



**New Long Beach Court Building- Request for Qualifications
(OCCM #081105)**

Responses to Questions received from Interested Parties from
December 3, 2008 through December 11, 2008
A performance based infrastructure court facility project

QUESTIONS	RESPONSES
1. What is the collateral or credit for the developer to rely upon to insure monthly payments of 35 years?	<p>The AOC understands that the Project Company will need to have adequate security in the project in order to be able to secure the required funding for the project.</p> <p>It is envisaged that the Project Agreement between the AOC and the Project Company will provide the security for the payments from the AOC. It is not anticipated that further security will be provided. A draft of the Project Agreement will be included in the RFP. However, the RFP will allow the Short Listed proposers to provide comments on the draft Project Agreement during the RFP period.</p>
2. a.) Who owns the parking structure at 101 Magnolia? b.) If this structure is to be rehabilitated, then will a construction lender be able to record a 1st Trust Deed against the property?	<p>a.) The parking structure is currently being transferred to state ownership. The transfer will occur before the responses to the RFP are due.</p> <p>b.) The AOC intends to retain ownership of the new court building and the existing parking structure. Further details on such terms will be delineated in the draft Project Agreement.</p>
3. Paragraph 1.7 (g) indicates that payments under the Project Agreement are subject to appropriations. Does this mean that the court can stop making payments at the expiration of a single annual appropriation year? If an appropriation is not made by the legislature for the following year, then how will the payments be made?	<p>Each year's service fee is subject to appropriation by the State Legislature. It is anticipated that late payments will incur penalties. The result of any failure to appropriate will be set forth in detail in the draft Project Agreement.</p>
4. What are the bulk/density restrictions, if any, required by zoning? Can the PBI respondent	<p>The AOC is working with the City of Long Beach and its Redevelopment Agency (RDA) to</p>

propose greater density that indicated, specifically with other commercial and retail uses?	develop density and related restrictions applicable to the Project. More information will be provided in the RFP.
5. Could you elaborate on the timing of awarding the project and start of construction, especially as it relates to securing necessary permits?	More information regarding Project schedule and permitting will be provided in the RFP.
6. Do you have the most recent inspection reports available on the conditions of existing parking structure?	Information in relation to the condition of the parking structure will be provided in the RFP.
7. West Third Street & Broadway are one-way thoroughfares to/from the 710 freeway. How does the city or RDA intend to address the circulation and access issues this poses to a facility of this size?	The traffic demand and circulation in and around the new Long Beach Court building will be similar to that currently in place regarding the existing Long Beach Court building. There are currently no plans to modify the one-way thoroughfare system.
8. Is the city or RDA contributing to the infrastructure cost?	Funding for the Project will come solely from the AOC. The City of Long Beach and the RDA have committed to assisting the AOC and Superior Court with the costs of development of the new Long Beach Court project. The parties are currently discussing details of that assistance.
9. Will you issue drafts of the EIS/EIR for our review as they are published?	Drafts of the EIS/EIR will be available for public comment pursuant to CEQA.
10. Can you give us your projections and studies for the growth of the Long Beach Superior Court functions over time?	The AOC will provide further information on the Project, including growth and expansion estimates, as part of the RFP process. The draft Project Agreement to be issued with the RFP will contain detailed information on the requirements applicable to the commercial space, including the potential expansion of the Superior Court.
11. What are the key terms of the lease you are seeking for the commercial space in the project?	Details of the lease and other terms will be contained in the draft Project Agreement.
12. We need definition on who pays the possessory interest tax for the State and commercial space.	The treatment of possessory interest tax will be dealt with in the draft Project Agreement.
13. Can you furnish a detailed space requirement and program for the DA, public defender, court services etc. space?	A detailed space program will be provided in the RFP.

<p>14. Will you furnish an indemnification for the operator?</p>	<p>No response is possible given the ambiguity of this question. The requester is invited to clarify and re-submit the question.</p>
<p>15. We have a global team and are already feeling the effects of absences and planned staff holidays. This makes it impossible to integrate the team roles and functions to the point we believe is necessary for a responsive submittal. We respectfully request a two week extension.</p>	<p>The AOC will extend the deadline for responses to January 23, 2009.</p>
<p>16. From the teleconference, we learned that the Initial Geotechnical Investigation Report which will be provided to Proposers (RFQ Item 1.5, page 4), has not yet been done. Has the company to do that study already been chosen, or is there a way Ninyo & Moore, having experience in Long Beach and with AOC, may be considered to perform this service?</p>	<p>The AOC has selected consultants for this assignment and is proceeding with the investigation.</p>
<p>17. Can you provide a copy of the participants?</p>	<p>The list of participants is now included on the AOC website http://www.courtinfo.ca.gov/programs/occm/pbi.htm.</p>
<p>18. Can you direct me to the location of the professional Services Contract in connection with RFQ # OCCM 081105 new Long Beach Court Building due in January?</p>	<p>The draft Project Agreement will be included in the RFP and issued to the Short Listed Proponents.</p>
<p>19. Is there an Addendum for this RFQ?</p>	<p>Yes. Addendum 1 will be issued on December 16, 2008.</p>
<p>20. Do we need to pre-qualify with the AOC before we submit our response to the RFQ for the New Long Beach Courthouse?</p>	<p>No qualification is required in advance of a submittal in response to the RFQ.</p>
<p>21. We are a mechanical, electrical and plumbing consulting firm and have been asked to participate on 2 different teams pursuing the Long Beach Courthouse. We just wanted to confirm that this was appropriate in the eyes of the Administrative Office of the Courts. We have seen this on many such projects but wanted to verify.</p>	<p>The participation of a firm in more than one team does not in itself violate AOC's solicitation requirements.</p>
<p>22. Regarding the LA County requirements, will this be separately negotiated or under the same terms (rate, term length, etc).</p>	<p>The requirements applicable to space to be occupied by the County of Los Angeles will be set out in more detail in the RFP. The AOC will not be party to the lease between the Project</p>

	Company and the County for space in the new court building.
23. Will there be restrictions/encumbrances on the 3rd party leases that the courts may eventually wish to expand into?	There will be certain restrictions on the commercial space to ensure that the use of commercial space is compatible with Superior Court operations.
24. Are there any court guarantees that impact the Project Company's revenue?	No response is possible given the ambiguity of this question. The requester is invited to clarify and re-submit the question.
25. a.) On the 38,000 sf of additional space, will the Project Company be able to lease the space free of encumbrances or will the Courts require guaranteed expansion rights? b.) Does all of the economic benefit of the third party retail and office leases go to the Project Company?	a.) The amount of additional space is to be determined by the Project Company. The draft Project Agreement will set out the requirements applicable to the commercial office space, and certain basic requirements of the County of Los Angeles space. It is anticipated that the draft Project Agreement will require that the leases for the commercial space contain 'options' allowing the space to be converted to Superior Court uses at defined times. b.) It is anticipated that the Project Company will factor the revenue from the County of Los Angeles space and the commercial space into its financial model, which in turn will reduce the service payments due from the AOC.
26. Are there any court date guarantees or other court operating/performance issues that impact the payment to the Project Company over the term?	The payments from the AOC to the Project Company will be linked to the performance of the Project Company in providing the services to the standard specified in the Project Agreement.
27. Aside from facility maintenance and management, does the Project Company have any other responsibilities directly related to the court operations?	The Project Company will not be involved in any court operations other than facility maintenance services.