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Joint Development Policy and Exclusive Negotiations Agreement

Planning and Programming Committee
Legistar File #2024-0277
June 20, 2024

Recommendations

CONSIDER:

- A. APPROVING the Amended Joint Development Policy (Attachment A) and
- B. APPROVING the Amended Exclusive Negotiation Agreements Key Terms (Attachment B) for 10K Sites.



March 2024 Motion

DUPONT-WALKER AMENDMENT: Report back on the ENA template to clearly communicate participation with community-based organizations (CBOs), allowing for community development-based organizations (CDBOs) to work directly with Metro as the prime or sub-prime contractor. This would allow for CBO/CDBO participation, not exclusive of the Joint Development Bench. Include engagement with general contractors and subcontractors for the inclusion of Small Business Enterprise, Disadvantaged Business Enterprise, Disabled Veterans Business Enterprise, and Minority Women Business Enterprise.

DUTRA AMENDMENT: Directed the CEO to improve the contract language for RFPs and to work with the cities to help streamline the entitlement process and work with the developers to streamline the capital stack.



Background

Joint Development Policy:

- Requires that Developers collaborate with local Community-Based Organizations (CBOs) in the delivery of JD projects to the extent feasible.
- Requires Developers provide opportunities for Metro-certified Small Business Enterprises (SBE), Disadvantaged Business Enterprises (DBE), and Disabled Veterans Business Enterprises (DVBE) to partner in their projects through the delivery of professional or construction services.

Acceleration Strategies and Developer Bench

- April 2023 – Board adopted 27 strategies to accelerate project delivery
- Targeted outreach to Community Based Development Organizations (CBDOs) with additional points awarded in Developer Bench RFQ
- 25 of 80 Bench Developers identified as CBDOs



Responses to Motion

- Amend JD Policy to incorporate definitions of CBDOs, require meaningful CBDO leadership and participation where feasible, and other modifications to align JD Policy with acceleration strategies approved by the Board in April 2023.
- Additional points for proposals where CBDO is lead developer. If CBDO is partner, they must have an active role and financial stake to receive additional points.
- Award points in site-specific RFPs for demonstrated track record and level of commitment to partnering with CBOs and SBEs/DBEs/DVBEs in project delivery.
- Host 'Building Partnership' events to connect prospective Developers (especially CBDOs) and targeted Metro business enterprises.
- Amend ENA Key Terms to require developers to report quarterly on CBDO, CBO, and SBE/DBE/DVBE leadership and participation in the delivery of projects.
- On-going streamlining of entitlements, financing in collaboration with local jurisdictions and developer partners.



Next Steps

- Conduct outreach to the 10K communities, which will then inform RFP evaluation criteria for each 10K Site.
- Invite the Developer Bench to respond to site-specific RFPs for 10K Sites beginning mid-to-late 2024.
- Building Partnerships events
- Complete RFP evaluations and enter into ENAs with the selected developers.
- Updates on developer selection and team composition, project proposals, CBO participation, SBE/DBE/DVBE commitments, and other significant milestones will be reported to the Board and public through a dashboard.
- Return to Board after entitlements are in place for approval of terms for Joint Development Agreements (JDAs) and ground leases.

