



City of Long Beach

Working Together to Serve

Office of the City Attorney

Memorandum

DATE: December 9, 2014

To: Mayor and Members of the City Council

FROM: Richard F. Anthony, Deputy City Attorney *RFA*

SUBJECT: Validity of the Civic Center Project Procurement Process

This afternoon each of you received a letter from Allan MacKenzie and Eliot Jamison, representing Long Beach CiviCore Alliance, alleging that City staff acted improperly in evaluating the proposals submitted in response to the Civic Center Request for Proposals (CM14-040) (the "RFP").

The Civic Center procurement process involves a public-private partnership real estate transaction designed to create the greatest economic benefit to the City. The process has been conducted at all times in accordance with applicable law. The RFP gives the City wide latitude to select the proposal which it determines to be the most beneficial to the City. The Evaluation Report prepared by the City's consultant clearly explains the reasons for finding both proposals responsive. We are not persuaded by Long Beach CiviCore's arguments otherwise.

Section 7.2 of the RFP provides both proposers with an opportunity to protest the selection of a Project Team. The City will, of course, consider a formal protest by either proposer made in accordance with the procedures outlined in the RFP. Such a formal protest cannot be made until such time as the City Council has selected a Project Team.

Our office has been closely involved with this procurement process since its inception, and it is our firm belief that the process has at all times been conducted with fairness and transparency.

cc: Patrick H. West, City Manager
Tom Modica, Assistant City Manager