

Talking Stick Resort Arena Renovation

FIRST ADDENDUM TO RFQ FOR CONSTRUCTION MANAGER AT RISK SERVICES (“FIRST ADDENDUM”)

RFQ: “Talking Stick Resort Arena Renovation Construction Manager at Risk Services” (“RFQ”)

RFQ Issue Date: February 21, 2109

FIRST ADDENDUM Issue Date: March 19, 2019

Phoenix Arena Development Limited Partnership hereby issues its FIRST ADDENDUM to RFQ as follows:

1. **THE FIRST THREE PARAGRAPHS IN SECTION 6 OF THE RFQ ARE HEREBY DELETED AND RECREATED TO READ AS FOLLOWS:**

“Contact with Operator or City Employees. Beginning on the date the RFQ is issued and until the date the contract is awarded or the RFQ withdrawn, all persons or entities that respond to the RFQ, including their authorized employees, agents, representatives, proposed partner(s), subcontractor(s), joint venture(s), member(s), or any of their lobbyists or attorneys (collectively the “Proposer”), must refrain from any direct or indirect contact regarding this solicitation with any employee of Operator (other than the Owner’s Project Representative) or its affiliates (including, without limitation, Suns Legacy Partners, LLC *dba* the Phoenix Suns, Sports and Entertainment Services, LLC), and any employee or official the City including, without limitation, the City Manager of the City, Assistant City Manager of the City, Deputy City Managers, the Mayor and other members of the Phoenix City Council (except only communications with the Selection Panel during formal Finalist Interviews). Commencing on the date and time a solicitation is published, the only communication any potential or actual proposers (including their representatives) may have with any employee or official of Operator, its affiliates, or the City, regarding this solicitation are communications with the Operator’s Project Representative, and, if applicable, with the Selection Panel during formal Finalist Interviews. As long as the RFQ solicitation is not discussed, Proposers may continue to conduct and discuss business with the Operator’s staff or the City’s staff that is unrelated to this RFQ solicitation.

This policy is intended to create a level playing field for all Proposers, assure that contracts are awarded in public, and protect the integrity of the selection process. **OFFERORS THAT VIOLATE THIS POLICY WILL BE DISQUALIFIED.**

Conflict of Interest; Disclosure. Operator reserves the right to disqualify any Proposer on the basis of any real or apparent conflict of interest that is disclosed by the proposal submitted or any other data available to the Operator. This disqualification is at the sole discretion of the Operator. Any Proposer submitting a proposal herein waves any right to object now or at any future time. “Conflict of Interest” includes, without limitation, (1) any pecuniary or proprietary interest, either direct or indirect, other than a remote interest, in the solicitation and resulting contract between any person employed by the proposer who is also an officer or employee, or a “relative” of any officer or employee, of: (a) Operator or any of its affiliates (including, without limitation, Suns Legacy Partners, LLC *dba* the Phoenix Suns, Sports and Entertainment Services, LLC), or (b) any public officer or employee of the City of Phoenix including, without limitation, the City Manager of the City, Assistant City Manager of the City, Deputy City Managers, the Mayor and other members of the Phoenix City Council; or (2) any other interest in or conduct relating to the solicitation and resulting contract that would raise a conflict of interest under A.R.S. Sections 38-501 through 38-511 .The Proposer’s Proposal must include a Conflict of Interest & Solicitation Transparency Disclosure Form, properly completed, in the form attached as Exhibit “D.”

2. **EXHIBIT D TO THE RFQ IS HEREBY CREATED TO READ AS FOLLOWS:**

“EXHIBIT “D”

CONFLICT OF INTEREST & SOLICITATION TRANSPARENCY DISCLOSURE FORM

This form must be signed and submitted to the Operator and all questions must be answered (or N/A) or your offer may be considered non-responsive:

1. Name of person submitting this disclosure form:
2. Name of individual(s) or entity(ies) seeking a contract with the Operator (i.e. parties to the Contract).
3. List any individuals(s) or entity(ies) that are owners, partners, parent, sublessees, joint venture, or subsidiaries of the individual or entity listed in Question 2. Please include all Board members, executive committee members and officers for each entry. If not applicable, indicate N/A. **[use attachment if necessary]**

4. List any individuals or entities that will be subcontractors on this contract or indicate N/A. **[use attachment if necessary]**
 - Subcontractors may be retained, but not known as of the time of this submission.
 - List of subcontracts, including the name of the owner(s) and business name:
5. List any attorney, lobbyist, or consultant retained by any individuals listed in Questions 2, 3, or 4 to assist in the proposal or seeking the resulting contract. If none, indicate N/A.
6. Disclosure of Conflict of Interest **[check and complete as necessary to be correct and complete]**
 - I am not aware of any “conflict(s) of interest” as defined in RFQ Addendum One.
 - I am not aware of any other conflict(s) of interest under Arizona Revised Statutes Sections 38-501 through 38-511.
 - I am aware of the following conflict(s) of interest **[insert specifics; use separate attachment if necessary]:** _____

7. Acknowledgements

I affirm that the statements contained in this form, including any attachments, to the best of my knowledge and belief are true, correct and complete. Should any of the answers to the above questions change during the course of the contract, particularly as it relates to any changes in ownership, applicant agrees to update this new form within 30 days of such changes. Failure to do so may be deemed a breach of contract.

Company Name

By (Signature)

(Printed Name)

(Title)

(Date)”

3. **THE EIGHTH (8TH) FULL PARAGRAPH IN SECTION 6 OF THE RFQ IS DELETED AND RECREATED TO READ AS FOLLOWS:**

“Protest Procedures. Firms wishing to respond to a disqualification or a procurement outcome must comply with the protest policy and procedures as set forth in that certain “Phoenix Arena Development Limited Partnership Procurement Protest Policy and Procedures which is found on Project website <http://www.talkingstickresortarena.com/business-opportunities/rfq>

4. **EACH PROPOSAL MUST ACKNOWLEDGE RECEIPT OF THIS ADDENDUM ONE.**

5. **ALL OTHER TERMS AND CONDITIONS OF THE RFQ FOR CONSTRUCTION MANAGER AT RISK SERVICES REMAIN UNCHANGED.**