

Senator Theatre RFP Pre-Proposal Conference
Q & A

1. Will BDC accept a proposal which is postmarked before the November 20 deadline but not received before the deadline?

No. Proposals must be received no later than 12:00 noon on November 20. Respondents should deliver the proposals in person or mail them far enough in advance that there is no question whether BDC will receive them on time.

2. Why do people have only one day after the pre-proposal conference to submit questions to BDC?

People have had since September 21 to review the RFP document, which is sufficient time in which to formulate questions. We also want to circulate the responses as early as possible in the process in order to give people the opportunity to digest the information as they prepare their proposals.

3. When preparing the RFP, was there community input?

Yes. BDC and/or Councilman Henry shared the RFP with representatives of the York Road Partnership, Govanstowne Business Association, Belvedere Improvement Association, Homeland Improvement Association, Senator Community Trust, and Friends of the Senator Theatre.

BDC will convene an Advisory Panel, which will include community representatives. After BDC completes the financial analysis and confers with the Advisory Panel, we will share information on financially viable proposals with the community.

4. What is the process for selecting neighborhood participation?

BDC will confer with Councilman Henry and Senator Joan Carter Conway, and invite representatives of the most affected neighborhoods.

5. What is the status of the historic designation?

The exterior of the building is on the local landmarks list, meaning that the Commission for Historical and Architectural Preservation (CHAP) must review and approve proposed changes to the exterior.

Portions of the interior of the building are on the "Special List: Interiors" awaiting full designation as a local landmark. There will be two more public hearings (one before the Planning Commission in November or December

2009 and one before the City Council in the spring) regarding the landmarks designation for the interior.

While they are on this special list awaiting designation, CHAP has the authority to review proposed changes to these interior elements and withhold permits for up to six months if the proposed changes are not deemed appropriate or, if inappropriate, “without substantial detriment to the public welfare and without substantial derogation from the intent of the designation.”

The elements which are on the Special List: Interiors are:

Lobby: Drum Volume of the lobby,
Patterned Terrazzo floor,
Mural Paintings,
Mezzanine openings,
Geometric Volute panels,
Metal balustrades,
Stepped soffits,
Zigzag ornament band,
Niche spaces,
Three doorways.

Pass through transition area:
Wood Veneer,
Thomas Jefferson quote,

Present Concession area:
Volume of the space,

Men's Lounge:
Volume of the space,
Terrazzo floor,
Entry door

Ladies' Lounge:
Circular drum volume of space,

Auditorium:
Double height volume of space,
Side wall lighting fixtures,
Flanking Deco geometric and volute panels motifs next to stage and screen,
Ceiling prism lights and locations,

Second Floor Mezzanine:
Volume of space,
Private viewing rooms volume of spaces

6. I did not hear you include historic preservation as one of the evaluation criteria.

The evaluation criteria include the responsiveness of the proposal to the goals which are listed in the RFP document. One of the key goals of the RFP is historic preservation, so proposals will be evaluated on the quality of their historic preservation plans, as well as the extent to which they address the need for long term sources of funding for capital improvements and maintenance.

7. Operating costs are really high for the Senator. Will you evaluate proposals' viability with respect to operating costs?

Yes. Proposals will be evaluated on the viability of plans for ongoing operating costs.

8. If someone submits a proposal to lease the building, is the City prepared to maintain or fix key elements of the building, such as the roof?

Please see the response to question 15.

9. Will all of the questions and answers be available to everyone who is interested in submitting a proposal?

Yes. BDC will post all of the questions and answers, including those received at the pre-proposal conference and those received via e-mail by the October 13 deadline, on its website.

10. How will people who are interested in forming teams know how to get in touch with each other?

BDC will distribute the sign in sheet from the pre-proposal conference to conference attendees and people who downloaded the RFP from BDC's website.

11. Will BDC use historic theater consultants during the evaluation process?

We have not made this decision yet, but it is something we are considering.

12. For people who are interested in submitting a proposal to lease the building, is there a minimum lease term?

No.

13. Does the City have a preference to lease or sell the building?

No. We are interested in getting the best possible proposals, whether they are for lease or purchase.

14. In regard to parking (pp 5, D) Off street parking: Will the Staples lot parking agreement (pp 26) agreement transfer to the new owner (city or otherwise)? If not, is the BDC aware if the Grantor is open to negotiation of a new contract?

The parking agreement is tied to the land and will be transferred to the new owner. If the City sells the Senator, the agreement will transfer to the entity that purchases the theater. If the City leases the Senator, the City will be party to the agreement, and the new tenant will be able to continue to use the lot.

The agreement will terminate if the Senator ceases to be used as a movie theater, cinema draft house, entertainment facility, or other similar facility for a period of six months. The agreement also includes a provision for its termination when the parties to the agreement pay off their bank loans, unless the loans are paid off by refinancing, and the new lender requires that no termination occur.

15. Yesterday, Mr. Cook asked about the city's willingness to take on the costs of repairing structural issues in the case of awarding a lease proposal. The feeling that I got from attendees, including Mr. Cook, was that the question was not addressed to their satisfaction and that it instead intimated that the awarded Respondent may be expected to rather share in the cost of repairs. Can this be confirmed and/or clarified?

We understand that potential lessees are not going to be willing to make the same capital improvements that a potential new owner would be willing to make. We are not making a commitment at this time to repair particular elements of the building, but we are open to receiving proposals from potential lessees which would require the City to make capital improvements. We want the respondents to the RFP to outline the proposed lease terms and the extent to which they are willing to invest in capital improvements, rather than making the decision for them.

16. In regarding to Section VI – Exclusive Negotiating Privilege: "Should the parties fail to agree upon a contract within a reasonable time, BDC, at its sole discretion, may cancel negotiations with the first selected Respondent and proceed with the next acceptable Respondent, re-solicit for new proposals, or abandon the RFP process." I am presuming this is another example of boilerplate language. However, in the (I hope) very unlikely case this situation were to come to pass and the BDC chose to "abandon the RFP process", what

would then happen to the property? Are there any examples in which this has occurred?

Yes, this is boilerplate language. BDC has never abandoned the RFP process for any property, though there have been instances where we have had to release several RFPs in order to get a viable proposal. We are not going to abandon this RFP process.

17. In regard to the question posed about historical theatre consultant(s) being invited to participate in the RFP process, does the BDC have contacts for such resources? If included, can anyone say as yet how will they be chosen?

We have spoken with several theater consultants over the past several months, some of whom Tom Kiefaber put us in touch with. We do not yet know how they will be chosen.

18. Will Baltimore City assume responsibility for renovating the roof and seating, along with any other major facility repairs, in the event that the selected respondent proposes to lease the building?

Please see the response to question 15.

19. If the City agrees to repairs (identified in Question 18), will repairs be completed prior to the initiation of the lease?

If the City agrees to make repairs, then the City is willing to discuss the time of the repairs with the respondent.

20. Due to the possibility of a conflict of interest, will proposals from other Cinemaplex or Performing Arts Facilities with operations within 50 miles of the Senator be allowed, denied, or immediately terminated upon submission?

No. BDC is going to review and evaluate all proposals.

21. Will the BDC open the proposal to public scrutiny and comment by ALL interested members of the public, BEFORE a winning proposal is chosen? Or will the process be open only to a few handpicked members of the "public," like the steering committee on The Senator was?

BDC will ask representatives of the most affected communities to participate on the Advisory Panel, which will review all of the proposals. The Advisory Panel and staff will determine which proposals are financially viable, and BDC will share information on the financially viable proposals with the public before a winning proposal is chosen.

22. Will the evaluation criteria include a requirement for the winning party to commit to renovating and restoring the historic building?

The evaluation criteria will take into account the extent to which the building will be renovated and restored.

23. Will historic theatre experts from around the country be consulted?

Please see the response to Question 11.

24. Will preference be given to viable non-profit community-based ownership of the facility?

We are going to review all proposals on an even playing field.

25. Will the evaluation process take into account that the first-run movie business is dying all over the country, and multi-purpose uses must be considered?

In Section IV.N, Statement of Financial Feasibility, we ask respondents to explain why the proposed use is economically feasible, including the market assumptions that support revenue projections. We are not willing to make a blanket statement that multi-purposes uses must be considered, but we will look very closely at the viability of each proposal.

26. Has the winning entity already been determined, and is this process a mere formality for show?

No. The winning entity has not been determined.

27. Does the BDC envision this RFP as being the cornerstone in a larger redevelopment of the Belvedere Square commercial district that has not yet been broached to the public?

BDC sees the Senator theatre as an economic anchor for Belvedere Square and the Govanstowne business district, and we hope that whatever happens at the Senator will spur additional private investment.

The City of Baltimore Department of Planning has just embarked on a small area planning for the York/Belvedere area and is seeking public participation. We hope that this plan will help guide future development. For more information, contact Lisa Morris at 410-396-PLAN.

28. Will Mr. Kiefaber's considerable expertise and experience with the theatre be respected and utilized in this process?

We value Tom Kiefaber's expertise and experience, and we hope to be able to continue to work with him through this process.

29. Please provide more information about the BDC's Façade Improvement Grant.

BDC offers a \$3,000.00 Façade Improvement Grant to business or property owners who make improvements to the front exterior of their buildings. Improvement must make a noticeable, positive impact on the business district.

30. It looks like there are fewer seats in the theatre than the number cited in the RFP.

There are approximately 900 seats in the theatre. The stage which was at the front of the theatre – which belong to Mr. Kiefaber and is not going to be transferred with the theatre – was taking up space where rows of seats would normally be.

31. Is this just an excuse to take the Senator from a business man the BDC doesn't like and hand it to another?

No.