



# REQUEST FOR PROPOSALS (RFP)

**For the Operation and Management of a  
Temporary Outdoor Use:  
Lot 27 - 1320 5th Street**

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**Issue Date:** February 23, 2024

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**Proposals Due:** March 15, 2024 at 4:00 pm PST

## **Section A: Summary & Background**

Downtown Santa Monica, Inc. (DTSM) is a private 501c(3) non-profit organization that works with the City of Santa Monica to manage services and operations in Downtown Santa Monica while promoting economic stability, growth, and community life within this unique neighborhood.

The Santa Monica Downtown Community Plan (DCP), adopted in 2017, provides a framework to guide the future of Downtown. The DCP calls for greater diversity in entertainment, arts, cultural, and nightlife uses in Downtown.

To that end, DTSM seeks proposals for a qualified and experienced operator to manage a temporary outdoor use at 1320 5th Street, Santa Monica, CA 90401. The site is approximately 150' x 250' in size. **There is no access to water on site. The operator who is selected to manage a temporary outdoor use at 1320 5th Street accepts the site in as-is condition.**

1320 5th Street (Lot 27) is the site of an active city-owned parking lot. Events on the Lot 27 License Area may be held on weekends, on every other weekend, but no event shall exceed eight (8) days per month, including the time required for set-up and breakdown of items used for the events. All food-focused Events on the Lot 27 License Area may last no more than three (3) days, including time required to set-up and break down items used for Events. Other types of Events may last up to four (4) days, including time required to set-up and break down items used for Events.

## **Section B: Project Scope of Work**

The selected operator will be responsible for all aspects of operating the temporary outdoor use, including:

- Designing and building out the necessary improvements to the vacant lot to accommodate a short-term outdoor community-serving temporary use;
- Supplying and managing all necessary property and equipment;
- Creating and marketing the business schedule and operation;
- Managing the sale of tickets, if applicable;
- Offering a food and beverage program for patrons if applicable; and
- Employing and supervising all personnel required to operate the business, consistent with industry practices and in compliance with all federal, state, and local laws and regulations.

The selected operator must:

- Accept full responsibility for any and all requirements and/or improvements and associated costs to implement the project, including applicable wages, taxes,

permit fees, license fees, studies, infrastructure improvements, and other costs of similar nature;

- Obtain necessary permits and entitlements required for the intended use of the operation;
- Maintain and provide proof of adequate insurance coverage, including indemnification of the City and DTSM for all liability pertaining to the operator's use of the premises (see Section C for more information);
- Produce a traffic control plan and a logistics and security plan with input and direction from the City and DTSM;
- Provide and install approved signage on the site a minimum of one (1) week in advance of every event;
- Provide DTSM and City a minimum of ten (10) days advance notice before scheduling an event;
- Provide, at operator's sole cost and expense, custodial services for the License Area and the adjacent areas (Arizona Avenue, 5th Street), including increased trash pickup during and immediately after all events. If events are food-focused, the operator shall be responsible for promptly removing food waste and pressure washing, scrubbing and degreasing the License area and the adjacent areas;
- No later than 7:00AM the following day after each Event, collect and neatly arrange all materials provided by DTSM and City that were used to close down the License Area;
- Designate a point of contact to perform daily inspections of the License Area, while the lot is being utilized for Events, to ensure it is kept clean and to address any issues related to an Event;
- Pay a monthly sublicense fee and percentage revenue formula for the use of the vacant lot;
- Regularly report sales and expense activity;
- Provide City Staff, City-approved contractors and its agents with access to the site at all times, with (48) hours advance notice;
- Upon completion of the license agreement for the temporary outdoor use, return the lot to its pre-event condition (a performance bond may be required);

- If required, produce a parking study and obtain Coastal Commission approval; and
- Maintain and secure site at all times;

### **Section B.1: Site Location**

The selected operator will manage a temporary outdoor use from the area established by the yellow boundary.



## Section C: Deal Terms & Insurance Requirements

### DEAL TERMS

The term of the proposed license agreement for the 1320 5th Street (Lot 27) temporary outdoor use shall commence upon the effective date, and the operator will be, for the 2024 calendar year, strictly limited to using the License Area between February 1st and July 22nd. The duration of the license term for 2025 will likely be similar to the dates in 2024, but that is yet to be determined. The proposed license agreement will have a termination date of December 31, 2025, with the possibility of an extension thereafter, if authorized by DTSM and the City of Santa Monica. Other aspects of the agreement will be negotiated with the selected operator. An executed agreement would be subject to final City of Santa Monica and DTSM approval. The City of Santa Monica reserves the right to terminate this license agreement with Downtown Santa Monica, Inc. and the selected operator before the termination date. In the event that the city exercises this right, the selected operator will be provided with (3) months of advance notice to vacate the site.

The selected operator acknowledges that this is a short-term license agreement, which can not extend beyond the license agreement timetable described within this section. The operator will be required to grant City of Santa Monica staff, City-approved contractors and its agents access to the 1320 5th Street site within (48) hours after a request is made in writing. **This could require the operator to move or relocate a portion of their proposed temporary outdoor use.**

### INSURANCE REQUIREMENTS

Prior to commencing work, the selected operator shall, at its own cost and expense, procure and maintain in full force and effect the below listed types of insurance. All insurance must be in compliance with DTSM and City standards. (Note: this may be subject to change depending on proposed operations).

- Commercial General Liability Insurance of not less than \$2 million per occurrence and \$2 million in the aggregate;
- Automobile Liability Insurance of not less than \$2 million per occurrence;
- If applicable, Liquor Liability Insurance of \$3 million; and

- Workers' Compensation and Employers' Liability Insurance with limits of not less than \$1 million per accident, \$1 million policy limit, and \$1 million for each employee.

Additionally, the selected operator must execute an Indemnity Agreement containing the following provisions:

INDEMNITOR shall indemnify and save DTSM and their respective officers, directors, agents, employees, and affiliates, the City of Santa Monica, its City Council, its boards and commissions, its agents, officers, representatives, employees, lenders, and volunteers designated by City harmless from, and defend them against, all liabilities, losses and claims, and reimburse them for all expenses they incur (including the costs of litigation and reasonable attorneys' fees) on account of personal injury or death to persons and damage to property which occurs in the Downtown Santa Monica Property-Based Assessment District (PBAD), to the extent caused by the acts, errors, and/or omissions or misconduct by INDEMNITOR, or employees or agents of INDEMNITOR, arising from or related to the performance of work or services it performs on or about the Downtown PBAD, or from INDEMNITOR's property.

#### **Section D: Request for Proposals Timeline**

The request for qualifications will be administered according to the following timeline:

Feb. 23, 2023:	Request for Qualifications Published
Mar. 4, 2023:	Site walk (Optional) - RSVP to <a href="mailto:martin@downtownsm.com">martin@downtownsm.com</a> by 03/01/24
Mar 6, 2023:	Questions Due (Optional) - Submit to <a href="mailto:martin@downtownsm.com">martin@downtownsm.com</a>
<b>Mar. 15, 2023:</b>	<b>Submissions Due at 4PM</b>
Mar. 21, 2023:	Follow-Up Interviews (As Needed)
Mar. 26, 2023:	Notification of Intent to Award

\*DTSM reserves the right to modify the Request for Proposals timeline as needed.

## Section E: Submission Guidelines & Instructions

### REQUIRED SUBMISSION ELEMENTS

Proposed operator opportunity will be accepted until **Friday, March 15, 2024 at 4PM**. Complete proposals must be submitted via email to [martin@downtownsm.com](mailto:martin@downtownsm.com). Complete proposals will contain, at minimum, the following required elements:

#### Item 1: Operator Identification

Provide the name of the individual/firm, address, phone number, email, and website.

#### Item 2: Letter of Interest & Experience

Submit a letter of interest outlining qualifications and relevant experience.

#### Item 3: Business Plan & Sales Projections

Provide a proposal of the event, proposed duration and frequency. Include information on the target audience and proposed vendors, the proposed business plan and budget, ticket price points, hours of operation, and sales projections, including food and beverage sales. Include a description of the operation's ticketing system.

If applicable, include estimated cost of build-out and associated soft costs for design and entitlement services.

#### Item 4: Sample Site Plan

Provide a sample site plan for the temporary outdoor use on Lot 27 (1320 5th Street). The plan should be scaled to fit the space available but does not need to be professionally rendered. The site plan must include details on any structures being proposed on the site (ex. storage trailers, food concession stands, screens). The prospective operator may visit the location and may request a site walk with DTSM. Describe or otherwise illustrate the process through which patrons check-in and access the site and any space required for ticketed entry, queueing, signage, or security. Describe or otherwise illustrate the restroom operations.

#### Item 5: Community Engagement

Describe how the temporary outdoor use will benefit and engage the local Santa Monica community. Ideas may include, for example, support and engagement with the arts, special events, and/or promotions for locals, families, and/or seniors. Describe how the temporary outdoor use will benefit and engage with other DTSM businesses and help diversify the range of products/services/offerings in the DTSM district.

#### Item 6: Professional References

Provide at least one reference for similar work. For each reference, provide name, title, address, email address, and phone number for a designated contact, and brief explanation of relationship.

Any and all costs and expenses associated with the preparation of any report or statement in response to the request for proposals will be borne by the applicant.

Following submission, each applicant agrees to deliver such further details, information, and assurances as may be necessary.

### **Section F: Operator Qualifications & Evaluation Criteria**

The City of Santa Monica and DTSM shall have no obligation or liability with respect to this RFP and/or this selection and award process or whether any award will be made. DTSM reserves the right to use any information submitted in response to this document in any manner it deems appropriate in evaluating the services proposed. At its sole discretion, DTSM reserves the right to withdraw this request for qualifications without notice, accept or reject any or all proposals, and accept submissions which deviate from the request for qualifications as deemed appropriate and in its best interests. DTSM reserves the right to negotiate with any, all, or none of the applicants submitting proposals. Selection of the operator and negotiation of terms are subject to the approval of the City of Santa Monica and the negotiation of a master agreement between DTSM and the City. Any recipient of this RFP who responds hereto fully acknowledges all the provisions of this disclaimer and agrees to be bound by the terms hereof.



Prospective operators will be evaluated by DTSM and City of Santa Monica staff with particular emphasis on the following criteria:

1. Demonstrated applicable experience;
2. Operator or partnering organizer/contractor has a proven and corroborated track record of success in executing work of a similar scale and type;
3. The feasibility and thoroughness of the proposal, including business plan and sales projections, floor plan, and community engagement;
4. Uniqueness of the proposed temporary use (priority will be given to proposed uses that do not currently exist within the Downtown Santa Monica district); and
5. Compatibility with the surrounding area, which will consider negative impacts on the adjacent neighborhood.