



CITY OF MILLBRAE

STATEMENT OF INTEREST

for

DATA CENTER DEVELOPMENT AND OPERATIONS

Response due by 4:00 PM, Friday, August 30, 2019

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GENERAL INFORMATION:

The City of Millbrae (“City”) is seeking a Statement of Interest (SOI) from qualified developers to develop and operate a city-owned parcel into a data center.

Any and all changes in the SOI will be made by written addendum, which shall be issued by the City and posted to the City’s website as noted under DEADLINE FOR WRITTEN QUESTIONS, it is the responsibility of developers to carefully review this SOI and any addenda including checking the City website regularly.

The developer, by submitting a response to this SOI, waives all right to protest or seek any legal remedies whatsoever regarding an aspect of this SOI. Although, it is the City’s intent to choose the most qualified teams to interview with the City, the City reserves the right to choose any number of qualified finalists.

The selected developer shall be required to enter into a Developer Agreement and/or Franchise Agreement with the City.

The City of Millbrae is an Equal Opportunity Employer. Developers participating in the selection process must comply with all applicable laws.

BACKGROUND:

Millbrae, incorporated in 1948 as a General Law City, encompasses approximately 3.5 square miles and is located in the mid San Francisco peninsula in San Mateo County. The City is governed by a five-member City Council with members selecting a Mayor for a one year term and has an appointed City Manager. The City population of 22,000 has high property values and a high median household income. There has been a great emphasis on economic development particularly surrounding the Millbrae BART Station and along the El Camino Real corridor.

Other information regarding the City of Millbrae can be found on the City’s website at www.ci.millbrae.ca.us

The City of Millbrae is a full service city providing water, wastewater collection and treatment, storm water collection and other typical municipal services to its residents.

PURPOSE:

The City of Millbrae desires to enter into a Developer Agreement and/or Franchise Agreement with a qualified and experienced developer to develop and operate a data center at a city-owned vacant property adjacent to the Millbrae BART/Caltrain Station as depicted in Attachment 1. The City is looking to enter into a long-term land lease with a data center developer/operator to develop such facility at a city-owned property. The City may elect to enter into a Franchise Agreement with the selected developer to share a portion of the proceeds from the data center operations.

The subject property Assessor Parcel Number is 024-174-330. The property is approximately 2.62 acres and is to the immediate north of the existing Millbrae BART Station, adjacent to High Line Canal.

The proposed data center is subject to the review of Airport Land Use Committee and the maximum height is capped at 80 feet above mean sea level, subject to verification. All developments must be compatible to the San Francisco International Airport Land Use Compatibility Plan which measures height based on Mean Sea Level, not based on the distance above exterior finished grade level.

The Data Center site is located within the Millbrae Station Area Specific Plan (MSASP) and is currently zoned as Public Facilities or PF District. For additional information about MSASP please click the weblink below:

<https://www.ci.millbrae.ca.us/home/showdocument?id=7429>

The maximum structure height for the subject site is capped at 35 feet above adjacent finished grade in accordance to the MSASP. An amendment to the maximum height can be accommodated with the assistance from the City if requested by the selected data center developer.

A Conditional Use Permit (CUP) is required and the City will assist the selected developer in processing the CUP application with the Millbrae Planning Commission.

The site has a restriction of 0.3 FAR and the City will assist the selected developer to amend the MASAP to increase the existing 0.3 FAR to 0.5 FAR.

The data center shall set back 20 feet from the property line of the adjacent residential buildings, and the building height shall not exceed the line drawn at a 45-degree angle starting at the edge of the residential buildings' parcel lines. See page 5.15 of the MSASP.

The City will assist the selected developer through the CEQA process. A Negative Declaration is anticipated for the construction of the data center and will be prepared by the City Community Development Department.

The City of Millbrae reserves the right to reject any or all responses received as a result of this solicitation: to extend the submission due date for; to modify, amend, reissue or rewrite this document; and to procure any or all services by other means.

Interested firms should submit five (5) copies of their proposal to: **City of Millbrae, Department of Public Works, Attention: Khee Lim, Public Works Director; 621 Magnolia Avenue, Millbrae, CA 94030 no later than Friday, X XW, 2019 , 4:00PM.**

PRELIMINARY SCHEDULE:

The following is a preliminary schedule for the project.

Distribution of SOI	July 1, 2019
Deadline to Submit Written Questions	July 26, 2019, 4:00 PM
Site Tour	August 14, 2019, 9:00 AM
Deadline to submit SOIs	August 30, 2019, 4:00 PM
Recommendation presented to the City Council	October 22, 2019

Note that this schedule is preliminary. The schedule may be adjusted, as needed, by the City.

DEADLINE FOR WRITTEN QUESTIONS:

Questions about this SOI or process must be submitted in writing (e-mail acceptable) to Khee Lim, 621 Magnolia Avenue, Millbrae, CA 94030 or klim@ci.millbrae.ca.us before 4:00 PM on July 26, 2019. The City will compile a list of written questions with responses and post to the City website within one week. It is the responsibility of developers to carefully review this SOI and any addenda including checking the City website regularly.

Except as specified above, developers and their representatives may not communicate with any officer, director, employee, or agent of the City with respect to this SOI except as may be reasonably necessary to carry out the procedures specified in this RFP. Nothing herein prohibits developers or their representatives from making oral statements or presentations in public to one or more representatives of the City during a public meeting. The City will not respond to verbal inquires and interested developers are specifically discouraged from contacting the city in person or by telephone during this SOI and selection process.

PROCESS FOR RESPONSE

Interested developers should submit five copies and one digital file copy in PDF format of their proposal to: City of Millbrae, Department of Public Works, Attention: Khee Lim, Public Works Director, 621 Magnolia Avenue, Millbrae, CA 94030 no later than 4:00 PM on August 30, 2019. The proposal should be in an envelope clearly marked: CITY OF MILLBRAE DATA CENTER DEVELOPMENT.

Late submittals shall not be accepted.

The proposal shall be brief, precise, and shall not include unnecessary promotional material.

A developer may withdraw its proposal at any time prior to the submittal deadline by submitting a written request for withdrawal to the proposal signed by an authorized agent of the firm. The developer may thereafter submit a new or modified proposal prior to the submittal deadline. Modifications offered in any other manner, including oral or written, will not be considered.

Submission of a proposal indicates acceptance by the firm of the conditions contained in this SOI unless clearly and specifically noted in the proposal submitted and confirmed in the final contract between the City of Millbrae and the consultant selected.

PROPOSAL CONTENTS

Consultant proposal must include the following and follow directions outlined in each section below:

1. Letter of Transmittal. Describe your firm or team's interest in and commitment to develop the city owned site into a data center.
 - a. This Letter of Transmittal must state that the proposal is valid for at least a 90 day period.
 - b. An officer of the consulting firm who is authorized to contractually bind the firm and to negotiate a contract with the City shall sign the letter. Provide name, title, address, email, and telephone number of this officer.
 - c. Provide name, title, address, mail, and telephone number of key contact for the City during the RFQ and award process.
2. Table of Contents. Each proposal shall include an index to the major topics contained in the proposal and all pages shall be numbered.
3. Approach to Scope of Services.
 - a. Work Plan and Approach.
 - i. Please give a brief history of your company, the product and service offerings, and describe the core competencies. The City is seeking an experience developer with a proven track record with at least 10 years of experience in developing data centers.
 - ii. Please provide a few of your current clients to be used as examples. Specifically, some of your clients that are using similar products and services as the ones requested in this RFP.
 - iii. Please provide the address of your corporate headquarters.
 - iv. Please provide the locations of your other data centers. The City is seeking a developer who are adding new data center locations to demonstrate they are investing in future growth, who are willing to provide detailed data center specifications to ensure the understanding of the need to cool, power, secure or connect their data centers. The City is seeking a developer who can offer virtual tours for City team to gain an insight into the data center without needing to physically visit the facility while in early discussions.
 - v. Please provide the names, titles, and background of your top corporate executives. The City is seeking a developer with personnel having at least 10 years of experience operating a data center.
 - vi. Please provide a copy of your company's latest Annual Report and/or financial statements to ensure the selected developer is financially healthy, possess adequate capital for future growth and can borrow additional funds if needed.

PROCESS FOR CONSULTANT SELECTION

Proposals shall conform to the Proposal Format and Requirements. It is important that all listed items be included in the proposal. Proposals which do not comply with all of the requirements or the proposal deadline may not be considered.

Proposals will be reviewed and ranked by the City and contents of each proposal will be ranked by a selection committee. Criteria include:

- Qualifications and Experience of Developer
- Qualifications of personnel proposed to be assigned to project including experience on comparable projects, availability to the City, and qualifications of both staff and subconsultants
- Understanding of proposal and project approach
- Cost including staffing plan and approach, comparison to amounts paid for similar date centers.

Following the selection committee's evaluation process, the City may contact persons involved in former or current projects of developer, including but not limited to reference contacts. The City may award contracts based on the proposals alone, or, in its sole discretion, may invite one or more consultants to make oral presentations and/or interview with the review committee.

At the conclusion of the evaluation process, the City will select the top ranking developer and enter into contract negotiations. If negotiations with the top-ranking firm are unsuccessful, negotiations will terminate and the City will undertake negotiations with the next ranked firm until a contract is executed. City staff will make recommendations to the City Council for award of contracts. Upon City Council approval, a contract will be executed and work initiated.

CITY'S RESERVATION OF RIGHTS

During the review process, the City reserves the right, where it may serve the City's best interest, to request additional information or clarification from those that submit proposals, or allow corrections of errors or omissions.

The City reserves the right to modify the scopes of the projects and the related services at any time based on the best interests of the City and will negotiate with awarded developer accordingly.

The City reserves the right to reject any or all proposals without qualifications, and to negotiate specific requirements and costs using the selected proposal as a basis.

The City reserves the right to negotiate separately with any developer that has submitted a sufficient and timely proposal.

The City reserves the right to retain all proposals submitted and to use any concepts or information in a proposal regardless of whether or not that proposal is selected.

The City may elect to award a contract in multiple phases, as is deemed to be in the City’s best interest. Should the City award projects in phases, the City reserves the right to award the phases to the same firm.

This Statement of Interest (SOI) does not commit the City to award a contract. In addition, the City will not be liable for any costs incurred by the consulting firms’ incidentals to the preparation of proposals or for developing and carrying out interview presentations, if needed.

Although, it is the City’s intent to choose only a small number of most qualified developer teams to interview with the City, the City reserves the right to choose any number of qualified finalists.

CONFIDENTIALITY

All responses to this SOI become property of the City and will be kept confidential until a recommendation for award of a contract has been announced. Thereafter, submittals are subject to public inspection and disclosure under the California Public Records Act (Cal. Govt. Code Sections 6250 et seq). Therefore, unless the information is exempt from disclosure by law, the content of any proposal, request for explanation, exception, or substitution, response to these specifications, protest, or any other written communication between the City and any developer regarding the procurement, shall be available to the public.

If developer believes any communication contains trade secrets or other proprietary information that the developer believes would cause substantial injury to the developer’s competitive position if disclosed, the developer must request that the City withhold from disclosure the proprietary information by marking each page containing such proprietary information as confidential. By submitting a proposal with portions marked “confidential,” a developer represents it has determined such portions qualify for exemption from disclosure under the California Public Records Act. A developer may not designate its entire proposal as confidential. The City will not honor such designations and will disclose submittals so designated to the public.

If a developer requests that the City withhold from disclosure information identified as confidential, and the City complies with the developer’s request, developer agrees to assume all responsibility for any challenges resulting from the non-disclosure, indemnify and hold harmless the City from and against all damages (including but not limited to attorneys’ fees that may be awarded to the party requesting the developer’s information), and pay any and all costs and expenses related to the withholding of the developer’s information. The developer agrees not to make a claim, sue, or maintain any legal action against the City or its Councilmembers, officers, employees, or agents concerning the withholding from disclosure of the developer’s information.

If developer does not request that the City withhold from disclosure information identified as confidential, the City shall have no obligation to withhold the information from disclosure and may release the information sought without any liability to the City.

ATTACHMENTS

- Attachment 1: Vicinity Map/Project Location
- Attachment 2: Federal Aviation Administration (FAA) Flight Path

ATTACHMENT #1



CITY OF MILLBRAE
621 MAGNOLIA AVE
MILLBRAE, CA 94030



NOT TO SCALE



Proposed Data Center Site

MARK	DATE	REVISION

MILLBRAE
PUBLIC WORKS DEPARTMENT
MILLBRAE, CA

Project Number
PW-190601

Sheet Name
DATA CENTER
EXHIBIT A
SITE LOCATION

Sheet Number
EX-A

