



REQUEST FOR PROPOSAL RFP # 2024-004

Vertical Space Launch Facility at Roosevelt Roads, Ceiba, Puerto Rico



All Proposals must contain one (1) signed original, one (1) electronic copy on USB Drive, and seven (7) hard copies. The materials shall be submitted in sealed packages and addressed to the Local Redevelopment Authority for Roosevelt Roads office at the Puerto Rico Trade and Export Building, #159 Chardón Ave., 3rd Floor, Hato Rey, PR 00918.

"Autorizado por la Oficina del Contralor Electoral OCE-SA-2024-04248"

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1. Invitation to Submit Proposals and Executive Summary

1.1 Invitation to Submit Proposals.

The Local Redevelopment Authority for Naval Station Roosevelt Roads ("LRA"), is issuing this Request for Proposals ("RFP") to obtain proposals (each, a "Proposal") from any highly qualified respondents (each, a "Respondent") that have the expertise and ability to **sustainably design¹, finance, build, operate, and maintain a Vertical Space Launch Facility**, as further described herein, at the former Naval Station Roosevelt Roads ("NSRR") in the eastern region of Puerto Rico.

The **RFP #2024-004** process will follow the Local Redevelopment Authority: **Regulation for the Disposal of Real Estate and the Acquisition of Goods and Services for the Implementation of the Master Development Plan of the Local Redevelopment Authority for Roosevelt Roads.**, [hereinafter Regulation No. REG-LRA-001, attached hereto as **Exhibit C-4** ("Regulation No. REG-LRA-001").

1.1.1 Request for Proposal identification number: **RFP #2024-004**

1.1.2 Request for Proposal Issue Date: **Monday, December 30, 2024**

1.1.3 Scope of Request for Proposal. This RFP seeks a Respondent that is capable of **sustainably design, finance, build, operate, and maintain a Vertical Space Launch Facility**, on the Premises (as defined below) (collectively, the "Project").

1.1.4 Proposal Deadline; Date, Time and Location. **Friday, February 28, 2025, at 5:00pm AST** at the San Juan offices of the LRA, located at Comercio y Exportación Building, #159 Chardón Ave., 3rd Floor, Hato Rey, PR 00918.

1.1.5 Special Instructions with Date, and Location as to where to access the Request for Proposal documents. Documents will be available at our website www.rooseveltroads.pr.gov from **Monday, December 30, 2024**. There will be no cost to download the documents.

1.1.6 Bidder Registration Form. Interested bidders must submit the Bidder Registration Form attached hereto as **Exhibit B** to the LRA by e-mail at lradepvelopment@lra.pr.gov no later than **Tuesday, January 21, 2025, at 5:00pm AST**. No Bidder Registration Form will be accepted after this date and time.

1.1.7 Mandatory Pre-Submittal Meeting and Premises Tour. The LRA will hold one **(1)** Mandatory Pre-Submittal Meeting and Premises tour session. Session will occur on **Tuesday, January 21, 2025, at 10:30am AST**. The meeting will be held at Building 1205, the LRA Office located on Marina Drive, Roosevelt Roads, Ceiba, Puerto Rico 00735. The location is at the following link: <https://maps.app.goo.gl/WJnJdJGXT6PHeJ3g7> (**18.227569770166017, -65.61355150415747**). During such a visit, the LRA will provide an overview of this RFP, provide a tour of the Premises, and answer any questions. Any handouts and written responses to questions (which are the only binding responses) will be posted on www.rooseveltroads.pr.gov. This Mandatory Pre-Submittal Meeting

¹ Sustainable design seeks to reduce negative impacts on the environment and the health and comfort of building occupants, thereby improving building performance. The basic objectives of sustainability are to reduce consumption of non-renewable resources, minimize waste, and create healthy and productive environments. Reference www.gsa.gov/sustainabledesign.

and Premises Tour will be the only opportunity for Respondents to visit the Premises guided by LRA representatives prior to submission of Proposals. Respondents may visit the portions of the NSRR that are accessible to the public during normal access hours (between 6:00am and 6:00pm AST) without the presence of an LRA representative.

1.1.8 Respondent will not be required to provide a Bid Bond for this RFP.

1.1.9 Reservation of Rights. The LRA reserves the right, in its sole and absolute discretion, to cancel or suspend this RFP process or any or all phases thereof, at any time for any reason, pursuant to [Section 26.00. of Regulation No. REG-LRA-2024-001].

1.1.10 Reservation of Rights. The LRA reserves the right, in its sole and absolute discretion, to change or amend the business opportunities described in this RFP.

1.2 Project Description.

As further described in Section 3.1, the Project comprises to **sustainably design, finance, build, operate, and maintain a Vertical Space Launch Facility** on the Premises.

The vertical launch platform must comply with all the specifications related to normal operations and safety zones, ensuring the following:

Normal Operations:

- Regular activities at Roosevelt Roads must continue with the normal restrictions incidental to the activity, ensuring the continuity of usual operations and the peace of mind of residents in the surrounding areas.

Launch Days:

- Implementation of temporary safety exclusion zones, if any, should be clearly identified in the RFP. Proponent must be available to explain to the community and any other relevant forum or interested party the extent of said implementation.

Pre-launch Safety Zone:

- It must be limited to a small, controlled area around the rocket on the platform and operation Zone
- This zone must be confined to the boundaries of Punta Medio Mundo or the chosen site, preventing any impact beyond the launch area.

Traffic Impact:

- Clearly define any necessary restrictions for small rocket launches.
- Clearly define any necessary restrictions for medium rocket launches.
- Clearly define and be available to explain to the community and any other relevant forum or interested party the extent of said implementation. whether there are any time limits that may affect the area in terms of land, sea, and air transportation.

These provisions will ensure that the infrastructure meets safety and functionality standards without compromising regular activities or the surrounding environment.

The project must include a flame trench designed in accordance with the technical specifications required to ensure a safe and efficient launch. This includes:

- Gas Channeling: A structure that redirects exhaust gases away from the platform and sensitive equipment.
- Thermal and Pressure Protection: Materials and design capable of withstanding extreme heat and pressure during liftoff.
- Noise Attenuation: Integrated systems to minimize acoustic impact on the surrounding environment.
- Waste Management: Mechanisms to safely evacuate combustion residues, avoiding accumulation risks and projectiles.
- Risk Mitigation: Measures to protect launch infrastructure and ensure the integrity of equipment for future uses.

Additionally, the design must minimize any damage to vegetation or the environment outside the trench area.

Proponent must include on its proposal and be available to explain to the community and any other relevant forum or interested party how the proposed project will affect the 1) environment, 2) other proposed projects for RR including but not limited to residential and touristic, 3) Los Machos Beach and 4) land, maritime and aerial operations on the surroundings.

1.3 Premises Description.

The LRA owns and leases from the United States Navy (the "Navy") approximately 3,400 acres at NSRR, as depicted on Exhibit A-1 (the "NSRR Property"). The Project might be located on 66.17 acres of the NSRR Property, as further described below and depicted in Exhibit A-3 (the "Premises") or any other area within the Roosevelt Roads premises which is available and adequate for the project. The developer will be responsible for preparing the final cadastral survey plan for the chosen property and working jointly with the LRA to define the final developable area, which should be approximately 60 acres or more. This process will ensure that the designated area aligns with project requirements while adhering to the site's operational and environmental considerations.

1.4 Bidder Registration Form.

Interested bidders must submit the Bidder Registration Form attached hereto as **Exhibit B** to the LRA by e-mail at lraddevelopment@lra.pr.gov no later than **5:00pm AST on Tuesday, January 21, 2025**.

1.5 Additional Information and Questions.

All exhibits, additional information, addenda, and any questions and answers received on this RFP will be posted on the LRA's website at www.rooseveltroads.pr.gov. Questions can be submitted only via e-mail to lraddevelopment@lra.pr.gov no later than 5:00 PM AST on Tuesday, January 28, 2025. No telephone inquiries will be accepted, and no employee or active officer is authorized to receive calls or disclose information regarding this RFP. All information posted on www.rooseveltroads.pr.gov in the Vertical Space Launch Facility RFP #2024-004 section of the LRA website is deemed incorporated by reference into this RFP.

2. NSRR Background and Opportunities

2.1 History of the NSRR Property.

NSRR, including the Premises, was used as a military installation since its acquisition and development by the Navy in the 1940s until its closure on March 31, 2004. Navy environmental reports identify that, prior to acquisition by the Navy, the NSRR Property was used for sugar cane cultivation and cattle grazing, with no significant industrial facilities or environmental concerns being identified with respect to activities conducted on the former NSRR prior to Navy ownership. The property is truly a unique and rare resource, having been isolated from normal development trends since the early part of the last century and situated at the foothills of El Yunque National Rainforest – one of the world's greatest natural wonders. The property represents an interesting mix of natural ecological areas (approximately 3,340 acres of which are already under the care of the Conservation Trust of Puerto Rico), physical infrastructure, a major airfield with an 11,000-foot runway (already under the care of the Puerto Rico Ports Authority), and waterfront development areas.

2.1.1 Pursuant to Section 8132 of the Department of Defense Appropriations Act for Fiscal Year 2004 (Public Act No. 108-87), the Navy was directed to close NSRR pursuant to the procedures and authorities contained in the Defense Base Closure and Realignment Act of 1990, as amended (title XXIX of Public Law No. 101-510, 10 U.S.C. § 2687 note) (the "Base Closure Act"). The Navy closed NSRR on March 31, 2004, and all industrial and commercial operations on the former NSRR with a significant potential for environmental contamination were ceased.

2.1.2 The LRA and the Navy executed that certain *Economic Development Conveyance Memorandum of Agreement between the United States of America Acting by and through the Department of the Navy and the Local Redevelopment Authority for Naval Station Roosevelt Roads* dated December 20, 2011, as amended by Amendment No. 1 dated December 11, 2012 and Amendment No. 2 dated September 1, 2015 (as amended, the "EDC Agreement") to set forth the terms and conditions of the transfer of land at NSRR to the LRA. Pursuant to the processes outlined in the Base Closure Act and its implementing regulations, and the terms and conditions set forth in the EDC Agreement, the LRA and Navy have executed numerous deeds, bills of sale, easements, and that certain *Lease in Furtherance of Conveyance between the United States of America and Local Redevelopment Authority for Naval Station Roosevelt Roads at the Former Naval Station Roosevelt Roads, Puerto Rico* dated January 25, 2012, as amended on March 20, 2013 and May 6, 2013 (as amended, the "LIFOC").

2.1.3 The LRA divided the NSRR Property into nine (9) zones ranging from an airside industrial park and institutional clusters, to a waterfront district, eco-tourism lodges and housing. See **Exhibit A-2**. These are further described in the 2014 Development Zones Master Plan for the NSRR Redevelopment attached as **Exhibit D** (the "2014 Development Zones Master Plan"). This 2014 Development Zones Master Plan complements the 2014 Special Plan published by the Puerto Rico Planning Board, attached hereto as **Exhibits H-1 through H-3**.

2.1.4 Since the 2004 closure, the Navy has transferred land at NSRR to the LRA for economic development purposes, the Puerto Rico Ports Authority for airport purposes, the Department of Natural and Environmental Resources for conservation purposes, and the Municipality of Ceiba for municipality purposes.

2.1.5 For purposes of negotiating with the Navy, the NSRR Property was divided into three (3) parcels (Parcels 1, 2 and 3), as shown on **Exhibit A-1**. The LRA controls all three (3) parcels either through deeds or the LIFO; thus, references to Parcels 1, 2, and 3 are no longer significant, but are useful for purposes of reviewing due diligence materials.

2.2 Establishment of the LRA.

The Roosevelt Roads Naval Base Lands and Facilities Redevelopment Authority Act was enacted on September 29, 2004 and amended on September 18, 2014 and on July 10, 2018 (as amended, "Law No. 508"). The LRA is a public corporation and government instrumentality of the Commonwealth of Puerto Rico (the "Commonwealth"). The LRA is governed by a nine (9)-member Board of Directors (the "LRA Board"). The President of the LRA is the Commonwealth's Secretary of Economic Development and Commerce. Other LRA Board members include representatives designated by the President of the Senate, the Speaker of the House, the Governor, the Puerto Rico Fiscal Agency and Financial Advisory Authority and mayors of the communities surrounding NSRR. On August 30, 2006, the Office of Economic Adjustment of the Department of Defense (now known as the Office of Local Defense Community Cooperation) recognized the LRA as the local redevelopment authority for purposes of implementing the local redevelopment plan at NSRR.

2.2.1 Law No. 508 authorizes the LRA to, among other things, have full dominion over its properties; negotiate and grant any contracts, leases or other agreements necessary or convenient to exercise the LRA's powers and authorities; design, construct or modify any facility that the LRA considers necessary or convenient; acquire and dispose of property (with the consent of the Legislative Assembly for any sales); and issue bonds. Law No. 508 authorizes the LRA to function as a public corporation for a period of forty (40) years as of its enactment, or until the LRA fulfills the agreements with the Navy.

2.2.2 On December 20, 2023, Law No. 135-2023 was enacted to amend Law No. 508 to allow the LRA to dispose of property pursuant to a sale thereof without the Legislative Assembly's prior consent in certain instances (the "2023 Amendment"). The provisions of the 2023 Amendment allow the LRA to dispose of the NSRR Property pursuant to a sale without the Legislative Assembly's prior consent, as an exception to the consent requirement, when such disposition is made to facilitate the development of residential use projects (including condominium projects) and tourism projects (including hotels and condo-hotels). Regarding this specific type of development **respondents are required to consider in their development plans and to include in their Proposals exclusively a long-term lease for the Premises.**

2.3 Surrounding Communities.

The NSRR Property is adjoined by the communities of Ceiba and Naguabo. Nearby islands are Vieques and Culebra. It is important to the LRA that these communities are involved in the redevelopment of the NSRR Property.

2.4 Incentives.

For information regarding Tax Incentives in Puerto Rico visit [Incentives Department of Economic Development and Commerce \(pr.gov\)](https://www.pr.gov/economic-development).

3. Project Description

3.1 Description of Project.

The LRA is seeking a developer and operator capable of sustainably establishing a vertical launch platform that positions NSRR as a hub for aerospace innovation while ensuring the protection of the site's natural and scenic resources. This development aims to position NSRR as an instrument for regional economic growth and a benchmark for scientific and technological advancements in the aerospace field. The project may include, but is not limited to, launch infrastructure and, if space permits, facilities oriented toward aerospace tourism.

The design and development of the project should consider the following aspects:

- Minimizing environmental impacts through sensitive siting improvements.
- Protecting and enhancing habitat areas within and around the site.
- Not affecting other proposed projects for Roosevelt Roads, including but not limited to residential and touristic.
- Not affecting the regular use of Los Machos beach.
- Minimize the impact on land, maritime and aerial operations in the area.
- Promoting the creation of jobs and economic development.
- Welcoming the widest possible range of diverse individuals.
- Developing and maintaining good community relations with all stakeholders, including the LRA, the municipality of Ceiba, and the surrounding communities.

3.2 The Premises.

The Project is envisioned on Parcel 3, zone C, subzone C3 which encompasses 66.17 acres of the NSRR Property (acres of which are developable), as depicted on **Exhibit A-3**. For information on the Premises, refer to **Exhibits A-3 through A-6** and **Exhibits F-1 through F-2** attached hereto. The Premises will be provided to the selected Respondent in its "as-is, where is" condition. The LRA makes no representations regarding the physical or environmental condition of the land or any existing structures or their suitability for any purpose. The LRA makes no representations regarding the character or extent of soil or subsurface conditions or the existence or conditions of utilities that may be encountered during the course of any work, development, construction, or occupancy of the Premises. Respondents will be responsible for undertaking an independent analysis of the Premises conditions, including any environmental, health, and safety issues, and should not rely on any reports or information related to such issues provided by the LRA.

The proponent also has the option to explore any other available possible sites on the Roosevelt Roads Premises that he considers to be adequate for the proposed project.

3.3 LRA's Goals for the Project.

As mentioned in the Project description, it is the LRA's goal to execute a development agreement with a developer to establish a comprehensive center for the aerospace industry that promotes the research, development, and production of advanced technologies. This hub or nearer facility will provide facilities for the manufacturing, assembly, and testing of aircraft, space vehicles, and related components, integrating cutting-edge technologies. Additionally, specialized talent development will be fostered, and collaborations with academic institutions and industry partners will be encouraged. Safety, sustainability, and compliance

with laws and regulations will be ensured, creating an environment conducive to innovation. All of this aims to position Roosevelt Roads as a leader in the aerospace sector, contributing to economic growth and global competitiveness.

3.4 Consideration to the LRA.

The LRA has a contractual agreement with the Navy and must comply with such agreement, which includes securing compliance by any tenant of the Premises with applicable provisions of such agreement. Contractual obligations include, not only financial agreements, but also commitments for the development of the Premises to an extent that will create an economic impact that will bring quality job creation and community development. Financial consideration from the Respondents will enable the LRA to meet these obligations.

3.5 Role of the LRA.

Some of the responsibilities of the LRA include:

3.5.1 Since acquiring ownership of the NSRR Property, the LRA has leased certain portions of the NSRR Property to various users. Such leases were executed to enable immediate job creation and reuse of the NSRR Property, or to enable the LRA to receive in-kind consideration from other governmental agencies. The LRA will manage such leases until their expiration or prior termination in accordance with their terms. See **Exhibits C-1 through C-4** for existing lease agreements if any.

3.5.2 The LRA currently owns and operates all utilities at NSRR. The LRA is currently operating and maintaining the water treatment plant and is coordinating wastewater utility services at NSRR (the "Water and Sewer System") and is currently managing and maintaining the electrical transmission and distribution system at NSRR (the "Electrical Power System"). The redevelopment of the NSRR will require upgrades to the existing infrastructure and utilities. [The Project will be required to be connected to and utilize only utilities owned or operated by the LRA or its designees.] **In the site area subject of these RFP, utilities (water, electricity, communications, etc.) do not exist, the selected proponent will be solely responsible of constructing and maintaining all of the utilities and lines up to the closest connection points.**

3.5.3 The Navy is performing environmental remediation on the approximately 450 acres leased to the LRA pursuant to the LIFOC. The LRA will manage and coordinate with the Navy such remediation until completion.

3.6 Role of the Selected Respondent.

The selected Respondent will be responsible for designing, financing, building, operating and maintaining the development of the Project in accordance with the requirements and timeframe to be set forth in a development agreement providing, among other matters, for the lease of the Project Property, as set forth in the Proposal and subject to the provisions of Law No. 508, as amended, to be agreed-upon by the LRA and the selected Respondent (the "Development Agreement"). The selected Respondent will also be responsible for horizontal development, including utilities, roads and other improvements associated with the Project. Additional expectations for the selected Respondent include:

- Securing financing for construction of necessary buildings, land improvements and infrastructure (Note: the LRA will not provide any funding to the selected Respondent);

- Acquiring a leasehold interest in the Premises pursuant to the Development Agreement and adhering to the performance schedules contained therein related to the development, financing and management of the Premises and the Project;
- Coordinating with the LRA development activities for the Premises and the Project with other activities on the NSRR Property;
- Obtaining all requisite regulatory and governmental approvals to enable the accomplishment of the Project;
- Providing utilities within the Premises and coordinating with the LRA utility-related issues.
- If necessary and as agreed to by the LRA, expediting the Navy's clean-up process by participating in the financing and/or managing of hazardous materials remediation as part of the development process.
- Complying with all applicable laws and regulations; and
- Working with the communities surrounding the NSRR and existing NSRR tenants or landowners in implementing development in furtherance of the LRA's goals for the NSRR Property.

3.7 Environmental Matters.

Uses on the portions of the NSRR Property subject to the LIFOC may be limited, as set forth in the LIFOC, until such time as the environmental remediation is completed. The environmental information provided by the Navy with respect to the Premises is attached as **Exhibits E-3**. See **Exhibit A-6** for Map of Environmental Restrictions of the Premises.

Proponent must make clear in its proposal, what will be its course of action to acquire all necessary permits in compliance with NEPA (National Environmental Policy Act) for the project.

3.8 Infrastructure and Utilities.

The LRA currently owns and operates all utilities at NSRR, including the Water and Sewer System and the Electrical Power System. The redevelopment project will require upgrades to the existing infrastructure and utilities. See Exhibits I-1 through I-3 for infrastructure information.

3.8.1 Potable Water Utilities. The LRA is the owner of the Potable Water System, including the Water Filtration Plant, Reservoir, and Storage Tanks, among other related infrastructure. The LRA's system is not a part of the system operated by the Puerto Rico Aqueduct and Sewer Authority ("PRASA"). All the related water and sanitary utility connection issues are addressed through the LRA (not with PRASA). The LRA operates, repairs, and maintains the existing water system. As depicted in **Exhibit I-1**, **In the site area subject of these RFP, utilities (water, electricity, communications, etc.) do not exist; the selected proponent will be solely responsible for constructing and maintaining all of the utilities and lines up to the closest connection points which are located near LRA's 1205 building.**

3.8.2 Sanitary Sewer Lines. The LRA owns, operates, repairs, and maintains the existing sanitary sewer system. See **Exhibit I-2** for reference. Significant improvements and upgrades to the existing sanitary sewer system are in the design phase. The related project includes the construction of a new sanitary treatment plant, improvements, and refurbishments of the main collection lines,

among other components. **In the site area subject to these RFP, utilities (water, electricity, communications, etc.) do not exist; the selected proponent will be solely responsible for constructing and maintaining all of the utilities and lines up to the closest connection points.**

3.8.3 Electrical Power System. The LRA is the owner of the Electrical Power System's substations, transmission, and distribution lines, among other components. The LRA operates, repairs, and maintains the Electrical Power System. All the related power connection issues are addressed through the LRA or its designee (not the Puerto Rico Electric Power Authority ("PREPA")). For the Premises, two different points of connection are available through 13.2 KV and 38 KV lines, respectively. See **Exhibit I-3**. The LRA also intends to develop a power generation facility within NSRR that is not a part of the system operated by PREPA, including components that render more reliable power with less environmental impacts at a reduced cost to NSRR tenants (as compared to PREPA rates). **In the site subject to these RFP, utilities (water, electricity, communications, etc.) do not exist; the selected proponent will be solely responsible for constructing and maintaining all of the utilities and lines up to the closest connection points.**

3.8.4 Access to Utilities. [Connection to PRASA and PREPA systems is not available to projects developed within the NSRR Property. All projects currently existing or to be developed on the NSRR Property, including the Project, must be connected to and utilize only utilities owned or operated by the LRA or its designees, including the Water and Sewer System and the Electrical Power System.] **In the site area subject to these RFP, utilities (water, electricity, communications, etc.) do not exist; the selected proponent will be solely responsible for constructing and maintaining all of the utilities and lines up to the closest connection points.**

3.9 Zoning.

The Premises are currently zoned as E2, as identified in the 2014 Special Plan ROTFU published by the Puerto Rico Planning Board attached hereto as **Exhibit H-1 through H-3, or the Territorial Zoning Plan in effect at the time of the publication of this RFP, or the Territorial Zoning Plan in effect at the time of the publication of this RFP**

3.10 Buildings and Tenants.

Except for the buildings currently under lease, buildings existing within the Premises will be included in the Development Agreement in an "as is, where is" condition.

3.11 Local Business and Hiring Goals.

The growth, well-being, and health of the local economy are a priority for the LRA. Although we acknowledge this is a specialized industry, the selected Respondent must engage local businesses and prioritize local hiring (Ceiba and Naguabo) in the development and operation of the Project.

3.12 Land Use and Zoning.

The 2014 Special Plan ROTFU is attached hereto as **Exhibit H-1** in Spanish. Excerpts of the most relevant portions of the 2014 Special Plan ROTFU are included in English in **Exhibit H- 2**. The ROTFU Zoning Plan is attached hereto as **Exhibit H-3**, or the Territorial Zoning Plan in effect at the time of the publication of this RFP.

4. Proposal Requirements

4.1 Page Limitation.

While there is no page limitation for the Proposals, Respondents are *strongly* encouraged to be concise in their responses.

4.2 Language.

All Proposals must be submitted in English.

4.3 Cover Transmittal Letter.

Each Respondent should submit a signed cover letter acknowledging that such Respondent has received, examined, and is familiar with the RFP, including all exhibits and information posted on www.rooseveltroads.pr.gov. The cover letter must provide an executive summary of the Proposal and must be signed by a person who has full authority to bind the Respondent to the Proposal and to all its terms and conditions. If multiple team members are included in the Proposal, an authorized representative from each team member may sign the same cover letter or submit separate cover letters containing these representations.

4.4 Presentation of Qualifications.

Each Proposal should address all the following items in the order listed below unless noted as optional.

4.4.1 Part 1: Qualifications and Past Performance. Information that will enable the LRA to evaluate the Respondent's qualifications and past performance should be provided. At a minimum, the following items should be addressed in this section of the Proposal:

4.4.1.1 A description of the Respondent's organizational history and background.

4.4.1.2 A description of the role to be played by, and qualifications of, key personnel and any team member. Respondent shall provide a copy of the curriculum vitae of key personnel and an organizational chart of Respondent and, if more than one entity is involved in the Proposal, a copy of an organizational chart illustrating the relationship between or among the entities comprised of the Respondent. To the extent one or more companies will be forming a joint venture to develop the Project described in the Proposal, Respondents should provide either (i) evidence that such joint venture has been formed prior to submission of the Proposal or (ii) a Term Sheet executed by such companies which identifies the general terms of the joint venture that will be formed, including which entity or entities have the authority to make binding decisions on behalf of the joint venture.

4.4.1.3 A summary of the Respondent's experience in managing projects of a similar nature to the Project. To the extent possible, the narrative should specifically describe how the Respondent's experience demonstrates that it has the skills and experience necessary to develop, finance, operate, and maintain the Project.

4.4.1.4 Identify up to three (3) specific examples of projects completed within the last ten (10) years that demonstrate relevant experience. For each example, identify (i) a description of the project and its financing structure, (ii) the size and scope of the project, (iii) the location of the project, (iv) the role of the Respondent in the project, (v) the period of performance, and (vi) the contact information

for the client's contracting officer or similar supervising party for the project. If applicable, please highlight any projects that were public-private partnerships located on former military bases or federally owned properties that entailed redevelopment of a similar scale or nature as the Project or required the Respondent to finance, design, construct, operate, and maintain the project. Although the evaluation will be performed of the Respondent's team, as a whole, if the team includes multiple members, up to three (3) examples per team member must be provided.

4.4.2 Part 2: Concept and Development Plan. Information that will enable the LRA to evaluate the Respondent's concept and development plan for the Project should be provided. At a minimum, the following items should be addressed in this section of the Proposal:

4.4.2.1 Concept and Vision. Respondents should describe in detail their overall concept and vision for the Project. Respondents should clearly identify any inconsistencies with the Project description provided in this RFP or the 2014 Development Zones Master Plan and explain the reason(s) for such deviation(s).

4.4.2.2 Development Plans. The design of the Project must adhere to federal, state, and local laws, regulations, and ordinances and must be compatible with functional, sustainable, energy- and water-efficient, and universally designed. Respondents should provide:

4.4.2.2.1 Evidence of market demand for the Respondent's proposed uses of the Premises.

4.4.2.2.2 A description of how the Project will improve the quality of life of the surrounding communities and the region, including job creation and economic impacts, and how the Respondent plans to address potential concerns from community members regarding the development of this Project.

The proponent must include on its proposal and be available to explain to the community and any other relevant forum or interested party how the proposed project will affect the 1) environment, 2) other proposed projects for RR, 3) Los Machos Beach, and 4) land, maritime and aerial operations on the surroundings.

4.4.2.2.3 A timeline for the development, design, construction, and operation of the Project with specific milestones and a phasing plan that describes the Respondent's strategy and timing for delivering various components of the Project. The timeline and phasing plan must include, without limitation, the timing to (i) negotiate the terms of the Development Agreement, (ii) design the Project, (iii) obtain the permits for the construction and operation of the Project, (iv) construct and furnish the diverse components of the Project, (v) engage in marketing efforts for the lease of the Premises, and (vi) commence and stabilize operations of the Project.

4.4.2.2.4 A description of how utility services will be provided throughout the Project.

4.4.2.2.5 A plan for the ongoing operation and maintenance of buildings, infrastructure, and grounds on the Premises throughout all phases of development.

4.4.2.2.6 A description of how the Premises will be developed to utilize (where appropriate) designs using Universal Design principles, LEED certifications, low-impact design, and energy efficiency/renewable energy.

4.4.2.3 Conceptual Plans. Respondents should provide descriptive narratives and conceptual design drawings that have sufficient detail, including:

4.4.2.3.1 A Site Plan showing the location of land use elements of the Project.

4.4.2.3.2 A general site and development plan indicating the proposed use, location and height of each building within the Premises.

4.4.2.3.3 A circulation plan, including the location of all vehicular and pedestrian access ways within the Project. Circulation Plan should include Path of Travel.

4.4.2.3.4 A plan describing any public space areas, including any proposed improvements to be dedicated to the LRA.

4.4.2.3.5 Maintenance and operational plans for the buildings, grounds, and utilities.

4.4.2.3.6 After reviewing the existing buildings, structures, and infrastructure and their potential for reuse, Respondents should identify any that the Respondent intends to reuse and those that will be demolished (the timing for any demolition should be addressed in the phasing plan). A description of the Respondent's approach to the following should also be provided: building and infrastructure removal (project staging, methods, timing vis-à-vis the phasing plan); material reclamation, recycling, and on-site storage; hazardous materials and waste remediation and response (if any); noise, dust, vibration, truck traffic mitigation plans; and recycling of demolition material.

4.4.2.3.7 A description of the Respondent's approach to mitigating and managing known or potential environmental conditions on the Premises.

4.4.2.3.8 A plan for marketing the Premises to attract new businesses to accomplish the LRA's goals. Note that the LRA's goal is to attract new businesses into the region, not just provide new spaces for current companies to relocate.

4.4.3 Part 3: Financial Offer, Capacity and Strategy. Information that will enable the LRA to evaluate the Respondent's financial offer and capacity to undertake the proposed Project should be provided. Respondents may receive a stronger evaluation depending on the level of detail and commitment relative to the Project's financing. At a minimum, the following items should be addressed in this section of the Proposal:

4.4.3.1 Financial Capacity. Provide a general overview of the Respondent's financial stability and capability to develop, design, and operate the Project. Respondent shall provide audited financial statements for the previous five (5) years showing the Respondent's net worth and current financial condition, including all statements of changes in financial position, and identifying any projects with negative cash flows, amount of the Respondent's non-recourse debt and any non-performing loans. The Respondent must demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means sufficient to meet construction cash flow requirements as per the Respondent's proposal offer.

4.4.3.1.1 As a mandatory minimum requirement, the Respondent must have the ability to obtain a performance and payment bond from a surety company whose name appears on the current list of Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as

Acceptable Reinsuring Companies accordingly respondent proposal offer. Respondents must provide a letter signed by an authorized representative of the Respondent's surety company (or agent) confirming that the Respondent can meet this minimum requirement. Any Respondent who fails to meet this mandatory minimum bonding requirement will be considered non-responsive and will not be considered further by the LRA in this RFP. The surety shall be a company authorized to do business in Puerto Rico, with a minimum rating of A and Treasury Listed. Letters indicating "unlimited" bonding capability are not acceptable.

4.4.3.2 Financing Strategy. It is critical to the LRA that Respondents be able to finance the Project. While Respondents are encouraged to familiarize themselves with any available tax benefits, note that **neither the LRA nor the Commonwealth intends to provide any public subsidy or assistance to fill any funding gaps or shortfalls**. Respondents should provide a narrative description of the proposed debt and equity composition of the Project and other financial assumptions that will allow the LRA to evaluate the financial feasibility of the proposed Project. All financial models must be unlocked, fully functional with active formulas in Microsoft Excel and submitted on a USB drive. The LRA understands that all assumptions cannot be known at this time, but Respondents must provide their best assumptions and/or specifically identify where it is not possible to make reasonable assumptions. The following information must be provided in this Section:

4.4.3.2.1 Financial information about the total investment required for the development, design and operation of the Project.

4.4.3.2.2 The Respondent's proposed equity commitment to the Project and the timing of disbursement of that commitment, including letters of commitment from each equity investor for its Proposal, stating the full terms and conditions under which such amounts will be provided to the Project and with a schedule of disbursement consistent with the Respondent's requirement for construction and permanent financing.

4.4.3.2.3 Detailed description of federal government or other public funding sources, if any, that the Respondent intends to attract to the Project, including all coordination efforts made by the Respondent to secure such funding sources and the projected timing of funding availability, and a description of Respondent's prior experience with such funding sources in other projects.

4.4.3.2.4 Satisfactory evidence of Respondent's ability to secure project debt and to finance the Project, including tentative commitment letters from prospective lenders and contact information of up to three (3) lenders that have provided Respondent with financing of a magnitude similar to that required for the development and operation of the Project, including a description of Respondent's prior experience with such lenders.

4.4.3.2.5 A Sources and Uses table which includes an estimate of the cost of the Project along with potential sources and expected construction and development fees.

4.4.3.2.6 A conceptual level development budget showing the Project's total development costs, estimating the assumed value of the Premises, construction costs, architectural, engineering, and related fees. The Respondent must submit estimated total project costs in reasonable detail, including, without limitation, hard and soft costs based on industry standards; all developer fees, general contractor fees, and overhead costs separately identified; demonstration of how equity and

debt or other methods of financing fully fund this Project; operating expenses analysis, housing calculation broken down by unit type, family size, and any other project-specific return metrics; and all the assumptions used in the financial model.

4.4.3.2.7 A narrative statement explaining the economic feasibility of the proposed development and financial projections and information evidencing such economic feasibility. Respondents shall provide full development proformas describing estimated development costs and projected project income for each income-producing component proposed as part of the Project. Respondents must submit the Proforma Statement.

4.4.3.2.8 Description of any specific plans to raise revenue to support infrastructure improvements and ongoing common area maintenance and evidence of financial capability to support such improvements.

4.4.3.2.9 Provide financial information of the financial impact of the Project in the community and in the region.

4.4.3.3 Financial Offer. Respondents should propose the financial compensation that the Respondent proposes to pay to the LRA in exchange for the long-term lease. **Respondents are required to consider in their development plans and to include in their Proposals a long-term lease offer.** The Respondent shall provide evidence that it has the financial capacity and means to compensate the LRA in exchange for the long-term lease. Respondents should note that the LRA is interested in maximizing revenues received by the LRA while at the same time ensuring the long-term financial viability of the Project. The financial offer should include any assumptions and/or requirements for the proposed financial consideration to be provided to the LRA. Respondents must submit the Proposed Consideration Certificate attached hereto as Exhibit C-2.

4.4.4 Part 4: Local Impact. Information should be provided that will enable the LRA to evaluate the expected local impact of the proposed Project. At a minimum, the following items should be addressed in this section of the Proposal:

4.4.4.1 Community Relations. The maintenance of good community relations is important to the LRA. In this section of the Proposal, identify how good relations with all stakeholders (including the LRA and the communities surrounding the NSRR Property) will be maintained throughout the duration of the Project. Respondents should identify local market knowledge and a community relations strategy applicable to the NSRR region. Examples from previous community relations experiences and their impact should be included. The proponent must be available and willing to explain to the surrounding community all the possible impacts this project might have on their normal life and surroundings.

4.4.4.2 Local Job Generation. One of the LRA's primary goals for this Project is to create and generate local jobs. Respondents must:

4.4.4.2.1 Identify the percentage of contract dollar volume of the redevelopment budget the Respondent will strive to award to firms based in Puerto Rico. Please note that the LRA's goal is for at least 33% (a higher percentage will improve your evaluation of this criterion) of the redevelopment budget to be awarded to firms based in Puerto Rico.

4.4.4.2.2 Provide an economic impact plan which identifies: (i) the number, type and phasing of jobs to be created, highlighting the number of local jobs to be created; (ii) projected local annual payroll associated with the proposed redevelopment plan at full build-out; (iii) price points for all uses (for residential uses include housing type; for non-residential uses include price per square foot cost); (iv) total projected annual sales tax revenue generated by the redevelopment at full build-out; and (v) total estimated real property tax base associated with the proposed redevelopment plan at full build-out.

4.4.4.2.3 Provide supporting information identifying an expected number of jobs for the Project, including estimates and additional detail with respect to the type of jobs expected to be generated and the timing for such job generation.

4.4.4.3 Benefits to the Community. The LRA strongly encourages the hiring of Puerto Rican workers, particularly from the immediate surrounding communities of Ceiba and Naguabo. Respondent shall describe in detail the ways in which the Project will improve the quality of life for the surrounding communities and the region, the benefits the Project will provide to the community, and how the Respondent plans to inform and involve the communities during the development process, as well as address potential concerns of community members regarding the development of the Project. Community Benefits Agreements are encouraged as a way of showing the Respondent's commitment to providing jobs and other benefits for local residents. If the Respondent contemplates entering into Community Benefits Agreements if selected, please indicate the proposed nature and extent of such agreement.

4.4.5 Part 5: Other. Respondents shall provide the following information.

4.4.5.1 Legal Action History. Provide a list and a brief description of all legal actions for the past five (5) years in which any firm that is part of the Respondent's team has been: (a) a debtor in bankruptcy; (b) a defendant or a plaintiff in a lawsuit for deficient performance under a contract or failure to comply with laws or regulations; (c) a defendant in an administrative action for deficient performance on a project or failure to comply with laws or regulations; or (d) a defendant in any criminal action or a plaintiff or a defendant in any lawsuit for breach of contract involving a claim valued in excess of \$1,000,000. Please clearly state if no legal action has occurred against the Respondent and any of its team members.

4.4.5.2 Acknowledgment of Responsibilities. Respondents should specifically acknowledge and address the responsibilities listed in Section 3.6 of the RFP, which will be delineated in further detail in the Development Agreement.

4.4.5.3 Development Agreement. Upon the selection of a duly submitted and evaluated proposal, the Authority will engage with the selected Proponent to negotiate and execute an initial Term Sheet and posterior Development Agreement. This agreement will outline the terms, conditions, responsibilities, and obligations of the parties in connection with the proposed development, ensuring alignment with the objectives and requirements of the project.

4.5 Deadline for Proposals.

All Proposals must be received by the LRA prior to **5:00pm AST on Friday, February 28, 2025**. All Proposals must contain one (1) signed original, seven (7) copies, and one (1) electronic copy on USB Drive. The materials shall be submitted in sealed packages and addressed to the Local Redevelopment Authority for Naval Station Roosevelt Roads, Comercio y Exportación Building, #159 Chardón Ave., 3rd Floor, Hato Rey, PR 00918. The sealed package must be labeled with the Respondent's name, address, and contact person

and will be date and time-stamped upon receipt. Electronic, telegraphic, and facsimile offers and modifications will not be considered without express prior written authorization. Any Proposal received after the time and date specified above may be rejected and may be returned to the sender unopened.

[CONTINUED ON FOLLOWING PAGE]

5. Selection Criteria and Process

5.1 Evaluation Factors. Each Respondent’s Proposal will be evaluated based upon the evaluation factors listed below. All Respondents will be evaluated based on the strength of their entire proposal as compared with the criteria listed below, along with balancing the best interests of the LRA. Information provided within the Proposals, interviews, responses to questions, best and final offers, and any other information obtained by the LRA may be considered during the evaluation.

<p>Factor 1: Development Concept</p>	<ul style="list-style-type: none"> • The proposal presents financially stable, market-viable, and concrete ideas for the Project; the Project is compatible with the 2014 Development Zones Master Plan and complies with the NSRR ROTFU, or the Territorial Zoning Plan in effect at the time of the publication of this RFP. • Proposal presents a credible and viable Project Timeline, with clear milestones that comply with the Conditions of Precedent Period, the Construction Schedule, and the Operational Phase of the Project. <ul style="list-style-type: none"> If the Proposal presents a construction period beginning (after receiving all the construction permits) within twelve (12) months from the signing of the Development Agreement, it will receive a 5% bonus. If the Proposal presents a construction period beginning (after receiving all the construction permits) within twenty-four (24) months from the signing of the Development Agreement, it will receive a 3% bonus. • The Proposal presents developments aligned with LRA’s best interest. • Proposal considers and includes current LRA tenants within the Premises, if any. • The Proposal identifies prospective tenants, and a clear plan is presented for how to engage existing and prospective tenants to demonstrate an optimal occupancy level for the project, if any. • The proposal’s executive summary and conceptual plans demonstrate an understanding of the LRA’s goals (as established in Section 3.3) and present a clear plan for implementation, including an indubitable understanding of the principles of Universal Design. • Environmental considerations: <ul style="list-style-type: none"> • Proposal demonstrates a thorough understanding of the Management of Environmental Restrictions per <u>Exhibit A-6</u> and <u>Exhibits E-3</u>. Conceptual Plans show an understanding of the environmental restrictions on the site. • Proposal includes a sustainable design approach that considers the project’s development and operational phase. • The proposal explains in detail its plans to obtain all the necessary environmental permits, which must be NEPA compliant. (EA and FONSI, among other necessary) 	<p>25%</p>
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<p>Factor 2: Qualification and Past Performance</p>	<ul style="list-style-type: none"> • Proposal demonstrates, through the experience and expertise of proposed key personnel and past projects, that the Project team proposed by Respondent is qualified to execute the proposed development plan. • Proposal demonstrates that the Project team members have successfully completed, within their respective disciplines, projects of a similar scale and scope to the proposed Project. • Proposal provides evidence of the Project team’s organizational and financial capability to ensure successful and timely delivery of the Project. • Proposal shows that the Project team is well-organized and has a clear management structure and has experience working together on similar projects. 	<p>20%</p>
<p>Factor 3: Financial Capability and Strategy</p>	<ul style="list-style-type: none"> • Proposal demonstrates that the proposed Project is financially viable. The financial information demonstrates that the project’s development costs will inject a significant amount of money into the region and the municipality of Ceiba. • Proposal demonstrates that Respondent has the financial means to finance the development and operation of the Project. • Proposal includes evidence of Respondent’s financial resources (capital) and commitments to execute the Project. • Proposal demonstrates that Respondent has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means sufficient to meet construction cash flow requirements as per the Respondent’s proposal. • Proposal includes a letter from Respondent’s surety company (or agent) confirming that the Respondent can meet construction cash flow requirements as per the Respondent’s proposal. • Respondent’s surety company appears on the current Companies Holding Certificates of Authority list as Acceptable Sureties on Federal Bonds and Acceptable Reinsuring Companies. • Proformas required are included and completed. • Proposal Certification Form and Proposed Consideration Certificate are signed and included. • Proposal acknowledges and includes a No Financing Contingency. 	<p>25%</p>

<p>Factor 4: Local Impact</p>	<ul style="list-style-type: none"> • Proposal demonstrates how the proposed components of the Project will improve the quality of life for the surrounding communities of Ceiba and the region. • Proposal includes a solid Communication and Outreach Plan that involves community members and responds to communities’ concerns through the development and operational period. • Proposal includes a plan to be available and willing to explain to the surrounding community all the possible impacts this project might have on their normal life and surroundings. • Proposal includes detailed information regarding job creation: <ul style="list-style-type: none"> ○ Forecasted direct jobs ○ Forecasted indirect jobs ○ Forecasted-induced jobs 	<p>15%</p>
<p>Factor 5: Consideration of the LRA</p>	<ul style="list-style-type: none"> • Proposal includes a completed and signed <u>Exhibit C-3: Economic Consideration to the LRA</u>: <ul style="list-style-type: none"> ○ For long-term lease alternatives, if applicable: <ul style="list-style-type: none"> ▪ Interim Rent ▪ Stabilization Period Rent ▪ Operational Period Rent ▪ Percentage Rent ▪ Percentage Participation in Capital Events ○ No purchase alternative will be considered 	<p>15%</p>

5.2 Oral Presentations. The LRA, at its sole discretion, may require all or a short-listed group of Respondents to participate in oral presentations. Details regarding the date, format, and other logistics for oral presentations will be provided to Respondents at a later date.

5.3 Best and Final Offer. If Respondents are asked to submit a “Best and Final Offer” (BAFO), Respondents are expected to adhere to the additional guidance of the LRA and submit a final revised Proposal for the LRA’s final consideration. Upon receiving the BAFO, the LRA reserves the right to conduct additional rounds of requests for information, interviews, and request for further discussions and negotiations if the BAFO lacks adequate information to make a final selection or if the selection committee determines, at its sole discretion, that additional rounds are necessary.

5.4 Respondent Selection Process. A phased process has been established by the LRA for selecting a Respondent to proceed with the Project.

5.4.1 Phase 1, the RFP stage, requires the submission of Proposals and, if requested by the LRA, participation in interviews or submission of responses to questions or a BAFO. At the completion of Phase 1, the LRA will select one or more Respondents to participate in Phase 2.

5.4.2 Phase 2 will entail the exclusive negotiation with one or more Respondents (each of which shall have delivered a Bid Bond to the LRA) selected by the LRA for a specified period of time. If successful, exclusive negotiations will terminate upon the execution of a Development Agreement.

5.5 Respondent Selection Timeline. The LRA's expected timeline for the selection of the Respondent(s) is set forth in the tables below. Please note that the activities and timetable are only a guide and are subject to change at the LRA's sole discretion.

Phase 1 for Respondents	
Issuance of the RFP	Monday, December 30, 2024
Registration Form	Tuesday, January 21, 2025, at 5:00pm AST
Mandatory Pre-Submittal Meeting, Site Visit Sessions ⁴	Tuesday, January 21, 2025, at 10:30am AST
Deadline for Questions on the RFP	Tuesday, January 28, 2025, at 5:00pm AST
Deadline for Posting Responses to Questions	Friday, January 31, 2025
Proposal Deadline	Friday, February 28, 2025, at 5:00pm AST
Presentations by Respondents (if required)	TBD
Selection of top Respondent	TBD

6. Miscellaneous Terms and Conditions Applicable to All Respondents

6.1 Legal Requirements. Respondents are responsible for complying with all legal requirements set forth in Exhibit C-1.

6.2 Familiarity with LRA's Redevelopment Goals and Objectives. The LRA assumes that the Respondents are fully informed and familiar with the contents of the RFP, including all exhibits attached to the RFP. Respondents who submit a Proposal are responsible for becoming fully informed regarding all circumstances, information, laws and any other matters that might, in any way, affect the Respondent's roles and responsibilities in the Project. Any failure to become fully knowledgeable of any other matters that might, in any way, affect the Project will be at the Respondent's sole risk. The LRA assumes no responsibility for assumptions or conclusions made by Respondents based on information provided in this RFP or through any other sources. Respondent must complete and issue a Proposal Certification Form, attached hereto as Exhibit C-2.

6.3 Questions and Information. Any questions, requests for clarification, and general information requests must be sent by e-mail to the LRA at lradepvelopment@lra.pr.gov in accordance with the deadlines set forth above. No telephone inquiries will be accepted. The LRA will provide all prospective Respondents with copies of any questions it receives and any answers, clarifications, and/or information it provides in response thereto. Such information will be posted on the LRA's website at www.rooseveltroads.pr.gov in the RFP #2024-004 section. Only written responses posted on the LRA's website will be considered binding.

6.4 Reference Documents. To assist Respondents in preparing their respective responses to this RFP, the LRA has created a website at www.rooseveltroads.pr.gov. This website contains all exhibits and other documents that will assist in preparing the Proposals.

6.5 Amendments to this RFP. This RFP may be amended by formal amendment, document, or letter. If this RFP is amended, then all terms and conditions that are not amended remain unchanged. Any amendments will be posted on www.rooseveltroads.pr.gov in the RFP #2024-004 section and sent to registered participants by e-mail.

6.6 Authorizations by Respondent. Any and all information provided by a Respondent and its team members may be used by the LRA to conduct credit and background checks. The Respondent agrees to execute any additional documentation requested by the LRA to evidence its consent to such credit and background checks. At its discretion, LRA staff may contact references and industry sources, investigate previous projects and current commitments, interview some or all of the proposed team members, and take any other information into account in its evaluation of the responses. The LRA reserves the right to request clarifications or additional information and to request that Respondents make presentations to the LRA, community groups, or others.

6.7 Teaming Arrangements and Special Purpose Entities. Multiple Respondents may form a joint venture for the purpose of submitting a Proposal. The LRA may require that the Respondent and its team members provide financial and performance guarantees (including, but not limited to the Bid Bond and performance and payment bonds). However, please note that the LRA will not be involved in facilitating partnering or teaming arrangements. Each Respondent that forms a joint venture shall provide information about all entities comprising the same and include with its Proposal a copy of the legal documentation establishing the joint venture.

6.8 Hold Harmless. By participating in this RFP process, each Respondent agrees to indemnify and hold harmless the LRA and its officers, employees, contractors and advisors from and against any and all real estate and other brokerage fees or commissions, finder's fees and any other forms of compensation related in any way to activities undertaken by any person as a result of such person's efforts towards and/or participation in this RFP process or the submission by such person of a proposal, and liabilities, losses, costs and expenses (including reasonable attorney's fees and expenses) incurred by any indemnified party as a result of, or in connection with, any claim asserted or arising as a result of, or in connection with, this RFP process. This includes any and all activities related to the LRA's exclusive negotiations with the selected Respondent.

6.9 Public Information. All information submitted in response to this RFP will be considered property of the LRA. The documents and other records submitted to the LRA are part of the public record and subject to public disclosure. Therefore, any document or information provided by the Respondent that contains confidential information must be marked as confidential.

6.10 Organizational Conflicts of Interest. Each Respondent shall clearly identify in its Proposal any person or entity that has assisted the Respondent in the preparation of its Proposal and that has advised, or is currently advising, the LRA on any aspect of the redevelopment at NSRR.

6.11 Other Terms and Conditions. Law No. 508 and its regulations, as well as all applicable Puerto Rico and federal laws and regulations, will govern this RFP and all agreements entered into in connection with this RFP.

6.12 Not a Contract. This RFP does not constitute an offer or promise to enter into a contract (including, without limitation, the Development Agreement) with the LRA and any individual or entity; thus, no contract of any kind is formed under or arises from this RFP.

6.13 Confidentiality of Information Associated with LRA. Information associated with the LRA or a government entity obtained by the Respondent as a result of participation in this RFP is confidential and must not be disclosed without prior written authorization from the LRA in each instance.

6.14 Reservation of Rights. The LRA reserves the right, in its sole and absolute discretion, to:

6.14.1 Change or amend the business opportunities described in this RFP;

6.14.2 Cancel or suspend this RFP process or any or all phases at any time prior to the execution of the Development Agreement, pursuant to [Section 26.00 of Regulation No. REG-LRA-2024-001];

6.14.3 Accept or reject any Proposal based on the selection criteria and as determined at the discretion of the LRA;

6.14.4 Waive any defect as to form or content of this RFP or any response thereto;

6.14.5 Not accept any or all Proposals;

6.14.6 Select one or multiple developers that will best meet the LRA's needs and objectives, regardless of differences in fees and expenses among Respondents to this RFP;

6.14.7 Reject all or any Proposals without any obligation, compensation, or reimbursement to any Respondent or any of its team members; and

6.14.8 Extend any date, time period or deadline provided in this RFP, upon notice to all Respondents.

6.15 Restriction of Damages. Each Respondent agrees that:

6.15.1 In the event that any or all Proposals are rejected, or this RFP is modified, suspended, or cancelled for any reason, neither the LRA nor any of its officers, employees, contractors, or advisors will be liable, under any circumstances.

6.15.2 By participating in this RFP process, each Respondent agrees to indemnify and hold harmless the LRA and its officers, employees, contractors and advisors from and against any and all real estate and other brokerage fees or commissions, finder's fees, and any other forms of compensation related in any way to activities undertaken by any person as a result of such person's efforts towards and/or participation in this RFP process or the submission by such person of a proposal, and liabilities, losses,

costs, and expenses (including reasonable attorney's fees and expenses) incurred by any indemnified party as a result of, or in connection with, any claim asserted or arising as a result of, or in connection with, this RFP process. This includes any and all activities related to the LRA's exclusive negotiations with the selected Respondent(s).

6.16 Disclosure.

6.16.1 As required by Law No. 508-2004, as amended, the information submitted by the Respondents will be published on the Internet once the contract is awarded, except for the information identified as confidential.

6.16.2 All public information generated in relation to the process, including communications with the media and the public, must be coordinated with and is subject to prior approval of the LRA.

6.17 No Obligation to Accept Proposals. The LRA is not obligated to accept a Proposal where, at the discretion of the LRA, it is not in compliance with the requirements of this RFP, or it includes a false or misleading statement, claim, or information, or background checks reveal any false statements in the Proposal.

6.18 No Collusion or Fraud. Each Respondent is held responsible for ensuring that its participation in this RFP process is conducted without collusion or fraud.

6.19 Protest and Reconsideration. Any Respondent adversely affected by a notified decision made by the LRA in connection with the selection and award procedures provided in this RFP may submit a request for reconsideration to the Executive Director of the LRA at the San Juan offices of the LRA, located at Comercio y Exportación Building, #159 Chardón Ave., 3rd Floor, Hato Rey, PR 00918, in accordance with [Section 27.00 of Regulation No. REG-LRA-2024-001].

A request for reconsideration shall be made in writing and state the name and address of the requesting party; contain a detailed and accurate statement of the legal and factual grounds for the request, including copies of relevant documents; and shall specify the relief requested. Requests for reconsideration based on alleged restrictive specifications, violations of law or regulations or other alleged improprieties in the solicitation process that are apparent prior to the proposal due date shall be submitted not later than five (5) business days prior to the proposal due date.

A request for reconsideration that fails to comply with the time limits or procedures stated above or provided in the applicable laws or regulations may be dismissed or denied without consideration. Judicial review of the determinations made by the LRA will be governed by Chapter IV of the Puerto Rico Uniform Administrative Procedure Act, Act No. 38 of June 30, 2017, as amended. A request for judicial review shall not stay the further action of the LRA relating to the Procurement Process.