

OKLAHOMA CITY
URBAN RENEWAL AUTHORITY

**Request for Proposals from Builders and Real
Estate Developers (Non-Profit or For Profit)**

Residential Scattered Lot Development

**John F. Kennedy and Northeast Renaissance
Urban Renewal Project Areas**

**RFP Date of Release: March 16, 2018. Proposal responses may be submitted at any
time until further notice.**

Oklahoma City Urban Renewal Authority
105 N. Hudson Street, Ste. 101
Oklahoma City, OK 73102
Phone: 405-235-3771

Contact Person for Questions Concerning this RFP:
Cassi Poor, Senior Project Manager, cassi.poor@theallianceokc.org.

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I. INFILL REDEVELOPMENT VISION

The OKLAHOMA CITY URBAN RENEWAL AUTHORITY (“OCURA”) invites the submission of written proposals from qualified residential developers for the purchase and construction of residential homes (single-family homes, duplexes, condominiums, townhomes or similar small-scale residential project) on OCURA owned lots located in the John F. Kennedy (JFK) and Northeast Renaissance (NER) Urban Renewal project areas. OCURA owns many vacant and scattered residential lots in this area and is seeking to reestablish owner occupancy in the neighborhood with well-designed infill homes. OCURA may require the replatting of lots to achieve good site planning.

The lots related to this RFP are within the boundaries depicted in Exhibit 1 below.

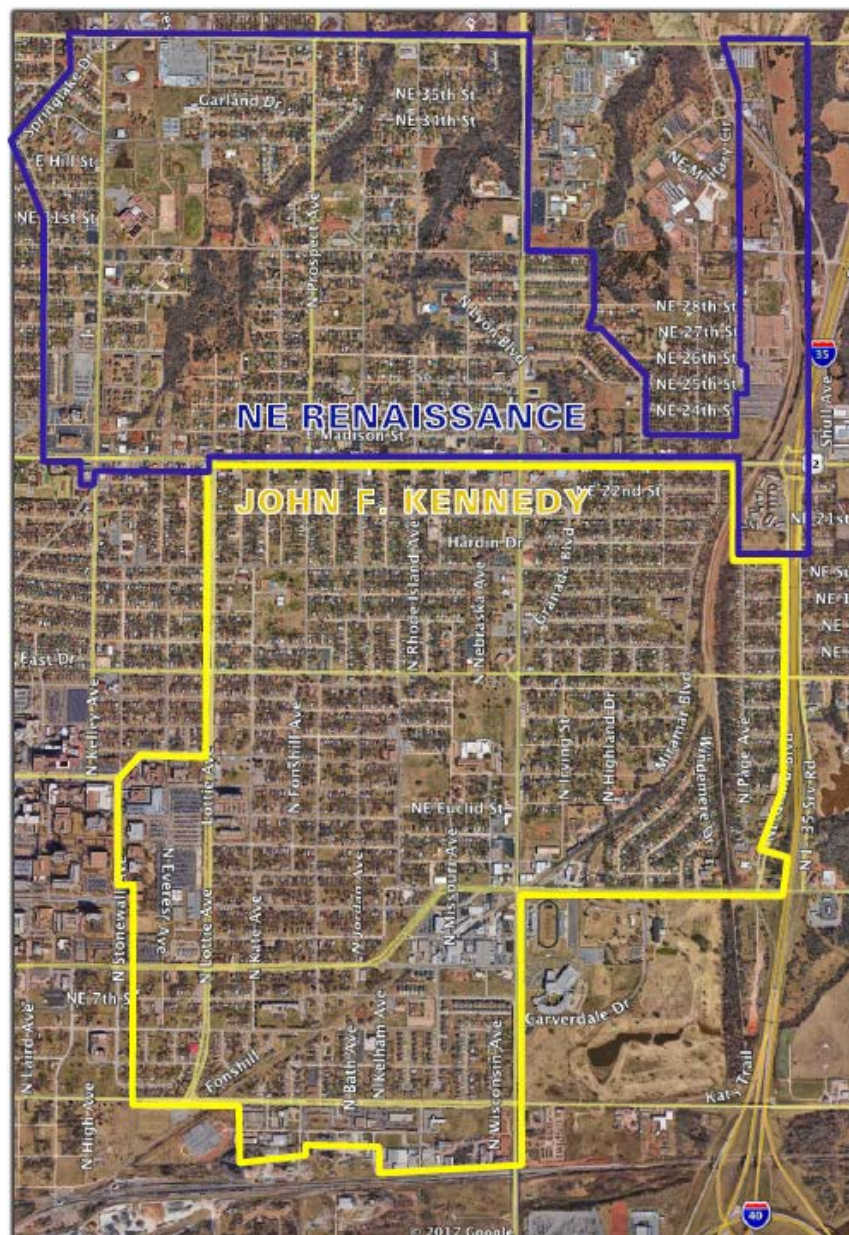


Exhibit 1: JFK and NER Boundaries for Lots

Available residential lots corresponding to this RFP can be viewed online at <https://www.ocura-ok.org/land-inventory>. The available residential lots are depicted in yellow and are identified in the property legend as “OCURA Vacant Residential Property.”

II. REDEVELOPMENT POLICIES AND REGULATORY DOCUMENTS

OCURA has established the following policies related to the sale of lots:

1. Owner occupancy required. The sale of lots is intended to promote owner occupancy. A “For Sale” product must be proposed.
2. Oklahoma City Urban Renewal Authority Residential Design Standards. Design review and plan approval will be required for all residential homes. In March 2015, OCURA adopted revised residential design and site planning standards for the area. These standards will be used to review home plans and site features such as setbacks, garage orientation, fencing, walls and so forth. A link to the residential design and site planning standards can be found [here](#) or on OCURA’s web site at www.ocura-ok.org/rfps.
3. City of Oklahoma City Zoning. Proposals must be consistent with City zoning and other development standards. OCURA will consider supporting a variance application if the variance is in the best interest for redevelopment of a site.

III. SUBMITTAL REQUIREMENTS

Proposals must be submitted to OCURA and include all of the following:

A. LOT IDENTIFICATION

Redevelopers¹ must identify the OCURA lot(s) they are proposing on. State the type of home(s) (single-family, duplex, etc.) to be built and the anticipated square footage of the home(s).

B. HOME PLAN CONFORMANCE WITH RESIDENTIAL DESIGN AND SITE PLANNING STANDARDS

Redevelopers must sign Form 5 in Exhibit A acknowledging their understanding of OCURA’s residential design and site planning standards referenced previously in this RFP. Home plans **do not** have to be presented with this submittal; however **do** identify the architectural category intended for each proposed lot based on the Residential Design Standards.

Upon proposal approval and once a redevelopment agreement is executed, OCURA will request the following be submitted:

¹ Throughout this document, prospective builders or real estate developers are referred to as the “Redeveloper”.

- Site Plan/Floor Plan
- Elevations
- Landscaping Plan
- Specifications for Materials, Doors, Windows and Garage Doors

OCURA will conduct design review on the plans and specifications to ensure conformance. Design approval must be granted from OCURA as a condition to proceed to closing.

C. REDEVELOPER QUALIFICATIONS AND FINANCIAL ABILITY TO EXECUTE CONCEPTUAL MASTER PLAN

Please provide a narrative addressing the following:

Qualifications of Development Team

1. List all development team members, including consultants (architect, designer, builders, realtors, etc.), and their qualifications to undertake the project.
2. List all projects, completed and/or in progress, by the Redeveloper within the past 5 years. Highlight those most similar to the proposed development. Discuss which projects, if any, involved a public/private partnership with an entity such as an urban renewal authority, local government, etc.
3. Prospective Redevelopers must authorize credit and background checks by filling out Form 4A-4C in Exhibit A.

Financial Ability to Execute the Proposed Master Plan

In order to assist OCURA in reviewing the financial capability of the Redeveloper, the following information is requested:

1. Execution of the financial and credit check forms under Exhibit A of this RFP.
2. A summary project budget that shows anticipated construction costs and home sales prices. Identify if the home(s) will be market rate or affordable.
3. Developer's financials of the principal or parent company. In the absence of such financials, the tax returns of the principal respondents to this RFP will be requested.
4. Upon proposal approval by OCURA, evidence of financing will be requested prior to the sale of any lot(s).

D. TIMEFRAME TO COMPLETE

Provide the timeframe to commence and complete construction of the home(s). If the project will be built in phases, provide a phasing plan identifying those timeframes.

If necessary, OCURA will negotiate timeframes to commence and complete the project. It is not the intent of OCURA to sell lots for land banking by a Redeveloper.

E. EXHIBIT A FORMS

The Redeveloper must sign Forms 1-5 in Exhibit A of this RFP.

F. APPLICATION FEE

Proposals must include a non-refundable application fee of \$100 per lot in the form of bank certified check. Unsuccessful proposals will not have this fee returned.

IV. CRITERIA AND TIMELINE

A. REVIEW OF PROPOSALS:

After receipt of proposals, the submissions will be reviewed for completeness by OCURA staff based upon, but not limited to, the following criteria:

1. Developer team qualifications and demonstrated expertise in completing projects similar to the one proposed.
2. Financial capacity to carry out this project based on the submitted budget and other information submitted with the proposal.
3. Identification of lot(s), home-type and anticipated square footage of the home.
4. Ability of the Redeveloper to initiate the development process within a reasonable timeframe after execution of the redevelopment agreement and to complete the project in a timeline satisfactory to OCURA.
5. Appropriateness of proposed architectural categories for each lot in accordance with the OCURA Residential Design Standards. (Design plans will need to be approved after a redevelopment agreement is in place but prior to the sale of any lots.)
6. Execution of Forms 1-5 in Exhibit A.
7. Review of personal and criminal background checks and their ability to demonstrate sound financial and moral character.
8. A non-refundable application fee of \$100 per lot.

Reviews and evaluations by staff of OCURA and other consultants, public or private organizations or committees requested by the Urban Renewal Authority Board of Commissioners will be advisory only. The level of consideration and weight to be given to any review will be determined by the Board of Commissioners, and the Board of

Commissioners reserves complete and final authority for actions and approvals in connection with the selection process.

B. OCURA'S RIGHT

OCURA reserves the unconditional right, at its sole discretion, to reject any or all proposals submitted for any reason or no reason. OCURA may, at its discretion, waive any informalities, minor defects, or technical inaccuracies in the proposals. OCURA reserves the right to request and obtain any additional information necessary to complete evaluation of the proposals.

C. REDEVELOPER DESIGNATION

Upon review and evaluation of redevelopment proposals or following negotiations with prospective Redeveloper(s), the OCURA Board of Commissioners may grant a proposer a Redeveloper designation. This designation will be under such terms and conditions as the Board deems appropriate. A Redeveloper designation will confer no legal rights upon the prospective Redeveloper other than the opportunity to negotiate terms of a redevelopment agreement with OCURA.

D. PREPARATION AND APPROVAL OF REDEVELOPMENT AGREEMENTS

The final phase of the selection process will consist of negotiations to outline the terms and conditions of a redevelopment agreement. Site conveyance will be provided by a Special Warranty Deed, subject to such restrictions as required by OCURA. Disposition must take place at or above "fair value" as required by Oklahoma Law.

E. OTHER

All lot sales are subject to surveys, title examinations, environment assessments, and/or engineering studies as determined relevant by OCURA. The Redeveloper will be responsible for some or all of the costs associated with such activities. Additionally, if it is determined that certain actions are necessary to make the lot developable, the costs for such actions will be described in the redevelopment agreement and considered in the determination of the purchase price of the property. If unable to reach an agreement, OCURA may choose not to sell the lot.

END OF RFP NARRATIVE

EXHIBITS FOLLOW

EXHIBIT A

**OKLAHOMA CITY URBAN RENEWAL
AUTHORITY**

**RFP PROPOSAL FORMS 1-5 TO BE EXECUTED FOR
RFP SUBMITTAL**

FORM 1: CERTIFICATION of READING and UNDERSTANDING

I, the undersigned prospective Redeveloper, or the authorized representative of the prospective Redeveloper, hereby certify that I have read and understand the Request for Proposals (RFP) requirements and further certify that I have read and understand the Invitation for Redevelopment Proposals Public Notice (Exhibit B) as issued by the Oklahoma City Urban Renewal Authority.

Printed Name of Prospective Redeveloper

Signature/Title

SUBMITTED this _____ day of _____, 20____.

FORM 2: REDEVELOPMENT PROPOSAL

The undersigned proposes to purchase from the Oklahoma City Urban Renewal Authority, an Oklahoma public body corporate ("OCURA"), all or a portion of the OCURA's property in Oklahoma City, Oklahoma (the "Redevelopment Site"), as referenced by the Request for Proposals (RFP) issued by OCURA. The proposal contained herein will become binding only if this proposal results in the execution of an agreement to redevelop the Redevelopment Site which is satisfactory to OCURA.

The undersigned proposes to purchase the Redevelopment Site for a total sum of \$_____.

The undersigned understands and agrees that this proposal must comply with all requirements and provisions of the RFP.

All data, documentation and materials required by the RFP is supplied herewith and made a part of this proposal.

SUBMITTED this _____ day of _____, 20_____.

Printed Name(s) of Prospective Redeveloper(s)

Signature

Signature

Title

Company

Address 1

Address 2

Telephone/Fax

Email Address

FORM 3A: REDEVELOPER'S STATEMENT for PUBLIC DISCLOSURE

Note: If space on this form is inadequate for any requested information it should be furnished on an attached page which is referred to under the appropriate item on the form.

1. Name of Redeveloper/Title _____
Address of Redeveloper: _____
City, State, Zip Code: _____
Phone Number: _____
E-mail: _____

2. The property rights for which the Redeveloper proposes to enter into a contract for or understanding with respect to the purchase or lease of property rights from the Oklahoma City Urban Renewal Authority in The City of Oklahoma City, State of Oklahoma is subject to adjustment as to exact boundaries, dimensions, interests and final determination based on surveys and described as follows:

(Insert Legal Description Here)

3. If the Redeveloper is not an individual doing business under his own name, the Redeveloper has the status indicated below and is organized or operating under the laws of the State of _____.

____ a corporation

____ a nonprofit or charitable institution or corporation

____ a partnership known as:

____ a limited liability company

____ a business association or a joint venture known as:

____ a Federal, State, or local government or instrumentality thereof

____ Other (explain)

4. If the Redeveloper is not an individual or a government agency or instrumentality, give date of organization status.

5. Names, addresses, title or position, and nature and extent of the interest of the officers and principal members, partners, shareholders, and investors of any member of the developer, other than a government agency or instrumentality, are to be set forth below as follows:
- If the Redeveloper is a corporation, list below the officers, directors, or trustees, and each stockholder owning more than ten percent (10%) of any class of stock.
 - If the Redeveloper is a nonprofit or charitable institution or corporation, list below the members who constitute the Board of Trustees, or Board of Directors, or similar governing body.
 - If the Redeveloper is a partnership, list below each partner, whether a general or limited partner, and either the percent of interest or a description of the character and extent of interest.
 - If the Redeveloper is a limited liability company, list below each member, whether a manager, and either the percent of interest or a description of the character and extent of interest.
 - If the Redeveloper is a business association or a joint venture, list below each participant and either the percent of interest or a description of the character and extent of interest.
 - If the Redeveloper is some other entity, list below the officers, the members of the governing body, and each person having an interest of more than ten percent (10%).

| NAME AND ADDRESS | POSITION/TITLE | PERCENT OF INTEREST | EXTENT OF INTEREST |
|------------------|----------------|---------------------|--------------------|
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6. Name, address, nature and interest of interest of each person or entity (not named in response to item 5) who has a beneficial interest in any of the persons or investors named in response to item 5 which gives such person or entity more than a computed ten percent (10%) interest in the Redeveloper (for example, more than 20% of the stock in a corporation which holds 50% of the stock of the Redeveloper; or more than 50% of the stock in a corporation which holds 20% of the stock of the Redeveloper):

| NAME AND ADDRESS | POSITION/TITLE | PERCENT OF INTEREST | EXTENT OF INTEREST |
|------------------|----------------|---------------------|--------------------|
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Note: If the Redeveloper is a corporation, the following certification should be signed by the President and Secretary of the corporation; if an individual, by such individual; if a partnership, by one of the partners; if an entity not having a president and secretary, by one of its chief officers having knowledge of the financial status and qualifications of the Redeveloper.

FORM 3B: CERTIFICATION

I (We) _____

Certify that this Redeveloper’s Statement for Public Disclosure is true and correct to the best of my (our) knowledge and belief.

Signature

Title

Address 1

Address 2

Telephone/Fax

Email

Date

Signature

Title

Address 1

Address 2

Telephone/Fax

Email

Date

FORM 4A: CONSENT TO OBTAIN CREDIT REPORT

I hereby authorize and instruct OKLAHOMA CITY URBAN RENEWAL AUTHORITY ("Authority") to obtain and review my credit report. My credit report will be obtained from a qualified reporting agency chosen by OCURA. I understand and agree that OCURA intends to use this information solely for the purpose of evaluating my credit worthiness and qualifications to contract with OCURA.

Note: A signed consent must be submitted for each key personnel of the Redeveloper. If the Redeveloper is a new entity, please submit a signed consent form for each key personnel of the Redeveloper's parent/manager. Please refer to Exhibit C for Open Records Act and confidentiality requirements which would apply to the information obtained from the credit report.

Legal Name

Social Security Number (this information will be redacted from public view)

Date of Birth (this information will be redacted from public view)

Address

City, State, Zip Code

Signature

Title

Date

FORM 4B: CONSENT TO OBTAIN CRIMINAL BACKGROUND INFORMATION

I hereby authorize and instruct OKLAHOMA CITY URBAN RENEWAL AUTHORITY (“OCURA”) to obtain and review my criminal background information. My criminal background information will be obtained from a qualified reporting agency chosen by OCURA. I understand and agree that OCURA intends to use this information solely for the purpose of evaluating my qualifications to contract with OCURA.

Note: A signed consent must be submitted for each key personnel of the Redeveloper. If the Redeveloper is a new entity, please submit a signed consent form for each key personnel of the Redeveloper’s parent/manager. Please refer to Exhibit C for Open Records Act and confidentiality requirements which would apply to the information obtained from the criminal background report.

Legal Name

Social Security Number (this information will be redacted from public view)

Date of Birth (this information will be redacted from public view)

Address

City, State, Zip Code

Signature

Title

Date

FORM 4C: BUSINESS CREDIT INFORMATION

The OKLAHOMA CITY URBAN RENEWAL AUTHORITY (“OCURA”) will use the information below to obtain a business credit report from a qualified reporting agency chosen by OCURA. OCURA intends to use this information solely for the purpose of evaluating the credit worthiness and qualifications to contract with OCURA.

Note: If the Redeveloper is a new entity, please submit information for the Redeveloper’s parent/manager. Please refer to Exhibit C for Open Records Act and confidentiality requirements which would apply to the information obtained from the business credit report.

Legal Name

Federal Tax I.D. # (this information will be redacted from public view)

Date of Incorporation

Address

City, State, Zip Code

Signature

Title

Date

FORM 5: ACKNOWLEDGEMENT OF DESIGN STANDARDS

In an attempt by the Oklahoma City Urban Renewal Authority ("OCURA") to deliver architecturally compatible housing options in northeast Oklahoma City, certain design standards were adopted in March of 2015 by OCURA. These standards will be used to review the home plan(s) and its (their) site features such as setbacks, garage orientation, fencing, walls and so forth. A link to the residential design and site planning standards can be found [here](#) or on OCURA's web site at www.ocura-ok.org/rfps.

I, the undersigned prospective Redeveloper, or the authorized representative of the prospective Redeveloper, hereby certify that I have read and understand the OCURA Northeast Residential Design Standards and agree to follow and meet these standards while developing on OCURA parcels.

Printed Name of Prospective Redeveloper

Signature/Title

SUBMITTED this _____ day of _____, 20____.

EXHIBIT B

OKLAHOMA CITY URBAN RENEWAL AUTHORITY

Resolution Authorizing Invitation for Proposals (Release of RFP)

Invitation for Redevelopment Proposals - Public Notice

RESOLUTION AUTHORIZING AN INVITATION FOR PROPOSALS FOR RESIDENTIAL DEVELOPMENT OF PROPERTY, JOHN F. KENNEDY (OKLA R-35) AND NORTHEAST RENAISSANCE URBAN RENEWAL PROJECTS

WHEREAS, the Oklahoma City Urban Renewal Authority ("Authority") is a public body corporate created pursuant to the Oklahoma Urban Redevelopment Law, 11 O.S. § 38-101, *et seq.*, authorized to exercise its powers pursuant to resolution of the City Council of The City of Oklahoma City ("City"); and

WHEREAS, the Authority is engaged in the implementation of the John F. Kennedy Urban Renewal Plan (OKLA. R-35) and the Northeast Renaissance Urban Renewal Plan, both covering areas in northeast Oklahoma City and adopted by the City, as shown on the attached Exhibit A (John F. Kennedy Urban Renewal Plan and Northeast Renaissance Urban Renewal Plan, collectively, "Urban Renewal Plans," and the areas covered under the Urban Renewal Plans, collectively, "Urban Renewal Areas"); and

WHEREAS, in implementing the Urban Renewal Plan, the Authority has acquired several scattered sites throughout the Urban Renewal Areas suitable for development as single-family homes and small-scale residential development; and

WHEREAS, a principal objective of the Urban Renewal Plans is the revitalization of the neighborhoods with quality housing for individuals and families of all income levels; and

WHEREAS, the Authority has adopted the "Oklahoma City Urban Renewal Authority (OCURA) Northeast Residential Design Standards" to serve as design guidelines for residential construction for the entirety of the Urban Renewal Areas; and

WHEREAS, the Authority has previously authorized and issued separate invitations from developers and from prospective homeowners for proposals for development of single-family homes, duplexes, townhomes, and condominiums on Authority-owned properties in the John F. Kennedy Urban Renewal Plan (OKLA. R-35); and

WHEREAS, developers have expressed interest in the development of homes on Authority-owned properties in the Urban Renewal Areas for sale on the open market; and

WHEREAS, prospective homeowners have displayed an interest in purchasing Authority-owned properties in the Urban Renewal Areas to build homes for personal occupancy; and

WHEREAS, creating a simple and straightforward process for such buyers will encourage the continued development of homes in the Urban Renewal Areas; and

WHEREAS, it is appropriate and desirable for the existing open invitations for proposals for residential development in the John F. Kennedy Urban Renewal Area to be closed so that a new invitation may be issued to increase residential development of all types in both Urban Renewal Areas; and

WHEREAS, it is appropriate and desirable to authorize the issuance of an invitation for proposals for residential development (including single-family detached homes, duplexes, townhomes, condos or similar small-scale residential projects) on properties owned by the Authority within the Urban Renewal Areas.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Oklahoma City Urban Renewal Authority as follows:

1. The Executive Director and staff of the Authority are hereby authorized to issue an invitation for proposals for residential development (including single-family detached homes, duplexes, townhomes, condos or similar small-scale residential projects) on properties owned by the Authority in the Urban Renewal Areas.
2. A public notice of the invitation for proposals is hereby authorized. The existing open invitations for proposals in the John F. Kennedy Urban Renewal Area shall be closed simultaneously with the publication of the new invitation. Proposals in response to the new invitation may be submitted at any time after the invitation is published. The invitation for proposals shall remain open until closed by the Board of Commissioners.
3. The invitation shall include the requirement to follow the Oklahoma City Urban Renewal Authority (OCURA) Northeast Residential Design Standards as a guide for appropriate architectural and design standards for new construction to complement existing neighborhoods in the area. The invitation shall establish an appropriate procedure for a case-by-case plan review and staff recommendations prior to submission for final approval by the Board of Commissioners.
4. Proposals for development shall demonstrate:
 - a. Responsiveness to the Authority's goals of removing and preventing blight, improving neighborhoods, encouraging economic growth, and improving the quality of life.
 - b. Compliance with the Oklahoma City Urban Renewal Authority (OCURA) Northeast Residential Design Standards as a guide for appropriate architectural and design standards for new construction to complement existing neighborhoods in the area.
 - c. Adequate qualifications and experience of the proposer to undertake the proposed development.
 - d. Financial ability of the proposer to complete the development of the single-family home.
 - e. Other qualifications or criteria that may be contained in the invitation.

5. All redevelopment agreements negotiated as a result of the invitation for proposals are subject to approval by the Authority's Board of Commissioners and legal counsel.
6. The Officers of the Authority, the Executive Director, and legal counsel are authorized and directed to take such actions, prepare and execute such documents, letters and authorizations as may be appropriate or desirable to manage the redevelopment effort within the project area and to implement the provisions of this resolution.

I, Jim Tolbert **Assistant**
 Secretary of the Board of Commissioners for the
 Oklahoma City Urban Renewal Authority, certify that the foregoing Resolution No. 5837
 was duly adopted at a **special** meeting of the Board of Commissioners of the Oklahoma City Urban
 Renewal Authority, held at the Arts District Garage Conference Room, 431 West Main, Suite B,
 Oklahoma City, Oklahoma 73102, on the **14th** day of **March, 2018**; that said meeting was held in
 accordance with the By-Laws of the Authority and the Oklahoma Open Meeting Act; that any
 notice required to be given of such meeting was properly given; that a quorum was present at all
 times during said meeting; and that the Resolution was duly adopted by a majority of the
 Commissioners present.



SECRETARY

| | AYE | NAY |
|-----------------------|--------|-----|
| J. LARRY NICHOLS | ✓ | |
| MARK BEFFORT | ✓ | |
| RUSSELL M. PERRY | ✓ | |
| MARY MELON | Absent | |
| JAMES R. TOLBERT. III | ✓ | |

Depiction of Urban Renewal Areas



INVITATION FOR DEVELOPMENT PROPOSALS – Release of RFP

The OKLAHOMA CITY URBAN RENEWAL AUTHORITY (OCURA) invites the presentation of written proposals from qualified developers (“Redeveloper”) for residential development on properties owned by OCURA in the John F. Kennedy (JFK) and Northeast Renaissance (NER) Urban Renewal Plan Project Areas.

The selection process will be initiated by the submission of formal written proposals to OCURA in accordance with these instructions. Prior to the day and time for receipt of such formal written proposals, OCURA will provide all prospective Redevelopers with available information, background material, and advice in order to encourage the preparation of proposals which most fully reflect the objectives of OCURA. To acquire this necessary information please contact Cassi Poor, Senior Project Manager at cassi.poor@theallianceokc.org or (405) 235-3771 to schedule a pre-submission meeting.

Proposals may be submitted at any time until the invitations for proposals are closed by the Board of Commissioners. All formal written proposals for the purchase and redevelopment of OCURA owned land in the JFK and NER Urban Renewal Areas will be received at the offices of the Oklahoma City Urban Renewal Authority, 105 North Hudson Avenue, Suite 101, Oklahoma City, Oklahoma.

The evaluation of redevelopment proposal will in part be based upon the principal criteria of:

1. Redeveloper team qualifications
2. Financial capacity to carry out this project based on the submitted budget and other information submitted with the proposal.
3. Identification of lot(s), home-type and anticipated square footage of the home.
4. Timeframe and ability to complete the project
5. Appropriateness of proposed architectural categories with OCURA’s Residential Design Standards
6. Execution of Forms 1-5 in Exhibit A of this RFP
7. Personal and criminal background checks
8. A non-refundable application fee of \$100 per lot.

OCURA may enter into direct negotiations with the Redeveloper(s), in order to achieve the best and most desirable project in accordance with the redevelopment objectives of the area and to obtain an agreement as to price and other terms and conditions satisfactory to OCURA.

The RFP may be obtained at <http://ocura-ok.org/rfps> or hard copies may be obtained from OCURA for a non-refundable fee of Thirty Dollars (\$30.00).

This invitation for redevelopment proposals will not create any legal obligation for OCURA to enter into a contract for redevelopment except on terms and conditions it deems in its discretion to be satisfactory and desirable and the right is reserved to reject any and all proposals.

Published in the Journal Record on Friday, March 16, 2018.

EXHIBIT C

OKLAHOMA CITY URBAN RENEWAL AUTHORITY

Open Records Act and Confidentiality Requirements

OPEN RECORDS ACT AND CONFIDENTIALITY REQUIREMENTS

All materials submitted to the Authority pursuant to this Request for Proposals are potentially subject to the mandates of the Oklahoma Open Records Act (Act), 51 Okla. Stat. §§ 24A.1. et seq. The purpose of the Act is to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power. Almost all "records", as that term is defined in the Act, may be disclosed to the public upon request. Except where specific state or federal statutes create an exception or confidential privilege, persons or entities who submit information to public bodies have no right to keep this information from public access, nor is there any reasonable expectation that this information will be kept from public access. See 51 Okla. Stat. §§ 24A.2.

If you believe that any information you will or may submit to the Authority pursuant to this Request for Proposals is or should be kept confidential under a specific state or federal statute, and therefore, not subject to public disclosure, you must comply with the following:

- a. Place said documents/records in a separate envelope marked "Confidential". DO NOT label your entire response to the Request for Proposals as "Confidential" – label only those portions of the response that you feel are made confidential by state or federal law as "Confidential". If only a portion of a document is confidential, please identify specifically the portions of the document you are claiming are confidential. (Under the Oklahoma Open Records Act, a public entity may be obligated to produce documents for public inspection even if the documents contain only a portion of material which is confidential. However, the public entity can redact the confidential portions.)
- b. For each document for which you are claiming a confidential privilege, identify the federal and/or state law that creates said privilege, e.g., for trade secrets, see 21 O.S. § 1732 (Larceny of Trade Secrets) and the Uniform Trade Secrets Act, 78 O.S. §§ 85, et seq.

Please note that the Authority, consistent with § 24A.3(d) of the Act, understands that "personal financial information, credit reports or other financial data obtained by a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or the purpose of becoming qualified to contract with a public body" is not subject to disclosure under the Act. Financial information requested by this Request for Proposals for evaluating the creditworthiness of the Proposer or the purpose of allowing the Authority to determine if the Proposer is qualified to contract with the Authority should be submitted in a separate envelop and marked as confidential financial information.

Should an Open Records request be presented to the Authority requesting information the Proposer has identified as “Confidential”, the Proposer will be informed and the Proposer will be responsible for defending its position in the District Court, if needed.

If the Proposer fails to identify any records submitted as part of your proposal as “Confidential” by placing them in the “Confidential” envelope AND if the Proposer fails to identify the specific state or federal law creating such privilege, the Authority will assume that the Proposer agrees that said records are not confidential and are subject to public access.

End of Exhibits