ADVISORY NEIGHBORHOOD COMMISSION 3E

TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS

c/o Lisner Home 5425 Western Avenue, NW Washington, DC 20015

ANC 3E's Recommendations for revision of the Janney School/Tenley-Friendship Library RFP

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1. **Seek Council approval earlier in the process.** As we've already indicated, ANC 3E feels strongly that Council action declaring that public land is no longer needed for public use should be a pre-requisite to the issuance of any RFP. And this particular RFP demonstrates another reason why that's the right policy. DMPED seems to envision selecting a private development partner and requiring that partner to devote substantial resources to planning prior to any Council action on this deal. This sets the District up for a lawsuit if the Council fails to approve the deal. As experience with development deals along the Anacostia Waterfront and near the stadium demonstrates, it's a really bad (and expensive) idea for an agency to promise parcels whose disposition it doesn't yet control to specific developers.

2. **Encourage proposals that do not require the use of the Library's land.** The funds for the reconstruction of our long-delayed library have been fully allocated and the work is already in progress. We have been repeatedly promised that exploration of a mixed-use project at this site will not slow down progress on the library. That's a disingenuous promise if the library is incorporated into an as yet unplanned and unapproved mixed-use residential building. We want to see our branch reopened in early 2010 as promised. Janney School's remodernization is on a longer timeline, so that a PPP involving only DCPS and a private partner has a better chance of minimizing delays in the provision of adequate public facilities in our neighborhood. Between the library, the fire station, and the Wilson pool debacles, we're tired of endless delays and would be outraged to see this RFP derail the construction of our branch library now that work is finally underway.

   Allowing the decoupling of the library project will also make truly competitive bidding possible. Given the magnitude and complexity of the project, and in light of the amount of time Roadside has spent working on it (since last January, at least), it seems as if the only way to solicit realistic and competitive offers would be to allow developers a six month period to put together their proposals. That said, the community is opposed to derailing

progress being made on the library in the hope of generating an acceptable offer for a public-private venture, so DMPED has been contemplating only a 45-60 day window for submitting offers. A DCPS-only PPP would allow for more time to solicit bids and to finalize Janney's educational specifications document.

3. **Give Developers a clearer sense of the challenges and constraints involved in this project.**

   a. **Highlight the hydrology issues.** Instead of a simple "buyer beware" clause re subsurface conditions, DC government should provide the results of the library's borings (which indicate that there's a high water table at the site), so that Offerors can plan and budget accordingly.

   b. **Include an Inventory of Janney's Facilities and Existing Conditions.** Similarly, it's not enough just to say we're offering Janney "as-is" and append pages from DCPS's generic design guidelines. DCPS, working in conjunction with the Janney SIT, needs to provide a survey/inventory of Janney's current facilities and indicate which existing structures and/or program spaces: (1) must be replaced (and which of these could be repurposed); (2) may be replaced; (3) should remain dedicated to their current uses (but may need expansion, repair, or modernization) . If there are any areas of campus that should be off limits to private development, those should be identified as well.

   DCPS's Design Guidelines are written as if a school is being built from the ground up. That's not the situation here, so the challenge becomes determining how the additional 39,000 interior SF should be used and how the outdoor requirements should be best met. These are not decisions best left to developers.

   c. **Provide a more representative selection of passages from the Comprehensive Plan**. Overall goal should be to balance and contextualize the District's commitment to transit-oriented development with other competing concerns such as the retention of public land, the preservation of green and open space, the capacity for infrastructural expansion, and neighborhood conservation.

   d. **Provide a more detailed map of the site, including topography and dimensions of existing structures, fields, playgrounds, etc.**

   e. **Detail neighboring uses and require that any zoning change proposed be compatible with them.** Both maps and narrative descriptions should identify other buildings in the same block as the parcel and describe their uses.

4. **Require credible and comprehensive timelines that detail not only construction schedules but also all necessary agreements and approvals required by the proposed project**. These two types of timelines need to be integrated and sequenced so that it is clear which steps must precede (and thus have the potential to delay) subsequent steps. Offerors should outline their fast-tracking strategies, if any. The District should impose meaningful financial penalties for failure to meet deadlines.

5. **Clearly define where/when DCPS's responsibility for Janney Elementary School's facilities needs ends and the Developer's begins.** At this point, the Office of Public Education Facilities Management (OPEFM) is engaged in a series of systemwide facilities improvement initatives. If a private developer is slated to take charge of Janney's modernization, at what point will OPEFM cease to include Janney in its repair projects? This is a complicated issue because it's hard to know what the project being bid on is if DCPS continues to improve Janney's facilities. (For example, is an electrical upgrade still necessary? See section 3.2. Wasn't that accomplished over the summer?). If OPEFM continues to work on Janney, the longer the developer waits, the less it has to do. That's not a good incentive structure. On the other hand, we can't have the school's needs ignored while we wait for a developer to be chosen and get to work. At what point will Janney be pulled off OPEFM's to do list? Will DCPS remain responsible for maintenance and other more minor repairs (or urgent repairs?) throughout the project?

6. **Require Offerors to provide the information necessary to evaluate and compare how each proposal will impact schoolchildren both during construction and once the project is completed.** Each Offer must include a series of site plans that indicates roughly where the construction safety perimeter will be at each major stage of the project, the likely duration of that phase of construction, and where the 485 students enrolled at Janney could be located during it (off-campus vs. on campus, where on campus). Such site plans should also label St. Ann's Academy so that the proximity of construction to its educational facilities will be known as well.

   The project itself should be designed to provide fire-fighting apparatus easy access to the schools and to provide children safe passage to and among both schools and the library.

7. **Make full construction financing for the project a pre-condition for submission of the Land Disposition Agreement (LDA) to the Council.** The condo market is soft right now and, increasingly, lenders will not provide financing until at least 50% of the units are pre-sold. We see no reason that the provision of our public facilities should be held hostage to residential real estate markets, especially since we've seen a condo project a block and a

half north of the site remain unbuilt for years after PUD approval, apparently for lack of financing.

In the two previous DCPS PPPs we're aware of (Oyster and School without Walls), the private partners came to the table with adequate funding to complete the projects. We expect no less in this case.

8. **Add language that precludes the more comparative orientation of the Evaluation Standards from undermining the categorical nature of the RFP's Requirements.** We shouldn't be grading on a curve here – make it clear that failure to meet the requirements of the RFP will lead to an offer's disqualification as non-responsive. All offerors are encouraged not just to meet -- but to exceed -- certain requirements, and those who do will be given preference. This needs to be made explicit. We can't simply rely on the provision that gives the District discretion to reject any submission as unresponsive to the requirements. If all of the offers come in with less than what the District has required, the temptation will be to lower standards in order to make a deal.

9. **Weight the evaluation criteria to establish clear priorities for the project.** From the community's standpoint, time is of the essence on both the library and the school projects, minimizing disruption to the education of the 700 students at Janney Elementary School and St Ann's Academy is a major concern, and green space is highly valued. All of these priorities are more important to the community than using the site as a source of revenue generation for public facilities, given that the reconstruction of both the school and the library are already fully funded through capital budgets.

10. **Provide for expert, independent evaluation of each responsive offer prior to its submission to the Selection Panel**. Each responsive offer should be submitted to the Office of Public Education Facility Modernization (OPEFM) and to the Economic Development Finance section of the Office of the Chief Financial Officer (EDF - OCFO) for their independent analysis prior to the submission of any such offers to the selection panel. Both offices should provide written evaluations that will be prsesented to the panel along with each Offeror's own materials.

    OPEFM should be asked to assess whether the timelines are comprehensive and credible and whether they suggest that the Offerors possess the management and organizational skills necessary to reliably complete a project of this magnitude on schedule.

    EDF-OCFO's review should include not only an analysis of the financial pro forma submitted by each Offeror, but an independent assessment of additional costs incurred or savings realized by the District that have not been included in the Offeror's materials. Ultimately, EDF's reports on the proposals should be provided in a form that enables the selection panel to directly compare the net financial benefit of each offer to the others as well as to the option of proceeding as previously planned and relying on capital funds to rebuild the Tenley-Friendship Library and modernize Janney School. [[NB: If there is no requirement in the final RFP that construction financing be a pre-condition for approval of the LDA, then OCFO should also evaluate and rate

the Offerors' financial capacity and assess whether obtaining financing for the specific proposal is likely to represent a significant hurdle.]]

11. **Expand the Selection Panel to provide substantial community representation.** We join ANC 3F in proposing four such representatives – one each from ANC 3E and 3F, one chosen by the Janney parents, and one chosen by the Friends of the Library. Remember that the District's citizens own public land and should be treated as owners in situations involving its sale or long-term lease. Given that the selection panel makes a recommendation to the Mayor who, himself, chooses the developer (subject to later Council approval), there's no risk that representing the community on the panel will lead to governmental decisionmaking or expertise being overruled.

12. **Require the Selection Panel to compare RFP-generated offers not only to each other but also to the modernization of both public facilities using the capital funds already budgeted for them.**

13. **Work through and with the ANCs.** All community outreach should be done through, and with the active involvement of, the local ANCs. Transparency requires that the ANCs be notified of and invited to all meetings between or among local stakeholders and Offerors, the designated developer(s), and/or DMPED. Title X is very clear that the Mayor has an obligation to insure "continuous community input" into decisions about the disposition of public lands and that the ANC s are the relevant community representatives in cases of this sort.

Copy-editing:
1.1 , last sentence: "Offers submitted in response to this Solicitation **must** comply with the requirements etc." "Should" is too weak.
2.1: Library parcel is approximately 15,000 SF (**NOT** 18,000 SF) – it's crucial to get this right because it affects planning, zoning, and finances.
2.3.3: Take out sentence at the end of the affordable housing section that encourages "creativity" – sounds like you're winking at developers and encouraging them to cheat.
2.4: Include the information that St. Ann's is eligible for historic designation and that Bon Secours has already been so designated; this is a block that contains three historic properties.
3.2: "Offerors are expected to **follow** the Educational Specifications for Janney etc." "Review the specifications" is too weak. Offerors don't merely have to familiarize themselves with the ed specs, they have to propose a way of satisfying them at this site, consistent with the rest of the project.
3.2, last two bullet points: replace with "Provision of all required exterior programmatic spaces with the appropriate buffers." The goal of both provisions is to protect outdoor play areas from being lost as a consequence of intensified development at this site. Also mere preservation of existing space should not be the goal. By virtue of the planned expansion of the school's capacity, additional outdoor facilities will be required.
Place the new exterior space bullet point after the 2nd bullet point re interior space. Make the construction completion deadline the 4th (and last) bullet point.
3.4: Rewrite the first sentence as follows: "Offerors are encouraged to engage in a meaningful community outreach process **by working through the ANC** to address community concerns. "
Ann**e** Sullivan is the ANC contact person.