



Seawall Lot 337 Pre-Submittal Questions and Answers

Issued: January 29, 2008

Question: Page 62 of the RFQ/P, last paragraph calls for submittals to be provided in 8.5 x 11" format, except for design concept and other diagrams. Would the Port accept design concept presentation submittals, including site plans, graphic and integrated narrative text, in 11 x 17" format?

Answer: Yes, Phase I RFQ Design and Development Concept may be submitted at 11 x 17" format, but Financial Qualifications information is to be submitted in 8.5 x 11" format. All information, presentations and materials included in the submittal must also be provided in electronic files, in pdf format, to enable direct posting on the Port's website without requiring any file conversions or other technical handling by the Port. Only the design concept submittal will be posted on the Port's website.

Question: One or more principals of a potential respondent to the RFQ are not privately held and are concerned about the possible public disclosure of financial information required by the RFQ. Please clarify the requirements under the RFQ.

Answer: If disclosure is requested, the Port must make proprietary financial information, including net worth, about the successful respondent available upon the final approval of the lease, unless a court order or state or federal law prohibits disclosure. The following provisions in the RFQ, quoted below, address this issue.

- Section IV.B.8 (General Terms and Conditions), RFQ p. 39: "All communications about this RFQ/P shall be subject to the San Francisco Sunshine Ordinance. Information will be made available to the public upon written request after a final lease has been awarded. Proprietary financial information submitted by a person or entity in response to this RFQ/P will not be disclosed until and unless that person or entity is awarded the lease. Neither the City nor the Port shall be responsible under any circumstances for any damages or losses incurred by a respondent or any other person or entity because of the release of such financial information."
- Section VII (Submittal Requirements), RFQ p. 62: "In accordance with the Sunshine Ordinance (Administrative Code Section 67.24(e)), responses and other communications from interested parties shall be open to inspection by the public upon request immediately after a contract is awarded. Proprietary financial information submitted by a person or entity in response to this RFQ or the RFP will not be disclosed until and unless that person or entity is awarded the lease."
- Section VII, RFQ p. 63: "Failure to provide any of the categories of information requested may result in the Port determining the proposal to be non-responsive."

- Section VII (Submittal Requirements: Financial Capacity and Capability), RFQ p. 65:
"Respondents must clearly designate those financial submittals which it in good faith determines to be a trade secret or confidential proprietary information protected from disclosure under applicable law. To the extent permitted by law, the Port Commission will attempt to maintain the confidentiality of such financial submittals. However, such confidentiality cannot be assured."