

REQUEST FOR PROPOSAL

FOR

SAN DIEGO TOURISM MARKETING DISTRICT

LEGAL SERVICES

Closing Date: Friday, November 18, 2016



8880 Rio San Diego, Suite 800
San Diego, California 92108
(619)209-6108
bhughes@sdtmd.org
www.sdtmd.org

I.OBJECTIVE

The intent of this Request for Proposal (RFP) is to identify and select an experienced legal firm or individual that will be responsible for providing legal services, consultation, and support to the San Diego Tourism Marketing District (SDTMD).

II. SCOPE OF WORK: LEGAL SERVICES

The selected legal firm will be required to provide personnel experienced in the field of not-for-profit corporation operations; specifically, Tourism Marketing Districts. Ongoing required services may include but not be limited to the following:

- Assisting / advising in preparing for and attending regularly scheduled open and closed session SDTMD Board of Directors meetings and generating meeting minutes;
- Writing, amending, and generating SDTMD contracts for all SDTMD funded entities;
- Preparing applications for annual operating permits, licenses, and reports required for the SDTMD operation;
- Responding to requests for records in accordance with the California Public Records Act;
- Attending City Council hearings regarding the budget, operating agreement, District Plan, and other issues as needed;
- Preparation of corporate policies and procedures as needed, to comply with the California nonprofit corporation law and City requirements including the Ralph M. Brown Act and California Public Records Act;
- Coordinating efforts with litigation attorneys representing the SDTMD in ongoing litigation;
- Working in concert with various City of San Diego departments to insure SDTMD compliance with city contract and agreements; and
- Providing ongoing legal consultation for the corporation on an as-needed basis.

The SDTMD contract with the City requires that the governing board meet a minimum of six (6) times per fiscal year (July1-June 30). It is anticipated, however, that our board may meet as many as twelve (12) times per year or more. Board meetings run an average of two hours. Each year new contracts will be generated by our legal firm and administered to various agencies after program approval by the SDTMD Board of Directors.

III. PROFESSIONAL FEES

The San Diego Tourism Marketing District requests that a list of hourly rates for legal services be provided. Identify primary and secondary staff assignment and their hourly rates. A baseline estimated annual cost range for the services outlined above would be advisable.

IV. QUALIFICATIONS:

The SDTMD is seeking an experienced legal firm with the following qualifications:

- Experience with the Ralph M. Brown Act and California Public Records Act
- Experience with other Municipal Noticing Provisions in the Government Code
- Expertise with Conflicts of Interest Statutes- Including 1090
- Experience with Tourism Business Improvement Districts / TMD Statutes

- Experience with charter city abilities and ordinances
- Legal expertise related to Proposition 26 and specific benefit case law
- Experience with Corporations Code - Mutual Benefit Nonprofits
- Expertise with IRS Codes-Tax Exempt Statutes
- Knowledge or experience of the tourism and travel industry
- Expertise in contract law

V. RESPONDING TO THE RFP:

Each response to the RFP must include the following:

- Key staff to be assigned and relevant experience
- Recent experience with similar organizations
- Provide a list of three (3) references from clients that have worked with the firm. The list must include client contact names, phone numbers, email addresses, and physical addresses.
- Include a baseline estimated annual cost range for the services outlined in Section II as well as a list of hourly rates for the assigned staff and anticipated services.
- A certification that applicants is in compliance with equal employment opportunity and nondiscrimination laws and policies.

By submitting a proposal, each applicant grants the SDTMD the right to duplicate, use, disclose, and distribute all materials submitted for purposes of evaluation, review and research.

VI. SELECTION PROCESS & TIME FRAME:

Each responding organization will submit a plan that addresses the program elements as outlined above.

The SDTMD Corp. Board sub-committee will make a recommendation to the Board of Directors, who will then select the contractor at a public SDTMD Corp. Board of Directors meeting.

The deadline for submitting formal interest is 5:00pm, Friday, November 18, 2016.

The deadline for submitting a proposal is 5:00pm, Friday, December, 16, 2016.

Please submit your proposal by to:

San Diego Tourism Promotion Corporation
8880 Rio San Diego Drive, Suite 800
San Diego, CA 92108
Attention: Mr. Brian Hughes, Executive Director

It is your responsibility to ensure that the proposal arrives at the address indicated above before the deadline for receipt. Proposals received after 5:00 p.m., Friday, December 16, 2016, will not be considered.

For more information on the SDTMD you may reference our website: www.sdtmd.org or call (619) 209-6108

SAN DIEGO TOURISM MARKETING DISTRICT CORPORATION BACKGROUND INFORMATION:

Mission: The San Diego Tourism Marketing District is a nonprofit mutual benefit corporation dedicated to improving lodging room night consumption in the City of San Diego.

Purpose: The specific purpose of this private, non-profit corporation is to create a positive economic, fiscal, and employment impact on the lodging businesses in the City of San Diego through the effective and judicious allocation of its revenue and resources to measurably successful tourism sales and marketing programs.

Board of Directors:

William Evans, Chair
Scott Hermes, Vice Chair
Colleen Anderson, Treasurer
Matt Greene, Secretary
C. Terry Brown
Richard Bartell
John Gates
Matt Adams

Staff:

Brian Hughes, Executive Director

What is a Tourism Marketing District?

The San Diego Tourism Marketing District (*the District*) follows the Tourism Business Improvement District (TBID) model, which utilizes the efficiencies of private sector operation in the market-based promotion of local and regional tourism for the targeted benefit of assessed businesses. TBIDs, such as this *District*, allow lodging businesses to organize their efforts to increase tourism, specifically the consumption of hotel rooms as measured by room night stays, achieving economies of scale they could not otherwise achieve.

In San Diego, lodging businesses within the *District* are assessed and those funds are used to provide privileges, programs and services directly to the assessed lodging businesses that specifically benefit those businesses.

District-funded programs and services designed to deliver incremental new room night sales to assessed businesses may include, but are not limited to:

- Marketing of the Assessed Businesses
- Tourism Promotion Activities
- Special Events and Programs

In California, TBIDs such as the *District* are formed pursuant to the Property and Business Improvement District Law of 1994 (PBID Law), the Parking and Business Improvement Area Law of 1989 (BID Law), or pursuant to an ordinance of a Charter City. In San Diego, the *City Council* adopted a local TBID enabling (procedural) ordinance similar to the PBID Law. This State statute and the *City procedural ordinance* allow creation of a special benefit assessment district to raise funds within a specific geographic area, in this case the city of San Diego, for the purpose of improving room occupancy and room night sales for assessed businesses.

History:

As a result of diminishing public resources available for effective and competitive destination marketing, local lodging industry leadership began discussing alternative funding sources and available options in 2003. A working group comprised of lodging industry representatives held dozens of meetings with proposed assessed businesses, stakeholder groups and interested parties. On May 8, 2007, at the request of a working group comprised of lodging industry representatives, the San Diego City Council (City Council) adopted the San Diego Tourism Marketing District Procedural Ordinance (SDMC Section 61.2501 et seq.) (Procedural Ordinance), which created a process for creating a tourism marketing district. Subsequently, on August 1, 2011, the City Council adopted amendments to the Procedural Ordinance specifying, among other things, a process by which such a district may be renewed. These amendments permit a renewal term up to forty (40) years.

*The **San Diego Tourism Marketing District (District)** was established pursuant to the Procedural Ordinance effective January 1, 2008 for an initial five-year term that ended on December 31, 2012. Developed by San Diego lodging businesses, the District is a benefit assessment district created to fully or partially fund marketing and sales efforts that directly benefit San Diego lodging businesses. On November 26th, 2012 the City Council renewed the District for a period of thirty-nine and one-half (39.5) additional years. The approved District Management Plan sets forth a plan for District activities and assessments during that renewal period.*

District Location:

The boundaries of the District are the same as the boundaries of the City of San Diego (see “Assessments and Benefit Categories”).

Funding Source Entirely from Assessed Lodging Businesses:

The District includes lodging businesses in the City of San Diego with seventy (70) or more rooms. These assessed businesses are identified in Appendix 1 of the District Management Plan.

For more information on the SDTMD you may reference our website: www.sdtmd.org

