated and at what cost? (The cost analysis should consider both the upfront capital investment as well as the anticipated impact on operational costs.)
 - If relocated, what location(s) are the most strategic, feasible, financially viable, and beneficial to UDC-CC, its students, the University of the District of Columbia system, as well as the city as a whole?
- Include a complete space programming and portfolio analysis of each academic division and location of the UDC-CC;
- Evaluate the prescribed educational goals of the UDC-CC against each proposed location and scenario outlined in the study;
- Include the student participation and accessibility of each current and proposed location of UDC-CC;
- Analyze student trends in participation and project feasibility of location based on current participation and growth patterns; and
- Evaluate other city planning efforts and include whether or not the relocation has development potential for the surrounding community.

SECTION 4: APPLICATION CONTENT

4.1 Description of Application Content

Three-Ring-Bound Hard Copies – The Applicant has responded to all sections of the RFA and the Three-Ring-Bound hard copies contain all the information and attachments requested.

The cover of the Three-Ring-Bound Hard Copies must clearly display the following: 1) **Application in Response to 2016 UDC Community College Relocation Feasibility Study RFA** and 2) the **Applicant's Name**. The Three-Ring-Bound Hard Copies must contain all of the following with the requested information.

- Application Cover Sheet (See Attachment A)
- Tab One: Executive Summary
- Tab Two: Table of Contents
- Tab Three: Required Qualifications
- Tab Four: Proposal Narrative
 - Proven Excellence
 - Statement of Need
 - Program Description
- Tab Five: Proof of Ability to Conduct Study
- Tab Six: Board Governance or Corporate Structure & Key Staff
- Tab Seven: Detailed Budget with Narrative and proposed uses of the grant funds
- Tab Eight: Timeline
- Tab Nine: Required Appendices
- Tab Ten: Additional Appendices (as determined by Applicant)

4.2 Description of Application Sections

The purpose and content of each section is described below. Applicants should include all information necessary to adequately describe the proposed project.

4.2.1 Tab One – Executive Summary

The Applicant must use this section to: 1) provide a brief background and history of the organization, 2) describe the organization's qualifications for conducting a higher education, real estate and planning feasibility study, 3) name a minimum of two (2) colleges or universities, the organization has conducted feasibility studies, facilities planning, or urban planning for and or regarding, and 4) the outcomes of those studies or plans.

4.2.2 Tab Two – Table of Contents

The Table of Contents should list major sections of the application with a quick reference page index.

4.2.3 Tab Three – Required Qualifications

The Applicant must meet the following criteria in order to be considered for this grant:

- Must have experience completing master plans, feasibility studies, facilities planning, or urban planning studies for a minimum of two (2) Educational clients (University and/or College's) within the past ten (10) years or less from the date of advertisement.
- Must have experience completing a minimum of two (2) Master Plans for clients with greater than 100,000 GSF of building space.

4.2.4 Tab Four – Proposal Narrative

The applicant must demonstrate proof of the quality of its services. Please include the following:

- Mission and history of organization/program.
- Qualifications for conducting a higher education facility feasibility study.
- Names of a minimum of 2 colleges or universities, the organization has conducted feasibility studies, facilities planning, or urban planning for and or regarding.
- Outcomes of any feasibility studies or plans created.
- Proposed activities this grant will fund.
- Key partnerships with schools, businesses, or other organizations that are central to implementing the proposed activities funded by this grant.

4.2.5 Tab Five – Proof of Ability to Conduct Study

The following will be required in the feasibility study; the Applicant must demonstrate proof of ability to produce the following:

- A site plan and portfolio analysis which documents opportunities and issues associated with building expansion opportunities in the context of the District's Comprehensive City Planning efforts for multiple campus locations, including student feedback, usage and trends.
- Feasibility and Cost Analysis, detailed for each potential site identified.
- Cost Analysis of UDC-CC current operating sites and cost of relocating and or consolidating those sites to any of the potential sites identified.
- Public/Private Partnerships Analysis detailing opportunities to help finance and support ongoing costs of major projects and any development potential.
- Building Systems Renewal Assessment to document essential replacement or overhaul of building components needed to preserve functionality and extend building lives for each potential site identified.
- Deferred Maintenance Issues, comprehensive assessment (floors, ceilings, etc. for each potential site identified.
- Local and Federal Code and Regulation Compliance Issues., Compile a comprehensive analysis of Federal and local codes and regulations detailing areas where the College may not be in full compliance. The vendor must detail particular opportunities to enhance ADA access, storm-water strategies, NEC,

AHSRAE, ICC, with consideration for future or upcoming changes for each potential site identified.

- Sustainability Analysis with recommendations and potential associated costs for each potential site identified.
- The study will encompass a time horizon of at least ten years with a longer look at some issues as necessary.
- Future enrollment assumptions will be developed for all locations and major program areas.
- A space classification approach for facility space/room allocation at any identified sites congruent with current and future programmatic offerings at the community college.
- The study will reflect the University's Strategic Plan priorities and long-term recommendations established in other institutional plans, e.g., Enrollment Management Plan.
- The District's Comprehensive Plan should be used to help inform the study. An update to the Comprehensive Plan is being launched in 2016 and amendments to educational facilities policies and actions should be considered, as needed.
 - Coordinate with the Office of Planning for guidance on land use that is outlined in the Comprehensive Plan, Small Area Plans and other relevant planning efforts.
- Descriptions of building systems at any potential site identified including:
 - HVAC system servicing the space, its capacity and additional capacity available within the building;
 - Description of Building's security and access control;
 - Description of any amenities the building has such as a gym and lab or shop space;
 - Description of energy efficiency programs and equipment;
 - ADA compliance; and
 - Description of any proposed renovations planned for the building.
- Details on each property named as a potential site including:
 - Ownership information including:
 - Evidence of control of property and timely availability of the Premises;
 - Certification of (corporate) Good Standing with the Department of Consumer and Regulatory Affairs ("DCRA");
 - Certification of Good Standing from the Office of Tax and Revenue (OTR) and Department of Employment Services (DOES) certifications;
 - Management structure; and
 - Evidence of Landlord's wherewithal to fund tenant improvements and ongoing building operations. Recipient to support or stimulate the accomplishment of a public purpose as defined by the Federal or District law that authorizes the grant. A detailed description of the Lender(s) associated with this property and any liens and/or ground leases that may or will encumber this Building.
 - Floor plans delineating specific floors and square footage;

- Description of the condition of space;
- Common area factor; and
- Landlord's agreement to utilize BOMA standard of measurement for the building and premises.
- Historic building and historic district designation, if applicable.

4.2.6 Tab Six – Board Governance or Corporate Structure & Key Staff

This section is designed to solicit professional bios of all of the staff associated with the proposed project – Board Members or Corporate Structure, & Key Staff. Bios should be of professional quality and provide enough detail (**one or two paragraphs**) for the District to ascertain the project team's ability to provide high quality services.

NOTE: If a related entity provides management support, bios on key individuals are also required.

4.2.7 Tab Seven – Proposed Budget and Budget Narrative

The Applicant must submit a completed Proposed Budget Form (see Attachment B). In this section, the Applicant should also provide a detailed description of the proposed use of funds.

4.2.8 Tab Eight – Timeline

Any submission to the RFA must include a timeline by which the Applicant proposes to complete required sections of the UDC-CC study.

4.2.9 Tab Nine – Required Appendices

- Appendix 1 – Proposed Program Budget Form
- Appendix 2 – Articles of Incorporation
- Appendix 3 – Audited Financial Statements (most current fiscal year)
- Appendix 4 – If a 501(c)(3) organization, a valid 501(c)(3) designation letter from the Internal Revenue Service.
- Appendix 5 – DC Clean Hands Form from the DC Office of Tax and Revenue (OTR) and Certificate of Good Standing from DC Department of Consumer and Regulatory Affairs (DCRA)
- Appendix 6 – Letters of Endorsement or Recommendation for colleges or universities the Applicant has performed facility planning or conducted facility feasibility studies for.
- Appendix 7 – Commitment letters from Key Partners referred to in the Proposal Narrative
- Appendix 8 – Affidavit of No Conflict (per section 7.2 of this RFA)

4.2.10 Tab Ten – Additional Appendices

To be provided as deemed necessary by the applicant.

SECTION 5: REVIEW PANEL AND APPLICATION SCORING

5.1 Review Panel

The 2016 UDC Community College Relocation Feasibility Study will be completed through a competitive process. A Review Panel for the grant will be convened to review, score, and rank each Applicant's proposal. The Review Panel for this RFA will be composed of neutral, qualified professional individuals who have been selected for their relevant experiences.

5.2 Scoring Rubric/Evaluation Criteria

Please see chart below for evaluation criteria.

2016 UDC Community College Relocation Feasibility Study Evaluation Criteria <i>(A maximum of 100 points will be awarded.)</i>	
MEETS REQUIRED QUALIFICATIONS	<i>(40 points max)</i>
Demonstrated ability to meet outlined goals and objections of the study	
<i>(45 points max)</i>	
BUDGET Strong financial plan to maximize the use of funds. <i>(10 points) -</i>	
Timeline (5 points)	

SECTION 6: GENERAL PROVISIONS

6.1 Monitoring & Reporting

Upon award of the 2016 UDC Community College Relocation Feasibility Study Grant, DME will be primarily responsible for monitoring the terms of the Grant Performance Agreement and for reviewing and approving requests for reimbursement (see section 6.6 on payments below). At any time or times before final payment and five (5) years thereafter, the District may have the Grantee's expenditure statements and source documentation reviewed. DME will monitor the grant recipient through site visits and reviews of grant reports. The specific schedules for site visits and submission of reports will be included in the Grant Performance Agreement, to be agreed upon by DME and Grantee after award.

6.2 Nondiscrimination in the Delivery of Services

In accordance with Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), as amended, no person shall, on the grounds of race, color, religion, nationality, sex, or political opinion, be denied the benefits of, or be subjected to discrimination under, any program activity receiving 2016 UDC Community College Relocation Feasibility Study Grant funds.

6.3 Document Retention

Recipients and sub-recipients of these funds are required to maintain complete documentation of grant activities including financial records, supporting documents, statistical records, and all other records pertinent to this award for a period of three years from end date of the program period to ensure that such documentation is available to the DME and/or other authorized entities for review, upon request.

6.4 Audits

At any time or times before final payment and three (3) years thereafter, the District and respective jurisdictional administrative agencies may have the applicant's expenditure statements and source documents audited.

6.5 Payments

Awardees will receive an advanced payment of 50% of total grant amount within 30 days of the grant award, an interim payment of 25%, and a final payment of the remaining 25%. Payment amounts, dates, and report requirements will be specified in the Performance Agreement.

SECTION 7: RESERVATION OF RIGHTS AND MISCELLANEOUS PROVISIONS

7.1 Rights Reserved

The District reserves the right to:

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

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

7.2 No Conflicts of Interest

In its response to this RFA, the Applicant should represent and warrant the following to the District:

- No person or entity employed by the District or otherwise involved in preparing this RFA on behalf of the District (i) has provided any information to potential Applicants which was not made available to all entities potentially responding to this RFA, (ii) is affiliated with or employed by or has any financial interest in any potential Applicant, (iii) has provided any assistance to potential Applicant in responding to this RFA, or (iv) will benefit financially if any Applicant is selected in response to this RFA.
- The Applicant has not offered or given to any District officer or employee any gratuity or anything of value intended to obtain favorable treatment under this RFA or any other solicitation or other contract, and Applicant has not taken any action to induce any District officer or employee to violate the rules of ethics governing the District and its employees. Applicant has not and shall not offer, give or agree to give anything of value either to the District or any of its employees, agents, job shoppers, consultants, managers or other person or firm representing the District, or to a member of the immediate family (*i.e.*, a spouse, child, parent, brother or sister) of any of the foregoing. Any such conduct shall be deemed a violation of this RFA. As used herein, “anything of value” shall include but not be limited to any (a) favors, such as meals, entertainment, transportation (other than that contemplated by this RFA, if any, or any other contract with the District), etc., which might tend to obligate a District employee to Applicant, and (b) gift, gratuity, money, goods, equipment, services, lodging, discounts not available to the general public, offers or promises of employment, loans or the cancellation thereof, preferential treatment or business opportunity. Such term shall not include work or services rendered pursuant to any other valid District contract.

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

7.3 Change in Applicant Information

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

7.4 Ownership and Use of Submissions

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

7.5 Further Efforts

The RFA Review Panel may request that Applicants clarify their submissions and/or submit additional information pertaining to their submissions; the RFA Review Panel may request best and final submissions from any Applicant and/or request an oral presentation from any Applicant.

7.6 Restricted Communications

Upon release of this RFA, potential Applicants shall not communicate with the Review Panel or any District staff about the RFA or issues related to the RFA except as authorized in this RFA.

7.7 Confidentiality

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

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

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

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

On each such page, the Applicant shall also specify the exempt information and shall state the exemption category within which it believes the information falls. The District will generally endeavor not to disclose information which in the opinion of the District is exempt from disclosure. The District may, in its discretion, contact the Applicant to provide notice that their submission materials have been requested and provide the Applicant with the opportunity to further identify exempt information. The District will independently determine whether any information, whether designated by the Applicant or not, is exempt from mandatory disclosure. The District has the ultimate decision as to whether information is exempt from disclosure. Moreover, exempt information may be disclosed by the District, at its discretion, unless otherwise prohibited by law, and the District shall have no liability related to such disclosure.

7.8 Non-Liability

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