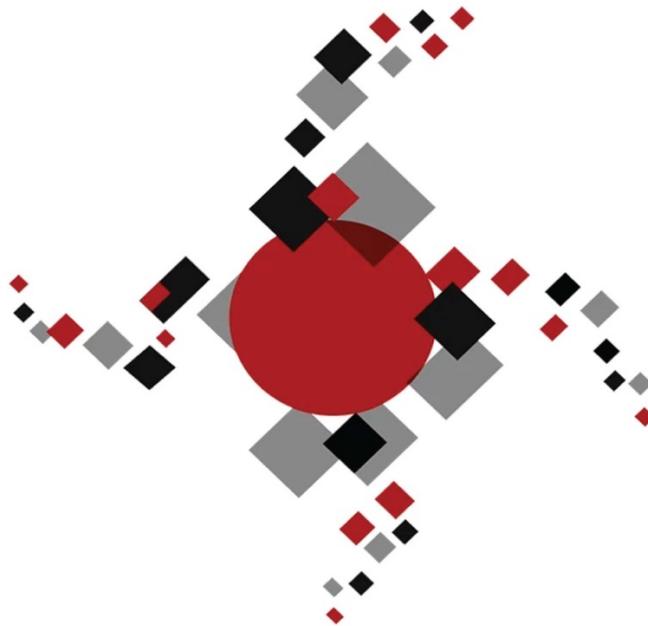


# Horton Plaza Theatres Foundation

## REQUEST FOR PROPOSALS (RFP)

### Venue Operations and Program Management Services for the Lyceum Theatres



**RFP Issued:** Monday, June 17, 2024  
**Proposals Due:** Thursday, July 18, 2024, 3:00PM PDT  
**RFP Coordinator:** Victoria Plettner-Saunders, [LyceumRFP@gmail.com](mailto:LyceumRFP@gmail.com)

**Direct all questions and proposals to Victoria Plettner-Saunders at [lyceumrfp@gmail.com](mailto:lyceumrfp@gmail.com).**

**To ensure that you receive all updates and notifications, please send an email stating your interest in this opportunity to Victoria Plettner-Saunders at the same email address above.**

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## **INTRODUCTION**

Horton Plaza Theatres Foundation (HPTF) seeks a well-qualified individual(s), organization, or company (“Applicant”) to operate and manage all aspects of the Lyceum Theatres (Lyceum) via a contract for services.

This Request for Proposals (RFP) is an invitation for qualified parties to submit proposals for exclusive operation and program management of the Lyceum Theatres. HPTF anticipates an initial contract period of three (3) years with the potential of two (2) additional consecutive three-year periods, if mutually agreeable. If an alternative contract term is preferred, the Applicant must provide both a detailed description of, and justification for, their preferred contract term in their Cover Letter of Interest.

Qualified Applicants are defined as those that are in the business of providing professional theatre operation and management services, rather than those that produce theatrical presentations. The successful Applicant shall demonstrate, through their qualifications and experience, the ability to perform the Scope of Services identified in this RFP, ensuring excellence and professionalism for the Lyceum’s daily operation.

HPTF seeks to fulfill its mission and obligation to provide a community cultural space that reflects the cultural and ethnic diversities of San Diego. They envision the presentation of performances, programs, productions and other aesthetic expressions from the City’s robust arts and culture community, as well as curated venue rentals that will further HPTF’s mission-related goals:

- To provide performance space to San Diego’s nonprofit theatrical, dance, and music production companies in order to support the growth of new and/or emerging artists and to bring quality artistic content to underserved audiences.
- To create and promote a public cultural town hall environment and experience where the diverse residents of the region and visitors can come together to explore and express their uniqueness and commonality.
- To provide a venue for appropriate commercial theatrical and other programming through venue rentals that enhances cultural and artistic offerings for residents and visitors.

## **THE LYCEUM THEATRES**

The Lyceum Theatres opened at the Horton Plaza shopping mall in 1986 as part of a downtown San Diego redevelopment project that required the demolition of the original Lyceum Theatre located in the same block. That venue in its final years saw extensive use by local performing arts and cultural organizations.

Today the Lyceum is a beloved venue with a rich history of local performing arts programming that has included theatrical performances, dance, multicultural and film festivals, cross-border collaborations, cutting-edge productions, and long-running shows.

## **Bringing Downtown to Life**

The Lyceum has been an integral part of one of downtown San Diego's most popular cultural landmarks for almost 40 years. Horton Plaza was a highly acclaimed destination shopping mall that notably revitalized downtown San Diego in the mid-1980's. Designed by architect Jon Jerde, known for revolutionizing the shopping mall experience with "wildly exuberant design," Horton Plaza became iconic for its "theatricality, its sense of play and discovery."

People turned to downtown San Diego for shopping, dining, and theatre because of the role Horton Plaza played in 1980's downtown redevelopment efforts and the inclusion of the Lyceum Theatres, which was key to creating a new nightlife in the Gaslamp Quarter. With shopping habits changing in the early 2000's the mall became less of the destination experience of its heyday. The Lyceum however, maintained its relevance until the pandemic forced its shutdown. Up to then, the Lyceum was host to as many as 100,000 people across 550 events annually that included a mix of culturally diverse performances, private events, public gatherings, and art exhibitions.

From November 1986 through July 2022, the Lyceum was occupied by the San Diego Repertory Theatre (Rep) which, in addition to producing and presenting its own work, managed the venue as a resident operator while making it available to outside rentals.

Through the Rep, the Lyceum became home to annual multi-cultural festivals such as Kuumba Fest, the longest-running festival of African-American culture in California, The Lipinsky Family San Diego Jewish Arts Festival, and the San Diego Latinx New Play Festival. The Lyceum stages also held space for dozens of the Rep's world premieres as well as critically acclaimed productions with their long-time collaborator Culture Clash, and its co-founder artist, writer, and performer, Herbert Siguenza. Additionally, the Lyceum was host to outside organizations presenting festivals such as the nationally acclaimed 1992 Black Choreographers Moving into the 21<sup>st</sup> Century and the annual local favorite, the San Diego International Dance Festival, as well as dance performances and theatre productions. The San Diego Ballet made it their home as well as myriad local dance and theatre companies who looked forward to welcoming audiences there annually.

## **2020 and Beyond**

In March 2020 and throughout the pandemic, Horton Plaza was closed. In July 2022, the Rep ceased operations leaving HPTF without Lyceum management.

With new ownership, Stockdale Capital Partners, Horton Plaza underwent a complete remodel creating a new destination, more relevant to a new generation. The Campus at Horton is the largest adaptive reuse redevelopment project in the country with more than one million square feet of office, retail, dining, and park space, plus a newly renovated Lyceum.

Adding to the promise of renewed vibrancy downtown, San Diego is preparing for the opening of the Downtown Arts District. The District, anchored by the Lyceum, Balboa, Spreckels, and Civic Theatres, which all reside within three-blocks of one another, will be funded through a mutually agreed upon ticket surcharge. With a focus on "live arts" experiences, this formal partnership of downtown stakeholders will perform three functions:

marketing, placemaking, and programming. Creative synergy will grow as opportunities for shared programming, both inside and outside the theatres, attract residents and visitors who will come to know the District as the place for exciting live arts experiences.

The Lyceum will reopen at the end of 2024 following major renovations to the front and back of house as well as the theatres themselves. It includes new, state of the art technology, reconfigured seating, a redesigned entrance, and an elevator to facilitate access to the below ground venue. With the loss of the Rep as the Lyceum's managing operator, an opportunity to reconsider the Lyceum's business model away from the previous resident performing arts organization as manager model emerged. An ad hoc committee of the HPTF board of directors identified the third-party venue management concept as the one best suited to support their vision for the future.

## **HORTON PLAZA THEATRES FOUNDATION**

HPTF is a public benefit corporation formed to maintain one or more theaters in the City of San Diego for the production and presentation of dramatic, musical, and artistic works in order to promote theater and fine arts. The Lyceum is overseen by HPTF through a sublease agreement with the City of San Diego.

One of the City's 49 boards and commissions, HPTF is governed by nine volunteer community members and stakeholders. Five members are appointed by San Diego City Council and four are representatives of Stockdale Capital Partners. They are required to follow the Brown Act.

Through a contract for services with the City, HPTF ensures that the Lyceum is operated in accordance with their mission:

- To administer and provide general stewardship of the Lyceum Theatres' infrastructure by maintaining, upgrading, and enhancing theatrical and non-theatrical systems in a manner that renders them safe, functional, and aesthetically pleasing and ensuring that the Lyceum Theatres maintains a high level of quality in production capabilities.
- To provide financial assistance to San Diego nonprofit theatrical, dance, and music production companies in order to support the growth of new and/or emerging artists and to bring quality artistic content to underserved audiences.
- To create and promote a public cultural town hall environment and experience where the diverse residents of the region and visitors can come together to explore and express their uniqueness and commonality.

HPTF receives a fee for services from the City to reimburse personnel, general operating, and maintenance expenses related to Lyceum oversight. An additional fund (Recognized Obligation Payment Schedule) covers costs related to the ordinary wear and tear and obsolescence of the venue's furniture, fixtures, and equipment, as well as code, life, and safety requirements. The Production Assistance Fund (PAF), provides subsidies for city-based, small and mid-sized, nonprofit arts and culture organizations, enabling the Lyceum to be a community cultural space that reflects the cultural and ethnic diversities of San Diego.

## **THE VENUE**

The Lyceum is a 40,000 square foot performing and visual arts facility with two theatre spaces on two floors, an informal cabaret stage in the lower lobby, and an art gallery on the lobby walls. It was built below ground with a street level entrance that descends via a stairway or elevator to a plaza area in which the box office and theatre doors are located. Concessions areas are found in the upper and lower lobbies. A prep kitchen for special events is located off the upper lobby. A new conference room/event space, built as part of the remodel, will allow for community meetings and gathering space which could be a source of rental revenue. A second conference room and office space is situated on the lower level.

Parking is available in one of several parking structures adjacent to or near the Lyceum as well as street parking. A flat rate for parking is available in the structure directly behind the Lyceum and accessible either through The Campus at Horton or off the street.

### **Main Stage**

The Main Stage is the largest venue, offering a proscenium style space with fixed seating for 484 people. It can be configured with or without a thrust and includes an orchestra pit.

### **Black Box Theatre**

The Black Box is an intimate space with flexible seating for up to 250 people. It is accessible from the lower lobby. This space can accommodate alley, endstage and thrust stage configurations with varied seating capacities.

### **Cabaret Stage**

Located in the lower lobby, the 21' x 6'.5" stage is located adjacent to concessions. It has been used for pre- and post-performance talks or similar programming.

### **Dressing Rooms**

There are four large AEA complaint dressing rooms for multiple actors, two main actor dressing rooms, and one ADA compliant dressing room, as well as a laundry room.

### **Green Room**

A green room, with its own private entrance, is located near the Main Stage and is complete with a kitchenette.

### **Loading Dock**

The loading dock is located off 4<sup>th</sup> Avenue and connects to the theatre via an off-street tunnel.

### **Technical Specifications**

When it reopens, the Lyceum will have complete audio/visual and theatrical lighting systems by Modern Stage & Sound.

## SCOPE OF SERVICES

At the conclusion of the process outlined in this RFP, HPTF intends to enter into a contract for services to operate and manage the Lyceum as described below. HPTF intends to retain operational oversight of the Lyceum and will maintain a close working relationship with the chosen operator (Applicant) through regularly scheduled meetings to review theatre operations, event scheduling and content, resource development, community relations, and other related issues.

The scope that will be incorporated into the contract may include, but not limited, to the items listed below. The Applicant shall:

- Program an annual calendar of performances, productions, presentations, and other similar forms of entertainment and aesthetic expression in each of the two theaters, lobby gallery space and cabaret stage by contracting with arts and culture organizations and other arts providers.
- Meet or exceed the expectation that they will strive for the maximum utilization of the venue as a community cultural venue in accordance with HPTF's stated mission.
- Meet or exceed the expectation for utilization of the Black Box theatre a minimum of fifty percent (50%) of the calendar year and in the Main Stage a minimum of twenty-five percent (25%) of the calendar year for performances, productions, presentations, rehearsals, and other similar forms of entertainment and aesthetic expression by San Diego-based arts and culture organizations and groups.
- Manage and operate the Lyceum in accordance with policies approved by HPTF.
- Develop and implement a business/operating plan that is approved by HPTF and updated annually.
- Recommend to HPTF systems for tracking revenues and expenditures, programming models, rental rates, operating policies, business strategies and changes to the business plan as needed.
- Be responsible for all Lyceum day-to-day functions and operations, operating the Lyceum at all times in the public interest and in accordance with the highest professional and ethical standards, as well as HPTF mission and goals.
- Hire, train, and supervise all required full-time and part-time employees including but not limited to the theatre manager, box office manager, production manager, technical director, stagehands, technical staff, box office employees, ushers, ticket takers, volunteers and other employees as needed.
- Manage payroll and other employee systems.
- Provide all employment-related benefits and insurance for all employees working at or on behalf of the Lyceum as required by law.
- Represent HPTF with regard to use of the Lyceum by third parties for the production of public and private events.

- Prepare and sign rental agreements, enforce HPTF policies, ensure insurance is maintained and collect fees from rental clients on behalf of the HPTF.
- Manage accounting records for all transactions and provide monthly financial reports to HPTF staff.
- Manage all box office operations including, ticket sales, management and training of ticketing software, box office receipts, scheduling of patron seating, management of patron sales information, customer concerns or problems and administration of any other software systems utilized in the operation or management of the Lyceum.
- Negotiate contracts with performing artists who will perform at the Lyceum for events produced in-house or presented on behalf of the HPTF.
- Negotiate contract riders and show advance services for those events to be produced in-house or presented on behalf of HPTF including production requirements, staffing requirements, security, bus and truck parking, air transportation, ground transportation, lodging, catering services, merchandise rights, financial settlement procedures, media rights, approval of marketing plans, approval of use of artists image, approval of artists recorded materials, media and public access to artists, backstage accessibility and other issues.
- Manage the Lyceum's master calendar for performance, rehearsal, technical and production needs, and maintenance schedules for all events during the term of the agreement.
- Negotiate and coordinate with third-party caterers, concessionaires, and other food and merchandise vendors as needed.
- Manage, coordinate, or operate an in-house concession program that is approved by HPTF.
- Coordinate the event production needs of all rental clients including the provisions of production services, such as technical support, stage equipment, production staff, public catering, backstage catering, box office, ushers, ticket takers, and other related services.
- Provide ongoing guidance and support to rental clients to best meet their needs for production, promotion, and other concerns as they arise.
- Work closely with HPTF staff, as appropriate, to facilitate the implementation of the PAF, as well as outreach programs and initiatives such as artist residencies, theatre management or production training opportunities, incubator programs.
- Ensure that the Lyceum is integral to and an active partner with the Arts District.
- Recommend and facilitate special programming such as thematic festivals and showcases in partnership with HPTF, as appropriate.
- Execute and administer all marketing requirements for all booked professional artists.
- Coordinate with agents, managers, or agencies to develop and implement negotiated marketing and advertising plans for individually booked professional artists.

- When appropriate, coordinate personal appearances, interviews, and “meet-and-greets” with booked professional artists.
- Develop, or cause to be developed, all event marketing materials.
- Provide marketing materials and additional rental information to HPTF.
- Write and implement a sales and marketing plan for all Lyceum hosted performances and cultural events.
- Solicit sponsorships and program ads, meeting agreed upon revenue targets.
- Attend weekly “check-in” meetings with designated HPTF staff.
- Attend HPTF meetings as needed such as board and committee meetings.
- Work closely with HPTF staff to address any electrical, mechanical, structural, or plumbing issues in a timely manner.
- Prepare documents, reports, or data as requested by HPTF.
- Coordinate a volunteer program that recruits, trains, and manages volunteers to assist with events at the Lyceum.

**Clarification of Responsibilities**

- Recommendations for policies and fees is the responsibility of the Applicant.
- Approval of policies and fees is the responsibility of HPTF.
- Execution of approved policies and fees is the responsibility of the Applicant.

**RFP PROCESS TIMELINE** (subject to change)

Activity	Date
Distribution of RFP	Monday, June 17, 2024
Pre-Proposal Information Meeting*	Monday, June 24, 2024 @ 9:00am PDT <a href="https://us06web.zoom.us/j/81566073181?pwd=S31tjcog7ubRA9sBbVvP5bLKHiXPfk.1">https://us06web.zoom.us/j/81566073181?pwd=S31tjcog7ubRA9sBbVvP5bLKHiXPfk.1</a>
Deadline for Questions	Tuesday, June 25, 2024 @ 5:00pm PDT
Proposal Deadline	Thursday, July 18, 2024 @ 3:00pm PDT
Selection Panel Review of Proposals	Wednesday, July 24, 2024
Applicant Interviews	Friday July 26, 2024 (tbd)
Final Decision RFP Award	Wednesday, July 31, 2024

\*The Pre-Proposal Information Meeting is not mandatory, but highly recommended.

**SUBMITTAL INSTRUCTIONS**

HPTF invites qualified Applicants to submit proposals to provide operation and program management services for the Lyceum Theatres. Proposals must be received **no later than 3:00 p.m. on Thursday, July 18, 2024**. All proposals will be electronically submitted as one or more files in a PDF format. If more than one file is submitted (e.g., Narrative Statement vs attachments) please clearly identify the content of the file in the file name. All files should include the Applicant’s name before any content descriptions. Paper copies will not be accepted. Send proposals to Victoria Plettner-Saunders, RFP Coordinator at [LyceumRFP@gmail.com](mailto:LyceumRFP@gmail.com).

**PROPOSAL REQUIREMENTS**

Each Applicant must carefully examine the requirements contained herein. Upon receipt of responses hereunder, each Applicant shall be thoroughly familiar with all requirements contained herein. The failure or omission to examine any form or document shall in no way relieve an Applicant from any obligation in respect to this proposal submitted. Any misinterpretation of the requirements is solely that of the Applicant.

All proposals shall be in the form of one document which includes responses to each of the following requirements, in the order specified below. Each section will be clearly identified with the requirement title as indicated.

In addition, any material that will add to the persuasiveness of your proposal may be included. However, if the materials do not directly address the requirements as stated below, please include them in an appendix or separate file. HPTF will review and consider all material submitted but will concentrate first and foremost on the material that directly addresses the stated needs.

**1. Cover Letter (5 points)**

Provide a cover letter that includes the Applicant's legal name and form of business, address, phone number and email address. Describe the Applicant's interest in the Venue Operations and Program Management Services for the Lyceum Theatres opportunity.

Include an alternative contract term to the one described on page 3 of this RFP if one is preferred. If an alternative is requested, please provide both a detailed description of, and justification for, the preferred contract term. Providing an alternative contract term is not a requirement of this RFP, it is optional.

**2. Statement of Relevant Expertise, Experience, and Background (15 points)**

Provide an overview of the Applicant's expertise, experience, and ability to perform the scope of services described in this RFP.

Include at least three examples from past or existing contracts for services with similar scopes of work for performing arts venues or cultural centers of similar size and programmatic need. Describe how they relate to or may be similar to the Lyceum's stated needs and goals, with particular attention to its role as a "community town hall". Provide information about the fee structure, contract term, and whether it represents a current or past client.

Describe how the Applicant's institutional values align with the Lyceum's mission-driven focus for operations and programming.

**3. Statement of Qualifications and Proposed Staffing (15 points)**

Provide the names, qualifications, and experience of proposed/assigned key personnel responsible for carrying out and performing the day-to-day operation and management services as stipulated in this RFP.

Include brief resumes for the project principal or manager and any other key employees who will be assigned to this contract, identifying their qualifications and experience. If additional staff will be hired to provide on-site services, please describe which positions will be filled and the process by which they will be filled. Please explain the qualifications and experience sought and the efforts to ensure a diverse local candidate pool.

**4. Proposed Approach to Programming (15 points)**

Provide a detailed description of how the Applicant will achieve the goals stated on page 3 of this RFP. How will it ensure that the Lyceum will continue to serve as a vibrant cultural center and space for aesthetic expression that respects and amplifies the San Diego region's diverse residents and visitors.

How will the Applicant ensure HPTF's ability to fulfill its commitment to *"... create and promote a public cultural town hall environment and experience where the diverse residents of the region and visitors can come together to explore and express their uniqueness and commonality."*

Recommend a hypothetical season of high-quality events for the Lyceum such as film, theatrical presentations or other performative work, music, comedy, community events,

lectures, private and commercial events, etc. and how it would be achieved at the Lyceum under the Applicant's management.

#### **5. Proposed Approach to Venue Operations (15 points)**

Describe the Applicant's approach to managing a theatre facility that includes the following with specific reference to each component listed below.

- Staffing plan;
- Marketing, community outreach, and audience development;
- Concessions;
- Ticket/Event/Rental pricing;
- Event management and accounting systems;
- Operating policies and procedures;
- Routine maintenance;
- Strategies to build and maintain a strong working relationship with the HPTF representative(s) and/or staff, including your expectations for working with them.

#### **6. Proposed Financial Model (15 points)**

HPTF strives to select an operator that can establish consistency, excellence, and sustainability in all aspects of the Lyceums operations. HPTF has not determined a specific financial or payment structure for the future operator but currently favors a contracts for services arrangement. HPTF is open to considering all options.

Please propose at least one preferred financial structure for fulfilling the Scope of Services. Final determination of a mutually agreed upon financial structure will become part of agreement negotiations with the successful Applicant.

#### **7. References (10 points)**

Provide references for at least three (3) other publicly own performing arts venues or cultural centers the Applicant manages. Include agency contact information, size of building, number of years the Applicant has operated the building and a brief scope of services provided.

#### **8. Materials (10 points)**

In addition, include any material that will add to the persuasiveness of your proposal. Include an annotated list of the materials to aid in the Selection Panel's understanding of their relevance as well as to what they are reviewing. HPTF will review and consider all material submitted but will consider material that directly addresses the stated needs in scoring this section.

#### **9. Exceptions**

Explain any proposed exceptions, alterations, or amendments to the scope of services or other requirements of this RFP. Note that the nature and scope of any proposed exceptions could have an adverse impact on the Proposal's evaluation and HPTF's determination of whether it is possible to successfully negotiate a contract with the Applicant.

## **REVIEW AND SELECTION PROCESS**

Award of the contract for Operations and Program Management of the Lyceum Theatres will be made to the responsible and responsive Applicant whose proposal is determined, through a formal evaluation process, to be the most advantageous to HPTF. Selection Panel will score each application based on the total number of points possible for each element.

The successful Applicant will enter a contract with HPTF incorporating all prescribed requirements and conditions of this RFP. If HPTF and the successful Applicant are unable to negotiate a mutually beneficial Agreement, HPTF reserves the right to consider the next most qualified Applicant.

HPTF reserves the right to reject any or all responses to this RFP and to waive any informality or irregularity in this RFP or in responses, to negotiate with all qualified sources, or to cancel, in part or in its entirety, this RFP, in its best interests. This RFP does not commit HPTF to award a contract, or to procure or contract for services or goods.

Before award, Applicants may be required to furnish evidence of capability and financial resources to adequately perform the job as specified above.

## **SELECTION PANEL**

HPTF will form a Selection Panel comprised of HPTF board members and other key stakeholders. The Panel will review and rank the proposals and negotiate with qualified Applicants based on the content of the proposals relative to Applicant experience, qualifications, proposed program approach, proposed operational modeling and past record of performance. HPTF will conduct interviews with select Applicants based on the results of the Panel's review to further assist in the selection process.

## **SPECIAL CONSIDERATIONS**

*Public Records:* All proposals submitted in response to the RFP become the property of HPTF and are subject to release under the California Public Records Act and may be subject to public review.

*Right to Cancel:* HPTF reserves the right to cancel, in part or in its entirety, this RFP. If HPTF cancels or revises this RFP, HPTF will notify all Applicants in writing.

*Additional Information:* HPTF reserves the right to request additional information and/or clarifications from any or all Applicants to this RFP.

*Insurance Requirements, Permits, Licenses, Agreement:* The successful Applicant shall always maintain in force at its own cost during the performance of the assignment insurance. If the Applicant cannot or will not provide insurance as identified, HPTF will not contract with the Applicant.

*Contractual Requirements:* The successful Applicant will be required to enter a contract with HPTF using HPTF's Standard Agreement for Services. Provisions include, but are not limited to, indemnification, insurance requirements, applicable compliance to ordinances, laws, regulations, and licenses, City business tax licenses and other terms and conditions. If an Applicant is not prepared to accept the terms of this Agreement, the Applicant should not

submit a proposal. No changes will be made to the general contract requirements.

*Waiver:* By submitting a response to this RFP, each Applicant expressly waives any and all rights it may have to object to, protest, or seek legal remedies whatsoever related to any aspects of this RFP, HPTF's selection of consultant or rejection of any or all responses.

*Preparation of Proposals:* HPTF will not reimburse the costs to prepare a response to this RFP.

*Deadlines:* HPTF reserves the right to amend the RFP timeline at any time. HPTF will make every effort to notify Applicants of any changes both in writing via email (when available) and on the HPTF website. Applicants are responsible for checking the website for updates. Proposals received after the deadline will not be accepted under any circumstances.

## **ATTACHMENTS**

The following attachments are incorporated into the RFP and are required to be included in their entirety for the submission to be considered a complete proposal. Statements may be replicated to another format to ease submission however, any deviation from the language as stated herewith could disqualify the statement's validity. Attachments follow on pages 15 and 17.

ATTACHMENT A – CONFLICT OF INTEREST STATEMENT (Include with Proposal)

ATTACHMENT B – DECLARATION OF NON-COLLUSION (Include with Proposal)

## ATTACHMENT A: STATEMENT OF CONFLICT OF INTEREST

This form must be completed and included with the Applicant's proposal at the time of submittal.

### STATEMENT OF CONFLICT OF INTEREST

#### The undersigned declares:

I/We \_\_\_\_\_ (Insert Company Name) have the following financial, business, or other relationship with HPTF that may benefit from or otherwise have an impact upon the outcome of the Proposal. If none, please specify that no other relationships may have an impact on this Proposal.

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I/We \_\_\_\_\_ (Insert Company Name) have the following current clients who may have a beneficial financial interest in the outcome of this Proposal. If none, please specify that no other clients may have a beneficial financial interest in the outcome of this Proposal.

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Pursuant to any laws, rules and regulations that may apply, the Applicant covenants that neither it, its subcontractors nor employees presently have an interest, and shall not acquire any interest, direct or indirect, financial or otherwise that would conflict in any manner or degree with contract awarded from this RFP. Applicant certifies that to the best of its knowledge, no one who has or will have any financial interest in the contract awarded from this RFP is an officer or employee of HPTF or any of its stakeholders. Through its submittal of a RFP, Applicant acknowledges that it will immediately notify HPTF if it becomes aware of any facts concerning the contract to be awarded that constitute a violation of said provisions.

#### Notice of Non-Collusion

Furthermore, if there is reason to believe that collusion exists among the Applicants, HPTF may refuse to consider RFPs from participants in such collusion. No person, firm, or corporation under the same or different name, shall make, file, or be interested in more than one RFP for the same work unless alternate RFP's are called for. A person, firm, or corporation who has submitted a sub-proposal to an Applicant, or who has quoted prices on materials to an Applicant, is not thereby disqualified from submitting a sub-proposal or quoting prices to other Applicants. Reasonable ground for believing that any Applicant is interested in more than one proposal for the same work will cause the rejection of all proposals for the work in which an Applicant is interested. If there is reason to believe that

collusion exists among the Applicants, the HPTF may refuse to consider RFP's from participants in such collusion. Applicants shall submit as part of their RFP documents the completed Non-Collusion Declaration provided herein as Attachment B.

I, on behalf of the Applicant, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on \_\_\_\_\_ [date], at \_\_\_\_\_ [city], \_\_\_\_\_ [ST].

Applicant Name (Person, Firm, Corp.) \_\_\_\_\_

Name/Title of Authorized Representative (Print) \_\_\_\_\_

Applicant Address with City, ST, ZIP \_\_\_\_\_

\_\_\_\_\_

Representative Signature/Date \_\_\_\_\_

**ATTACHMENT B: DECLARATION OF NON-COLLUSION**

This form must be completed and included with the Applicant’s proposal at the time of submittal.

**By Submission of the Proposal for Operation and Program Management Services for the Lyceum Theatres, the Applicant Certifies that:**

1. This Proposal has been independently arrived at without collusion with any other competitor or potential competitor;
2. This Proposal has not been knowingly disclosed and will not be knowingly disclosed prior to the opening of Proposals for this RFP, to any other applicant, bidder, competitor, or potential competitor;
3. No attempt has been made to induce any other person, partnership or corporation to submit or not to submit a Proposal;
4. The person signing for this Proposal certifies that they have fully informed themselves regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the Applicant as well as to the person signing in its behalf;
5. That attached hereto (if a corporate Applicant) is a resolution authorizing the execution of the certificate by the signatory of this Proposal on behalf of the corporate Applicant.

**Applicant Name (Person, Firm)**

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**Name/Title of Authorized Representative (Print)**

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**Applicant Address with City, ST, ZIP**

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**Representative Signature/Date**

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