



# Request for Proposal

**RFP # 16 -XXX**

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Request for Proposals for  
FY 2016 Major Facilities  
Capital Projects Funding

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Wake County, North Carolina  
P.O. Box 550  
Raleigh, North Carolina 27602

Proposals are due \_\_\_\_\_, 2016 before  
3:00 pm Eastern Standard Time.

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# 1 Introduction

## 1.1 Introduction

Wake County, North Carolina ("The County") is seeking proposals from organizations to develop partnerships and to leverage resources to address projects supporting arts, cultural, sports or convention activities in Wake County. Throughout this request for proposals ("RFP"), the "Proposer" refers to organizations that submit proposals as described within this RFP.

## 1.2 Overview

### 1.2.1 Major Facilities Projects

In 1991, Wake County was allowed in the North Carolina Law to levy a room occupancy tax and prepared food and beverage tax for the purposes of supporting a convention center, arena and other cultural, sports and arts activities. These funds are governed through Interlocal Agreements between the Wake County Board of Commissioner and the Raleigh City Council.

The Major Facilities Projects funding is intended to accomplish the following goals:

1. Provide activities and amenities for residents and visitors to Wake County to generate overnight stays and patronage of food and beverage establishments.
2. Enhance our cultural, sports and arts opportunities by addressing an unmet need, inadequate existing facilities or a future need that supports and improves the quality of life in Wake County,
3. Develop an increased capacity in Wake County for partnerships between public, nonprofit and for-profit sectors;

Major facilities projects are intended to be capital projects and not funding for recurring operating needs. A capital project is defined as expenditures for facilities or projects that generally cost \$100,000 or more and typically require longer than one year to complete. The County does not intend to fund recurring operational needs that may arise as a result of a funded Major Facilities project.

To accomplish these goals, projects are reviewed and selected to receive funding through a competitive process.

The selection of particular projects for funding in a given year is based primarily on whether a proposal meets the following criteria: provides a comprehensive analysis of the benefits of the project in terms of demand or unmet need in the county; has a well-developed project plan; demonstrates a clear link between the project initiatives and the generation of room nights and food and beverage purchases; includes a mechanism to track and measure success; and, demonstrates a need for County capital investment for project success.

### 1.2.2 FY 2016 Process

On April 18, 2016, the Board of Commissioners approved the process for selecting projects to receive Major Facilities Project funding. More information regarding the discussion that was held during the Board meeting is available by selecting video on the April 18, 2016 board meeting link: <http://www.wakegov.com/commissioners/Pages/meetings.aspx>. It is item #X on the agenda.

An evaluation team of Wake County staff and community representatives will conduct a review process that will begin with the distribution of Request for Proposals. Proposals will be due to Wake County on June 15, 2016 at 3:00 pm. The evaluation committee will review submittals and in July, finalists will be selected to present to the evaluation committee. It is anticipated that the Board of Commissioners will receive recommendations at the August 8, 2016 work session.

## 1.3 Funding Available

There is currently \$3,350,000 available. The maximum amount a single organization may receive for a major facilities project will be \$1.5 million. The request of County funding should not exceed 35% of the anticipated total project capital costs. Of the remaining 65% of funding, the Proposer should be able to demonstrate current commitments of at least half of the non-county funding.

Actual payment will be contingent upon approval of funding by the Board of County Commissioners, entering into a binding contractual agreement, filing an annual status report with the County, and County staff approval that all terms and conditions of the agreement are in good standing. It is anticipated that any county funding for approved projects will not be distributed until the organization can demonstrate that other sources of funding for the approved Major Facilities project are obtained.

## 1.4 General Proposal Requirements

When responding to this RFP, please follow all instructions carefully. Please submit proposal contents according to the outline specified and submit documents according to the instructions. Failure to follow these instructions will be considered a non-responsive proposal and may result in immediate elimination from further consideration.

By submitting a proposal, Proposers acknowledge that:

- 1.4.1 The County reserves the right to reject any or all proposals. The County reserves the right to reconsider any proposal submitted at any phase of the procurement. It also reserves the right to meet with select Proposers at any time to gather additional information.
- 1.4.2 Proposals will be received by Wake County Government at the time noted on the cover page of this document. At that point, Wake County will close the receipt of proposals and begin the evaluation process. The only information that will be released will be the names of the respondent(s).

Wake County, solely at its option, may disclose the name(s) of any organizations being considered or elevated during the process. Proposers are not to contact any county staff or elected official in reference to the process due to the nature of a competitive environment and to protect the integrity of the RFP process. As information becomes available and is relevant for release, that information will be shared with respondents.

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## 2 General Submittal Requirements

### 2.1 Proposal Contact Prior to Submittal

An optional pre-submittal meeting to discuss evaluation criteria will be held on May 12, 2016, 2016 at 2:00 pm in Room 9000 of the Wake County Justice Center. Questions about the FY 2016 Major Facilities Projects Process may be asked at this meeting or may be directed to:

**Proposal Contact:**  
Denise Foreman  
Wake County Manager's Office  
919-856-5578  
[denise.foreman@wakegov.com](mailto:denise.foreman@wakegov.com)

### 2.2 Proposal Submittal Requirements

Proposers are required to prepare their proposals in accordance with the instructions outlined in this part and elsewhere in this RFP.

Two bound copies shall be submitted to the address shown below. Proposers shall also submit an electronic PDF version on CD-ROM or Flash Drive.

**Mailing Address:**  
Tom Wester  
Wake County Finance - Procurement Services  
Wake County Justice Center – 2<sup>nd</sup> Flr, Ste 2900  
301 S.McDowell Street  
Raleigh, NC 27601

**The County must receive proposals no later than 3:00 PM on June 15, 2016.**

*The Proposer's name, RFP number, and proposal closing time and date must be marked clearly on the proposal submission.*

The time of receipt shall be determined by the time clock in the Wake County Procurement Services office. The County will not be held responsible for the failure of any mail or delivery service to deliver a proposal response prior to the stated proposal due date and time. It is solely the Proposer's responsibility to: (1) Ascertain that they have all required and necessary information, documents and addenda, prior to submitting a response; (2) Ensure that the response is received at the correct location and time. Late responses, regardless of delivery means, will not be accepted. **Fax or email responses will not be accepted.**

### 2.3 Proposer Expenses

The County will not be responsible for any expenses incurred by any Proposer in the development of a response to this Request for Proposal or any other activities associated with

this proposal including but not limited to any onsite (or otherwise) interviews and/or presentations, and/or supplemental information provided, submitted, or given to Wake County and/or its representatives. Further, the County shall reserve the right to cancel this process described herein prior to issuance and acceptance of any contractual agreement/purchase order by the recommended Proposer even if the Board of Commissioners has formally accepted a recommendation.

## **2.4 Proposed Schedule**

April 18, 2016:	Timeline, Criteria, Funds Available, & Work Group Membership Presented at BOC meeting
May 2, 2016	RFP Posted on Wakegov.com
May 12, 2016:	Pre-submittal Meeting
June 15, 2016:	Submittals due to Wake County by 3:00 pm
June 2016:	Work Group Reviews Submittals
June/July 2016:	Work Group Convenes and Selects Finalists
July 2016:	Finalist Presentations to Work Group
August 8, 2016:	Presentation of Recommended Funding at BOC Work Session
August 15, 2016	BOC Decision

## **2.5 Finalists and Interviews**

From the proposals received, County staff may identify a short-list of finalists. The finalists will be expected to make a presentation to and respond to questions. Additional information regarding the content of the presentation will be provided to the selected finalists. Finalists will be required to submit a letter of support for the project from the Mayor or Town/City Manager for the governmental jurisdiction in which the Major Facilities project will be located.

## **2.6 Award**

Wake County reserves the right to recommend funding to the Board of Commissioners without discussion and without conducting further negotiations. Under such circumstance, the acceptance of a proposal by the County shall be deemed to be an acceptance of an offer and that such acceptance will be binding upon both parties. The County may also, at its sole discretion, have discussions with those Proposers that it deems to fall within a competitive range. The County may enter into negotiations separately with such Proposers. Negotiations with a Proposer may continue with a Proposer that the County has tentatively selected to award a contract to. The County shall not be deemed to have finally selected a Proposer until the Board of Commissioners approves awarding of funding. The County may also choose to not recommend funding for any Major Facilities Projects nor proceed with awarding funds through the FY 2016 Major Facilities Project process.



## **2.7 Non-disclosure of County Information**

The Proposer and its agents shall not disclose or communicate the aforesaid matters to a third party or use them in advertising, propaganda, and/or in another job or jobs, unless written consent is obtained from the County.

## **2.8 Retention of Proposer Material**

Any and all information submitted in conjunction with this RFP and the evaluation process will not be returned to the respondent.

## **3 General Terms and Conditions**

### **3.1 Certification**

The Proposer hereby certifies that it has carefully examined this Request for Proposal. By signature on the response to the RFP, the Proposer certifies that its proposal is in all respects fair and without collusion or fraud, so that all proposals for the purchase will result from free, open and competitive proposing among all proposers.

### **3.2 Conflict of Interest**

By submission of a response, the Proposer agrees that at the time of submittal, it: (1) has no interest (including financial benefit, commission, finder's fee, or any other remuneration) and shall not acquire any interest, either direct or indirect, that would conflict in any manner or degree with the performance of Proposer's services, or (2) will not benefit from an award resulting in a "Conflict of Interest." A "Conflict of Interest" shall include holding or retaining membership, or employment, on a board, elected office, department, division or bureau, or committee sanctioned by and/or governed by Wake County. Proposers shall identify any interests, and the individuals involved, on separate paper with the response and shall understand that the County, in consultation with legal counsel, may reject their proposal.

### **3.3 Assignment**

No assignment of the Proposer's obligations or the Proposer's right to receive payment hereunder shall be permitted without prior consent of the County. The Proposer may not sell, assign, transfer or convey the contract resulting from this RFP, in whole or in part, without the prior written approval from the County.

### **3.4 Indemnification**

The Proposer will indemnify and hold the County harmless from any and all liability, expense, judgment, suit, or cause of action for personal injury, death, or direct damage to tangible property which may accrue against the County to the extent it is caused by the negligence of Proposer, its sub-Proposers, or their employees or agents, while performing duties under this Agreement, provided that the County gives the Proposer prompt, written notice of any such claim or suit. The County shall cooperate with Proposer in its defense or settlement of such claim or suit. This section sets forth the full extent of the Proposer's general indemnification of the County from liabilities that are in any way related to Proposer's performance under this Agreement.

### **3.5 Independent Contractor**

It is understood that in the performance of any services herein provided, the Proposer shall be, and is, an independent contractor, and is not an agent or employee of the County and shall furnish such services in its own manner and method, except as required by this contract. Further, the Proposer has, and shall retain the right to

exercise full control over the employment, direction, compensation, and discharge of all persons employed by the Proposer in the performance of the services hereunder. The Proposer shall be solely responsible for, and shall indemnify, defend, and save the County harmless, from all matters relating to the payment of its employees, including compliance with Social Security, withholding, and all other wages, salaries, benefits, taxes, exactions, and regulations of any nature whatsoever.

### **3.6 Payment**

Payment for the project funded pursuant to the Agreement resulting from this RFP shall be made in amounts and at times set forth in a subsequent contract. Actual payment will be contingent upon entering into an agreement approved by the Board of Commissioners, filing an annual status report with Wake County, and County staff approval that all terms and conditions of the agreement are in good standing. The contractual agreement shall have a clause regarding agreement validity based upon acknowledgement that the County is a governmental entity and any agreement validity is based upon the availability of public funding under the authority of the County's statute mandate.

### **3.7 Governing Law**

This RFP and any contract resulting therefrom shall be governed by and construed according to the laws of the State of North Carolina. Should any portion of any contract be in conflict with the laws of the State of North Carolina, the State laws shall invalidate only that portion. The remaining portion of the contract(s) shall remain in effect.

### **3.8 Confidential Information/Public Records Law**

The County assumes no responsibility for confidentiality of information offered in a proposal. The RFP does not intend to elicit proprietary information. However, if proprietary information is submitted as part of the proposal, the information is to be labeled as such. Proposals are not subject to public inspection until distribution of the August 8, Work Session material. Wake County reserves the right to share any information submitted in response to this RFP or process with any person(s) or firm(s) involved in the review and evaluation process. **Proprietary or confidential information must be clearly labeled as such at the time of initial submission and to the extent provided by N.C.G.S. Chapter 132, will not be made available for public inspection. In the event that a request for inspection is made under public records law, the Proposer will be notified of the request and may participate in any subsequent civil action to compel disclosure of confidential information.**

### **3.9 Compliance with Laws and Regulations and Policies**

Proposer must comply with all applicable State and Federal Laws. In the event that any Governmental restrictions may be imposed which would necessitate alteration of the material, quality, workmanship or performance of the items offered on this proposal prior to their delivery, it shall be the responsibility of the successful Proposer to notify Wake County at once, indicating in its letter the specific regulation which required such alterations. The County reserves the right to accept any such alterations, including any price adjustments occasioned thereby, or to cancel the contract.

In consideration of signing any contract and as a condition of funding, the Proposer, its agents, officials, employees, and servants shall agree not to discriminate in any manner

on the basis of race, color, creed, national origin, sex, age, handicap, or sexual orientation with respect to the project for which funding is being requested.

### **3.10 Insurance**

In order to be considered, all finalists will be required to demonstrate proof of Commercial General Liability Insurance, Commercial Automobile Liability Insurance, Worker's Compensation Insurance, and/or any other insurance appropriate to the work undertaken; or otherwise demonstrate financial responsibility appropriate to the work undertaken.

### **3.11 Deviation from Proposer's Stated Project Use**

Proposer may not deviate from the stated project use of funds. In consideration of signing any contract and as a condition of funding awarded through the FY 2014 Community Capital process, the Proposer shall agree that if the organization fails to meet or comply with a condition of the funding agreement for the use of funds, or if the recipient Proposer transfers all or part of an asset improved or acquired with County funding such that the County's intended purpose for the funding is frustrated, Wake County in its sole discretion may reduce the amount of funding, terminate the funding agreement, require repayment of funding, or require the recipient Proposer to transfer ownership of the asset to Wake County to the extent of Wake County's funding of the Project.

### **3.12 Hold Harmless Agreement**

Any agreement funded by the Major Facilities Process will have a hold harmless agreement. The Proper will need to agree to defend, indemnify, and hold harmless the County from all loss, liability, claims, or expense (including reasonable attorney's fees) arising from bodily injury, including death or property damage to any persons or persons caused in whole or in part by the negligence or willful misconduct of the Proposers extend to the extent same are caused by the negligence or misconduct of the County.

### **3.13 Acceptance**

Submission of any proposal indicates a Proposer's acceptance of the conditions contained in this RFP unless clearly and specifically noted otherwise in the proposal.

The County has the sole discretion and reserves the right to cancel this RFP, and to reject any and all proposals, to waive any and all informalities and/or irregularities, or to re-advertise with either the identical or revised information, if it is deemed to be in the County's best interests to do so. The County reserves the right to accept or reject any or all of the items in the proposal, and to award the contract in whole or in part and/or negotiate any or all items with individual Proposers if it is deemed in the County's best interest. Moreover, the County reserves the right to make no selection if proposals are deemed to be outside the fiscal constraint or not in the best interest of the County.

## 4 Detailed Submittal Requirements

### 4.0 Proposal Format

Proposers shall prepare their proposals in accordance with the instructions outlined in this section. Each Proposer is required to submit the proposal in a sealed package. Proposals should be prepared as simply as possible and provide a straightforward, concise description of the Proposer's capabilities to satisfy the requirements of the RFP. Utmost attention should be given to accuracy, completeness, and clarity of content. All parts, pages, figures, and tables should be numbered and clearly labeled. The proposal should be organized into the following major sections with tabs for each section:

#### **PROPOSAL SECTION TITLE**

	Title Page
	Letter of Transmittal
	Table of Contents
1.0	Executive Summary
2.0	Scope of Project (up to 15 points)
3.0	Project Budget and Funding Sources (up to 20 points)
4.0	Project Timeline (up to 15 points)
5.0	Project Operating Plan (up to 20 points)
6.0	Estimates on Visitors (up to 20 points)
7.0	Organizational Information (up to 10 points)

Instructions relative to each part of the response to this RFP are defined in the remainder of this section. Response information should be limited to pertinent information only. Marketing and sales type information is not to be included.

### 4.1 Executive Summary

(Proposal Section 1.0) This section of the response should be limited to a brief narrative summarizing the community capital project proposal. The executive summary shall, at a minimum, include an identification of the proposed project, responsibilities of the project team, and a summary of the proposed cost of the project. This section should highlight aspects of the proposal that make it superior or unique in addressing the needs of the County. Please note that the executive summary should identify the primary engagement contact. Contact information should include a valid e-mail address, fax number, and a telephone number.

### 4.2 Scope of Project (up to 15 points)

(Proposal Section 2.0) This section of the response should include a general discussion of the Proposer's overall Major Facilities project proposal, and should include any graphics that depict the scope of the project if it involves design and construction of a new building, building expansion or renovation. Scaled floor plans, site plan, elevations or artistic rendering of proposed building improvement if available should also be included in the response. The

project must be consistent with Chapter 458, Section 5 of the 1995 N.C. Session Laws (see Attachment 1).

Additional information in this section should include:

1. An analysis of the demand or unmet need, inadequate facilities or future needs of sports, cultural, convention and arts programs in Wake County and the anticipated number of projected visitors / participants served.
2. Clear demonstration regarding the need for County capital investment in order for project success. It should also include data to demonstrate a clear link between the Major Facilities project initiative and the resulting increase in overnight room stays and food and beverage purchases.
3. A statement of the proposed Major Facilities project plan's effectiveness in addressing the community need in comparison to existing facilities. Include whether delays in the project impact its viability.
4. A description of how the proposer will collaborate with other organizations (government, non-profit, and corporate) to achieve the desired outcomes resulting in lasting community change.
5. How the Proposer would track and measure success and how that mechanism and data would be included in future reports submitted to the County.
6. A description of how the project advances the Board of Commissioners Goals as identified in Attachment 3.

#### **4.3 Project Budget and Funding Sources (up to 20 points)**

(Proposal Section 3.0) Each proposal must provide the following information about the project budget and funding sources, so that the County can evaluate the Proposer's ability to support the commitments set forth in response to the RFP. The County, at its option, may require a Proposer to provide additional support or clarify requested information.

1. The Proposal must include all sources of funding for the proposed project, and year of commitment. Please note if the funding sources are pending or confirmed. Include the ratio of private to public investment. Public investment will include funding from any unit of government. For all confirmed sources of funding, please remit evidence of commitment. Proposal should include funding for the current project only and should not include prior phases.
2. The Proposal must include a clear schedule of expenditures for the project, and at a minimum, should detail expenditures by category. Please state who prepared the cost estimates and if the costs include an inflation factor. Categories should include:
  - Planning and Design
  - Land Acquisition Right of Way
  - Construction

- Equipment / Furnishings
  - Other
  - Contingency
3. Describe the impact on existing infrastructure, such as roads or water and sewer facilities.

#### 4.4 Project Timeline (up to 15 points)

(Proposal Section 4.0) Each proposal must provide the following information about the project timeline, so that the County can evaluate the Proposer's ability to support the implementation and feasibility of the project. Make sure to include any actions already taken, as well as future actions. Any site plan approvals or zoning variances required for the project shall be noted and the status of those activities included in this section. The County, at its option, may require a Proposer to provide additional support or clarify requested information.

Project Action	Start Date	Finish Date
Study and Analysis of Project		
Site Identification		
Land/Site Acquisition		
Architectural/Engineering Studies		
Facility Construction		
Equipment Purchase		
Other (describe)		

#### 4.5 Project Operating Plan (up to 20 points)

(Proposal Section 5.0) Each proposal must include a ten-year operating budget, showing anticipated revenues and expenditures in order to demonstrate the long-term viability of the project operations and protect the County's investment. Describe annual operating plan in detail.

##### Operating Budget & Financial Results

1. Submit latest copy of IRS form 990 or applicable tax return. For non-public tax returns, see section 3.8 regarding personal and confidential information.
2. Please provide one copy of most recent audit and management letter if your agency received one.
  - a. If your organization DOES NOT have an audit, review, or compilation submit:
    - i. A completed Audit Form (Attachment 1) using figures from year-end financial statements. Attachment 1 is available electronically upon request

and

- ii. A notarized letter from your treasurer confirming the accuracy of the statements, and

#### **4.6 Estimates on Visitors and Return on Investment (up to 20 points)**

(Proposal Section 6.0) Each proposal must provide estimated visitor information, including the estimated number of day-visitors (from within the county and within a 50-mile radius of the facility) and overnight visitors. Using the estimated visitor counts and formulas provided in Attachment 2: Visitor Estimates and Return on Investment, proposals should include the estimated annual economic impact of visitors for the project for the first seven (7) years of operation after completion of the capital investment and the estimated return on investment of the County's investment.

#### **4.7 Organizational Information (up to 10 points)**

(Proposal Section 7.0) Each proposal must provide the following information about the submitting Proposer's, so that the County can evaluate the Proposer's ability to support the commitments set forth in response to the RFP. The County, at its option, may require a Proposer to provide additional support or clarify requested information.

##### Organization Background

1. How long the proposer been in business?
2. A brief description of the organization size and organizational structure. Include a list of the Board of Directors if applicable.
3. A list of all executive officers of the organization. If the organization is a statewide or national organization, submit the local chapter information.
4. Any material (including letters of support or endorsement) indicative of the Proposer's capabilities to implement the Major Facilities project.
5. Identify any litigation or governmental or regulatory action pending against your organization.
6. A description of contractual relationships, if any, with other organizations that would be a conflict of interest or appearance of conflicts of interest in partnering with Wake County to deliver the capital project.

##### Proposer Team Experience

1. Identify the proposed team indicating who is responsible for the key roles of the proposed project; provide an organizational chart showing lines of communication and levels of authority.

##### Similar Projects





2. Provide a description of a similar project or projects most similar to the one described in the proposal for which the organization has been responsible.

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## 5 Evaluation Team & Criteria

### 5.1 Selection Participants

The County has established an evaluation team of Wake County staff and community representatives who will conduct a review process. This team will be responsible for the evaluation and rating of the proposals and conducting finalist presentations. They will be involved in recommending funding to the Board of Commissioners at the August 8, 2016 work session.

### 5.2 Evaluation of Proposals

Selection of projects for Major Facilities Funding will be based on Proposer's submitting a business plan that meets the following criteria.

Projects at a minimum must meet the following criteria:

1. Be a capital project.
2. Relies on County funding for no more than 35 percent of total project funding (with a goal of having the County's contribution less than 35 percent)
3. The amount requested from the County shall be no more than \$1.5 million.
4. Describes an annual operating plan in detail and demonstrates a self-sufficient operating budget.

Projects will also be evaluated on:

5. Provides a comprehensive analysis of an unmet need facing the countywide community. Researches or provides evidence that demonstrates a clear link between the project initiatives and the resolution of the countywide problem. (Sec 4.2)
6. Consistency with approved Board of Commissioner Goals. (Sec 4.2)
7. Includes a mechanism to track and measure success. (Sec 4.2)
8. Clearly demonstrates a need for county capital investment for project success. (Sec 4.2)
9. Demonstrates a mix of funding sources (whether public, public/private, or public/private/not-for-profit). (Sec 4.3)
10. Provides a clear schedule for project implementation including site availability, funding commitments to include cash flow needs, specific cash flow needs from County Capital Projects fund, schedule of complimentary private and community investments. (Sec. 4.3 and 4.4)
11. Demonstrates a historic track record or the Proposer's ability to execute project. (Sec 4.6)
12. Demonstrates evidence of successful community partnerships and collaboration. (Sec 4.2)
13. Scope of impact on County residents – for example, number of residents served, geographic service area, targeted purpose. (Sec 4.2 and Sec. 4.5)

14. Demonstrates a sustainable operating plan with articulating long-term viability of the project. (Sec. 4.5)

## 6 Available Information

### 6.0 Available Information Upon Request

Please contact Denise Foreman at 919-856-5578 or [denise.foreman@wakegov.com](mailto:denise.foreman@wakegov.com) for additional information. Questions regarding preparing a response to this RFP will be accepted until noon EST May 29, 2016 to allow sufficient time to respond prior the RFP deadline. Copies of previous business plans and other application materials from organizations previously receiving Major Facilities funding are available upon request.

### 6.1 Authorizing Statute

Projects must be consistent with Chapter 458, Section 5 of the 1995 N.C. Session Laws included as an attachment to this RFP.