

LAW OFFICES

MOSKOWITZ, MANDELL, SALIM & SIMOWITZ, P.A.

800 CORPORATE DRIVE • SUITE 500
FORT LAUDERDALE, FLORIDA 33334

MICHAEL W. MOSKOWITZ¹
SCOTT E. SIMOWITZ¹
CRAIG J. MANDELL
WILLIAM G. SALIM, JR.^{**}
SCOTT M. ZASLAV^o
ARI J. GLAZER[^]
TODD A. ARMBRUSTER
ARTHUR E. LEWIS

ALSO ADMITTED IN NY & DC*
ALSO ADMITTED IN MA**
ALSO ADMITTED IN NY & CT^o
ALSO ADMITTED IN NY[^]

CERTIFIED CIRCUIT COURT MEDIATOR¹

BROWARD (954) 491-2000
BOCA RATON (561) 750-7700
TELECOPIER (954) 491-2051

OF COUNSEL

SHIRLEY D. WEISMAN, P.A.

Michael W. Moskowitz
mmoskowitz@msslaw.com
Direct (954) 776-9211

April 15, 2020

VIA E-MAIL – mritus@broward.org

Mr. Michael Ritus
Construction Project Manager
Broward County Construction Management
Division, Public Works Department
115 S. Andrews Avenue
Fort Lauderdale, FL 33301

Re: Spectrum Investors, LLC Unsolicited Proposal to Sell, Design and Build the Supervisor of Elections Campus

Dear Mr. Ritus:

We hope you, your family, and the County Team are staying safe and healthy. We are grateful for the County's leadership and commitment during these very trying times. We are sensitive to the fact that your days must be very stretched and stressful as we all focus on health and safety.

On November 14, 2019, our firm had the privilege, along with our co-counsel, John Milledge, Esq. to present Spectrum Investors, LLC's ("Spectrum") unsolicited **P3** proposal to design and build a campus (the "Project") for the Broward County Supervisor of Elections ("SOE"), which was submitted pursuant to Section 255.065, Florida Statutes. This submission was the basis of the statutory advertisement of Solicitation PNC2120462F1 (the "Solicitation"), which closed on March 23, 2020.

It is clear from the directions provided by the County Commissioners and Administration that the need to provide a new consolidated Administrative and Operations Center on one campus for the Supervisor of Elections is a priority for Broward County. Prior to the Cone of Silence, Spectrum as part of its P3 development process, had endeavored to create this S.O.E. facilitation with a "Build to Suit" campus that incorporates feedback and insights from the County's Staff and S.O.E. Operational Team members. The Design Criteria developed by Spectrum and its

April 15, 2020
Page 2

professional engineers and architects, is comprehensive and can be implemented at 2050 Spectrum in accordance with a targeted occupancy date of November, 2022.

The consolidated Project campus will accommodate the SOE's requirements for a synchronous Administrative and Operations Center with benefits accruing for generations. The operational efficiencies created at Spectrum will manifest cost savings that will accrue to the County. Additionally, the new facility will demonstrate a County commitment to cohesive and effective voting operations.

The completed facility will be approximately 160,598 Gross Square Feet, on 9 acres of Useable Land. The current design attributes include: operations, storage, call centers, training, meeting and administrative facilities, all connected to a modern atrium, which can also be used to schedule other County activities. Food services are available through a fully functioning café.

COMPETITIVE ANALYSIS:

Spectrum and its professional architects have extensive knowledge about the requirements related to the S.O.E. campus development. As such, the Spectrum Team prepared a detailed analysis of the two proposals recently submitted in response to the Solicitation, utilizing critical S.O.E. campus and solicitation attributes. The attached comprehensive chart benchmarks Spectrum's P3 submission against the two proposals submitted in response to the Solicitation.

Please consider the following critical germane deficiencies related to the two submissions.

FIRST INDUSTRIAL / CBRE:

1. BID RESPONSE OFFERED A LEASE ONLY WITH NO OWNERSHIP TRANSFER AS REQUIRED BY STATUTE 255.065. ADDITIONALLY, THE BID RESPONSE HAD AN EXPIRATION DATE OF MARCH 7, 2020 AND THEREFORE IS NO LONGER VALID.
2. SITE IS TOO SMALL TO MEET THE OPERATIONAL NEEDS OF THE S.O.E. SITE OFFERS ONLY 131 PARKING SPOTS EVEN THOUGH THE S.O.E. REQUIRES 419.
3. OFFEROR FAILED TO MEET THE REQUIRED ASPECTS RELATED TO STATUTE 255.065 AND WAS ALSO NON-RESPONSIVE TO THE COUNTY'S SOLICITATION REQUIREMENTS. THE OFFEROR'S PROPOSAL PROVIDED FOR A LEASE WITH "WALLS, ELECTRICAL AND PLUMBING SYSTEMS IN GOOD WORKING ORDER", WITHOUT PROVIDING ANY BUILDING PLANS, DESIGN, OR FIT-UP TO THE S.O.E. ADMINISTRATIVE AND OPERATIONAL FACILITATION REQUIREMENTS.
4. THE PROPOSAL FAILED TO ADDRESS COUNTY MANDATED REQUIREMENTS, SUCH AS CBE AND PREVAILING WAGES.

April 15, 2020
Page 3

WESTCHASE:

1. SITE IS TOO SMALL TO MEET THE OPERATIONAL NEEDS OF THE S.O.E. AND IS SURROUNDED BY RESIDENTIAL AND SCHOOL PROPERTIES.
2. OFFEROR FAILED TO MEET THE REQUIRED ASPECTS RELATED TO STATUTE 255.065 AND WAS ALSO NON-RESPONSIVE TO THE COUNTY'S SOLICITATION REQUIREMENTS. THE OFFEROR'S PROPOSAL PROVIDED NO DETAILS AND FAILED TO MEET THE "PROPOSAL" SUBMISSION REQUIREMENTS. THE PROPOSAL FAILED TO PROVIDE A DESIGN, OR FIT-UP PLAN TO MEET THE S.O.E. ADMINISTRATIVE AND OPERATIONAL FACILITATION REQUIREMENTS.
3. THE PROPOSAL FAILED TO ADDRESS COUNTY MANDATED REQUIREMENTS, SUCH AS CBE AND PREVAILING WAGES.

Section 255.065(1)(i), Florida Statutes

Spectrum Investors' unsolicited P3 proposal included all material and information required by Section 255.065(4), Florida Statutes. Spectrum Investors is also willing to provide any additional material or information that the County reasonably requests.

Furthermore, it is clear that Spectrum's P3 submission addressed all of the following Florida Statutes Section 255.065(3)(d), criteria.

1. Is in the public's best interest.
2. Is the facility that is owned by the responsible public entity or for a facility for which ownership will be conveyed to the responsible public entity.
3. Have adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or cancellation of the comprehensive agreement by the responsible public entity.
4. Have adequate safeguards in place to ensure that the responsible public entity or private entity has the opportunity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.
5. Will be owned by the responsible public entity upon completion, expiration, or termination of the comprehensive agreement and upon payment of the amounts financed.

Conclusion

In conclusion, the information and materials provided herewith by Spectrum Investors in its unsolicited proposal clearly meet the criteria established in Section 255.065, Florida Statutes.

Furthermore, please consider the following:

1. There have been no competitive bids submitted that are conforming to the S.O.E. development criteria and Solicitation requirements.

April 15, 2020
Page 4

2. The Project will serve a valid public purpose in providing a much needed SOE campus for the County for years to come at a significant time savings.
3. Any private benefit or use will be merely incidental to the significant public benefits provided and the substantial public dollars proposed to be saved through implementation of this unsolicited proposal.
4. Spectrum Investors has the capability of delivering the S.O.E facility that provides the County with a comprehensive Administrative and Operational campus that will provide benefits to the County for generations.

Based on the only two responses the County received to its solicitation advertisement, it is clear that Spectrum's 9 acres of useable land, along with its Design and "Build to Suit" P3 submission strategy, provides the County with the most viable and comprehensive option for the S.O.E's campus facilitation. With that said, we strongly believe that Spectrum is providing an expeditious means to resolve the 15-year search that has not previously manifested a viable option to meet the requirements for a S.O.E. Campus.

Spectrum's P3 plan provides the County with flexibility while also providing finality to immediately resolve the compelling need to facilitate the S.O.E. operations and administrative functions on a single generational campus. As reflected in Spectrum's P3 submission, Spectrum is offering to proceed with a "Build to Suit" S.O.E. campus and provide the County either A) a Long-Term Lease Purchase implementation plan, or B) Purchase with Closing at the completion of construction.

The Lease Purchase structure is an effective means of building the required S.O.E. campus. The County can opt to implement the Lease Purchase Option and occupy the S.O.E Campus without dealing with the potential financial and budget impacts caused by COVID-19. The Lease Purchase Option could be structured to provide the County with the right to exercise its title transfer at certain anniversary dates (i.e., Five, Ten, Fifteen or year Twenty) with the final transfer payment being made at Closing. During the Lease Term, the County would pay rent based on a TRIPLE NET structure, which would provide the County with total control of the Property and its maintenance and operations. Alternatively, the County could proceed with the outright purchase of 2050 Spectrum at the S.O.E.'s occupancy of the Spectrum Site, with Closing on the Purchase upon substantial completion and obtaining a Certificate of Occupancy.

Spectrum has funding arrangements with several commercial banks that will support the Project. Spectrum has significant existing in place equity in the Spectrum property and maintains substantial lines of credit with our current bank, Center State Bank. Other funding mechanisms will be evaluated during the comprehensive agreement negotiations.

In order for Spectrum to proceed with its proposed timeline and meet a potential S.O.E. occupancy by November, 2022, we request that the Staff and Administrative Team expeditiously complete their analysis and place the matter before the County Commission. This project has been pending for almost two years and we are requesting action to be taken at this point of time.

April 15, 2020
Page 5

Should you have any questions or comments, or require any additional information, please feel free to contact either the undersigned or Sheldon Gross from Spectrum Investors. We and Spectrum Investors, otherwise look forward to working with the County Commission, and the respective administrative staff and professionals, in proceeding forward with this unsolicited proposal in accordance with the statutory framework and methodology required, and the ultimate consummation of a definitive comprehensive agreement to complete the Project.

Kindly advise when this matter will be placed on the County Commission agenda. Thank you.

Very truly yours,

MOSKOWITZ, MANDELL, SALIM & SIMOWITZ, P.A.

BY: /s/ Michael W. Moskowitz
MICHAEL W. MOSKOWITZ

cc: Mr. Andrew Meyers, County Attorney (ameyers@broward.org)
Mr. Michael Kerr, Deputy County Attorney (mkerr@broward.org)
Ms. Connie Mangan Purchasing Manager (cmangan@broward.org)
Client

SOLICITATION SECTION	PROGRAM REQUIREMENTS	2050 SPECTRUM	FIRST INDUSTRIAL / CBRE	Exhibit 5 - Moskowitz et al Letter WESTCHASE Page 6 of 9
	Address	2050 Spectrum Blvd, Fort Lauderdale, FL 33309	1200 NW 15th Street, Pompano Beach, FL 33069	1641 NW 23 AVENUE, FORT LAUDERDALE FL 33311
COMMENTS RELATED TO THE SPECIFIC CRITERIA REFLECTED IN THE COUNTY'S REQUEST FOR SOLICITATION				
GENERAL BID COMMENTS	In ranking the proposals, the County will consider the factors set forth in section 255.065, Florida Statutes	CONFORMING: In compliance with Statute 255.065, offering a Turnkey Build-to-Suit with title transfer at substantial completion and Closing, or a Lease Purchase with a definitive timeline for transfer of ownership to the County.	NON-CONFORMING: BID RESPONSE OFFERED A LEASE ONLY WITH NO OWNERSHIP TRANSFER AS REQUIRED BY STATUTE 255.065. ADDITIONALLY, THE BID RESPONSE HAD AN EXPIRATION DATE OF MARCH 7, 2020 AND THEREFORE IS NO LONGER VALID.	NON-CONFORMING: BID LACKED THE DETAILS THAT WERE REQUIRED BY THE SOLICITATION
GENERAL BID COMMENTS	Section 255.06 provides: "Proposal" means a plan for a qualifying project with detail beyond a conceptual level for which terms such as fixing costs, payment schedules, financing, deliverables, and project schedule are defined.	CONFORMING: Proposal provided a detailed plan to support the facilitation of the S.O.E. operations on a campus environment, with budgeted costs, payment schedules, financing capabilities, deliverables and project schedule. County has the option for title ownership to occur at substantial completion and issuance of a C.O.	NON-CONFORMING: OFFEROR FAILED TO MEET THE REQUIRED ASPECTS RELATED TO STATUTE 255.065 AND WAS ALSO NON-RESPONSIVE TO THE COUNTY'S SOLICITATION REQUIREMENTS. THE OFFEROR'S PROPOSAL PROVIDED FOR A LEASE WITH "WALLS, ELECTRICAL AND PLUMBING SYSTEMS IN GOOD WORKING ORDER", WITHOUT ANY BUILDING PLANS OR DESIGN.	NON-CONFORMING: OFFEROR FAILED TO MEET THE REQUIRED ASPECTS RELATED TO STATUTE 255.065 AND WAS ALSO NON-RESPONSIVE TO THE COUNTY'S SOLICITATION REQUIREMENTS. THE OFFEROR'S PROPOSAL PROVIDED NO DETAILS AND PLANS AND FAILED TO MEET THE "PROPOSAL" SUBMISSION REQUIREMENTS.
GENERAL BID COMMENTS	Conformance with the County's CBE and Prevailing Wage requirements as required by Statute and the solicitation	CONFORMING	NON-RESPONSIVE: NOT ADDRESSED	NON-RESPONSIVE: NOT ADDRESSED
B.	A Turnkey Free-standing, fully air-conditioned office/warehouse facility consisting of a total of 135,000 square feet (warehouse at 95,000 square feet, office areas at 40,000 square feet)	CONFORMING	NON-CONFORMING: NOT A TURNKEY SUBMISSION. NO PLANS WERE PROVIDED IN PROPOSAL THAT REFLECT DETAILS FOR OFFICE, OPERATIONS CENTER/WAREHOUSE, OR LAYOUT SUITABLE FOR THE S.O.E. REQUIREMENTS.	NON-CONFORMING: NOT A TURNKEY SUBMISSION. NO PLANS WERE PROVIDED IN PROPOSAL THAT THAT REFLECT DETAILS FOR OFFICE, OPERATIONS CENTER/WAREHOUSE, OR LAYOUT SUITABLE FOR THE S.O.E. REQUIREMENTS.
B. & E1	Parking spaces to accommodate the operational needs of the S.O.E.	CONFORMING: The 432 parking spots provided exceed the S.O.E. requirement. Furthermore, over 1,000 supplemental parking spaces are available within a 1.0 mile radius, located on County and City owned properties, including Lockhart Stadium and the new Property Appraiser property which is 0.2 miles away	NON-CONFORMING: S.O.E CRITERIA REQUIRES A MINIMUM OF 419 PARKING SPACES. SUBJECT PROPERTY, BASED ON PLOT PLAN PROVIDED, HAS A TOTAL OF 131 SPACES, (OR 31% OF THE REQUIREMENT)	NON-RESPONSIVE: UNKNOWN AS NO SITE PLAN WAS PROVIDED. HOWEVER, BASED ON THE LAND LAYOUT, TRAFFIC FLOW, TRUCK LOADING/DOCK AREAS, TRUCK STAGING AREAS AND BUILDING PLACEMENT, THE PROPOSED SITE IS INCAPABLE OF PROVIDING THE REQUIRED 419 PARKING SPACES.
B.	Located on a site to accommodate the project requirements and operational needs of the S.O.E.	CONFORMING	NON-CONFORMING: SITE IS TOO SMALL TO MEET THE OPERATIONAL NEEDS OF THE SOE	NON-CONFORMING: SITE IS TOO SMALL TO MEET THE OPERATIONAL NEEDS OF THE S.O.E.
B.	PROJECT BUDGET: total proposed project costs shall include all potential development costs including land, soft and hard construction costs for a turnkey delivery of the completed project.	CONFORMING: Project budget has been provided.	NON-CONFORMING: PROPOSED BUDGET IS INSUFFICIENT FOR THE SOE NEEDS AS OFFEROR IS ONLY PROVIDING \$10PSF IN TI. ADDITIONALLY, THIS IS NOT A TURNKEY PROJECT AS PROPOSAL IS ONLY FOR A SHELL. ADDITIONALLY NONE OF THE BUDGET REQUIREMENTS HAVE BEEN ADDRESSED. FINALLY, COUNTY HAS NO RIGHTS TO OWNERSHIP.	NON-CONFORMING: THIS IS NOT A TURNKEY PROJECT. BUDGET PROVIDED DID NOT INCLUDE; A) INFORMATION ABOUT INFRASTRUCTURE COST AND IMPLEMENTATION; B) NO INFORMATION ABOUT DEVELOPMENT COSTS; C) NO SOFT COSTS; D) NO HARD COSTS; E) NO LAND ACQUISITION COST. INFORMATION TO COMPLETE A TURNKEY DELIVERY OF THE COMPLETED S.O.E. FACILITY WAS NOT PROVIDED.

SOLICITATION SECTION	PROGRAM REQUIREMENTS	2050 SPECTRUM	FIRST INDUSTRIAL / CBRE	Exhibit 5 - Moskowitz et al Letter WEST CHASE Page 7 of 9
B.	PROJECT SCHEDULE: the project must be completed in the most expeditious manner.	CONFORMING: Detailed project schedule has been provided. Many project components have already been completed including preliminary design and interactions with the City authorities.	NON-CONFORMING: NO TIMELINE OR PLANNING SCHEDULE WAS PROVIDED	NON-CONFORMING: NO TIMELINE OR PLANNING SCHEDULE WAS PROVIDED
C1a.	Turning Radius for vehicles, service/delivery trucks and semi-trailer trucks	CONFORMING: Property is 615 feet by 642 feet. Previous submissions has verified that property has acceptable truck turning radius, an acceptable layout for traffic flow and sufficient parking	NON-CONFORMING: PROPERTY IS 682 FEET BY 478 FEET. PROPERTY LAYOUT DOES NOT PROVIDE ACCEPTABLE TURN RADIUS OR TRAFFIC FLOW	NON-CONFORMING: PROPERTY IS 908 FEET BY 358 FEET. PROPERTY SHAPE DOESN'T PROVIDE ACCEPTABLE TURN RADIUS OR TRAFFIC FLOW
C1a.	Site to have adequate access	CONFORMING: Substantial access points through commercial roads used for industrial and commercial traffic.	CONFORMING: SUBSTANTIAL ACCESS POINTS THROUGH COMMERCIAL ROADS USED FOR INDUSTRIAL AND COMMERCIAL TRAFFIC	NON-CONFORMING: PROPERTY ACCESS IS VERY LIMITED AS SMALL RESIDENTIAL STREETS BORDER THE PROPERTY ON SOUTH AND WEST AND MIDDLE SCHOOL ON THE NORTH.
C1a.	Highway access	Commercial Blvd. - 0.8 miles TO I-95; Commercial Blvd. - 2.5 miles TO TURNPIKE	ATLANTIC BLVD. - 1.7 MILES TO I-95; MLK BLVD. - 2.3 MILES TO TURNPIKE	SUNRISE BLVD - 1.8 MILES TO I-95; SUNRISE BLVD - 3.5 MILES TO TURNPIKE
C1b.	Close proximity to County public bus service	CONFORMING: Walk to nearest bus stop is 2 minutes. There are two bus routes. Route 55 operates every 20 to 30 minutes. Route 11 operates every 35 to 40 minutes. Additionally, TRI-RAIL is - 2.4 Miles (Cypress Creek Station) and provides a complimentary shuttle (route CC-2) between the Spectrum Business Park and TRI-RAIL Station	NON-CONFORMING: WALK TO NEAREST BUS STOP IS 12 MINUTES. BUS SERVICE - ROUTE 20 - EVERY 45 MINUTES; TRI-RAIL - 2.4 MILES (POMPANO BEACH STATION). THERE IS NO TRI-RAIL SHUTTLE CONNECTING THE SITE TO THE TRI-RAIL STATION.	CONFORMING: WALK TO NEAREST BUS STOP IS 4 MINUTES. BUS SERVICE - ROUTE 11 - EVERY 35 TO 40 MINUTES; TRI-RAIL - TRI-RAIL -2.8 MILES (FORT LAUDERDALE STATION). THERE IS NO TRI-RAIL SHUTTLE CONNECTING THE SITE TO THE TRI-RAIL STATION.
C1c.	Boundaries	CONFORMING: Site is within established boundaries.	NON-CONFORMING: SITE IS NOT WITHIN ESTABLISHED REQUIRED BOUNDARIES. SITE IS 5 MILES NORTH OF DESIGNATED COMMERCIAL BLVD.	CONFORMING: SITE IS WITHIN ESTABLISHED BOUNDARIES.
C1d.	Secured night parking	CONFORMING: Site has lights, security cameras, and gates	NON-RESPONSIVE: NO PLAN PROVIDED	NON-RESPONSIVE: NO PLAN PROVIDED
C1e.	"Free Standing" and easily accessible on all sides	CONFORMING: Proposed site is 9.0 acres of useable land. Site is Free Standing providing parking and driving lanes on all four sides with ample designated loading areas.	NON-CONFORMING: PROPOSED SITE IS 7.48 ACRES OF LAND (INCLUDING LAND WHICH IS NOT USABLE). EAST SIDE OF BUILDING BACKS UP TO I-95 WITH INADEQUATE ACCESS, PARKING, LOADING AREA OR DRIVING LANES.	NON-CONFORMING: SITE IS 7.28 ACRES OF LAND (INCLUDING LAND WHICH IS NOT USEABLE). NO SITE PLAN PROVIDED. THE SITE IS LONG AND NARROW (908 FEET BY 358 FEET). ADDITIONALLY, SITE IS IMMEDIATELY ADJACENT ON THE NORTH BORDER BY ARTHUR ASHE MIDDLE SCHOOL AND TO THE SOUTH AND WEST ARE RESIDENTIAL HOMES. SITE LAYOUT WOULD PREVENT ACCESS FROM ALL FOUR SIDES.
C1f.	Building Code and Requirements	CONFORMING: Previous submissions included documentation from the city confirming that the property meets requirements based on plans submitted and reviewed.	NON-RESPONSIVE: NO INFORMATION HAS BEEN PROVIDED	NON-RESPONSIVE: PROPERTY IS BORDERED ON TWO SIDES BY RESIDENTIAL NEIGHBORHOOD. THE PROPOSED SITE IS BETTER SUITED FOR DEVELOPMENT OF AFFORDABLE HOUSING.
C1g.	LEED-BD+C, Gold Certification	CONFORMING: LEED BD+C, Gold Certification has been included in development as previously detailed	NON-RESPONSIVE: NO PLAN PROVIDED	NON-RESPONSIVE: NO PLAN PROVIDED
C1h.	Natural Daylighting and Views	CONFORMING: meets requirements	NON-RESPONSIVE: NO PLAN PROVIDED	NON-RESPONSIVE: NO PLAN PROVIDED

SOLICITATION SECTION	PROGRAM REQUIREMENTS	2050 SPECTRUM	FIRST INDUSTRIAL / CBRE	Exhibit 5 - Moskowitz et al Letter WEST CHASE Page 8 of 9
C1i.	Emergency backup generator to operate building for 72 hours	CONFORMING: Property has an existing 950KwH with diesel fuel storage of over 10,000 gallons. Historically, the generator has been able to operate the entire building (including life safety and all work stations) for more than 7 days	NON-RESPONSIVE: NO PLAN PROVIDED	NON-RESPONSIVE: NO PLAN PROVIDED
C1j.	Site is simple, regularly shaped	CONFORMING: Property is 615 feet by 642 feet of usable land. The proposed site offers a simple, regular shaped parcel	CONFORMING: PROPERTY IS 682 FEET BY 478 FEET WITH A RETENTION POND.	NON-CONFORMING: SITE IS 908FT BY 358FT AND THEREFORE IS INSUFFICIENT FOR S.O.E. DEVELOPMENT AND PROGRAM LAYOUT.
C1k.	Land Use and Zoning	CONFORMING: Previous submissions included documentation from the city confirming that the property meets requirements	NON-RESPONSIVE: NO INFORMATION PROVIDED	NON-RESPONSIVE: NO INFORMATION PROVIDED
C2b.	Wind Resistance	CONFORMING: design meets requirements	NON-RESPONSIVE: NO PLAN PROVIDED	NON-RESPONSIVE: NO PLAN PROVIDED
C2c.	Site infrastructure	CONFORMING: Site infrastructure currently exists on site including water, sewer, and electrical capacities	NON-RESPONSIVE: NO PLAN PROVIDED	NON-RESPONSIVE: NO PLAN PROVIDED; RAW LAND WITHOUT ANY INFRASTRUCTURE WHATSOEVER.
C2d.	Warehouse clearance of 24 feet	CONFORMING: Proposed floor plan that has been provided meets this requirement	NON-RESPONSIVE: NO PLAN PROVIDED	CONFORMING: ALTHOUGH NO PLAN HAS BEEN PROVIDED, OFFEROR MENTIONS THAT THE WAREHOUSE WILL HAVE 24' CLEAR HEIGHT
D1.	Area 1 - Executive Office Area	CONFORMING: Proposed floor plan meets this criteria. All matters related to Voter Services/Absentee Ballots, Finance, Voter Education, SOE Administrative Offices, Staff Toilets, Shower, Lounge and Custodial rooms have been incorporated in the design submission.	NON-RESPONSIVE: NO DETAILED FLOOR PLAN PROVIDED; PROPERTY ONLY PROVIDED A BASIC PLOT PLAN	NON-RESPONSIVE: A FLOOR PLAN WAS NOT SUBMITTED
D1.	The Main Lobby shall be the primary public access to the facility.	CONFORMING: Lobby, as well as other access points, have been designed in accordance with the S.O.E. requirements	NON-RESPONSIVE: NO DETAILED FLOOR PLAN PROVIDED; PROPERTY ONLY PROVIDED A BASIC PLOT PLAN	NON-RESPONSIVE: A FLOOR PLAN WAS NOT SUBMITTED
D1.	The Executive Offices and Specific User Offices Staff shall have a secure and safe entry from the Staff Parking Area visually and physically separated from the Public Parking and Main Lobby Entrance.	CONFORMING: All critical aspects for this design criteria, including secure access points, have been incorporated in the S.O.E campus	NON-RESPONSIVE: NO DETAILED FLOOR PLAN PROVIDED; PROPERTY ONLY PROVIDED A BASIC PLOT PLAN	NON-RESPONSIVE: A FLOOR PLAN WAS NOT SUBMITTED
D2.	Area 2 - Training Rooms	CONFORMING: Proposed floor plan that has been provided meets this criteria. All critical aspects for this design criteria have been incorporated in the S.O.E. campus.	NON-RESPONSIVE: NO DETAILED FLOOR PLAN PROVIDED; PROPERTY ONLY PROVIDED A BASIC PLOT PLAN	NON-RESPONSIVE: A FLOOR PLAN WAS NOT SUBMITTED

SOLICITATION SECTION	PROGRAM REQUIREMENTS	2050 SPECTRUM	FIRST INDUSTRIAL / CBRE	Exhibit 5 - Moskowitz et al Letter WESTCHASE Page 9 of 9
D3.	Area 3 - Specific User Offices in Warehouse	CONFORMING: Proposed floor plan that has been provided meets this criteria. All critical aspects for this design criteria have been incorporated in the S.O.E. campus.	NON-RESPONSIVE: NO DETAILED FLOOR PLAN PROVIDED; PROPERTY ONLY PROVIDED A BASIC PLOT PLAN	NON-RESPONSIVE: A FLOOR PLAN WAS NOT SUBMITTED
D4.	Area 4 - Warehouse and Loading	CONFORMING: Proposed floor plan that has been provided meets this criteria. All critical aspects for this design criteria have been incorporated in the S.O.E. campus. Additionally, all truck bays are covered with secured gates for enhanced security.	NON-RESPONSIVE: NO DETAILED FLOOR PLAN PROVIDED; PROPERTY ONLY PROVIDED A BASIC PLOT PLAN	NON-RESPONSIVE: A FLOOR PLAN WAS NOT SUBMITTED
E2.	Gated and Secured Staff Parking with card access and CCTV	CONFORMING: Proposed site as delineated, secure gated parking for staff. CCTV monitoring is already in place and will be enhanced.	NON-RESPONSIVE: PLOT PLAN DOES NOT ADDRESS ANY OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATION.	NON-RESPONSIVE: NO PLOT PLAN WAS PROVIDED. NONE OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATION WERE ADDRESSED.
E3.	Oversize parking stalls	CONFORMING: Proposed site has flexible parking to accommodate the need for more than twenty, 24 foot-box trucks. Additionally, the proposed site has a staging area to accommodate thirty, 24-foot box trucks at a time.	NON-RESPONSIVE: PLOT PLAN DOES NOT ADDRESS ANY OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATION. BASED ON THE PROPERTY SIZE AND LIMITED PARKING, THE PROPERTY CONSTRAINTS MAKE IT NON-CONFORMING FOR THE S.O.E. REQUIREMENTS.	NON-RESPONSIVE: NO PLOT PLAN WAS PROVIDED. NONE OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATIONS WERE ADDRESSED. BASED ON THE PROPERTY SIZE AND LIMITED PARKING, THE PROPERTY CONSTRAINTS MAKE IT NON-CONFORMING FOR THE S.O.E. REQUIREMENTS.
E4.	Nine covered loading docks and one covered at ground level	CONFORMING: Proposed site is in compliance with 9 covered loading docks and 1 covered dock at ground level. All loading docks accommodate a 55' foot truck and are enclosed with a retractable door. Furthermore, the location of the docks provide for a turning radius which exceeds requirements.	NON-RESPONSIVE: PLOT PLAN DOES NOT ADDRESS ANY OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATION. WHILE THE PLOT PLAN REFLECTS LOADING DOCKS, THESE ARE NOT PROTECTED OR SECURE. ADDITIONALLY, BASED ON THE SIZE OF THE PROPERTY AND LAYOUT, INCLUDING THE FACT THAT THE PROPERTY BACKS UP TO I-95, THE LOADING DOCKS WILL INTERFERE WITH THE PARKING LOT.	NON-RESPONSIVE: NO PLOT PLAN WAS PROVIDED. NONE OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATION WERE ADDRESSED. BASED ON THE SIZE OF THE PROPERTY AND LAYOUT, THE LOADING DOCKS WILL INTERFERE WITH THE TRAFFIC FLOW AND PARKING CAPACITY, WITH NON-CONFORMING TURNING RADIUS.
E5.	Delivery loading / unloading, additional parking	CONFORMING: Proposed site has designated area for daily deliveries. Staging areas and secured loading and unloading have been incorporated in the plan.	NON-RESPONSIVE: PLOT PLAN DOES NOT ADDRESS ANY OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATION.	NON-RESPONSIVE: NO PLOT PLAN WAS PROVIDED. NONE OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATION WERE ADDRESSED.
E6.	Sheriff's Vehicle adjacent to staff entry	CONFORMING: Proposed site has designated area for Sheriff's vehicle adjacent to staff entry at loading dock area.	NON-RESPONSIVE: PLOT PLAN DOES NOT ADDRESS ANY OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATION.	NON-RESPONSIVE: NO PLOT PLAN WAS PROVIDED. NONE OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATIONS WERE ADDRESSED.
E7.	LED lighting	CONFORMING: Proposed site has required LED lights as delineated in SOE requirements.	NON-CONFORMING: THE PROPOSED SITE ONLY PROVIDES A "SHELL" FOR THE SOE. NONE OF THE CRITICAL DELINEATED FACILITATION ASPECTS OF THE SOLICITATION WAS ADDRESSED	NON-RESPONSIVE: NO PLOT PLAN WAS PROVIDED. NONE OF THE CRITICAL DELINEATED FACILITATION ASPECTS OF THE SOLICITATION WERE ADDRESSED.
E8.	Concrete Curbs	CONFORMING: Proposed site provides concrete curbs and flush concrete aprons as delineated in SOE requirements.	NON-RESPONSIVE: PLOT PLAN DOES NOT ADDRESS ANY OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATION.	NON-RESPONSIVE: NO PLOT PLAN WAS PROVIDED. NONE OF THE CRITICAL DELINEATED ASPECTS OF THE SOLICITATIONS WERE ADDRESSED.
F.	Area and Space Requirements	CONFORMING: Proposed site provides SOE with up to 160,598 sf, comprised of a space plan which meets or exceeds the S.O.E. tabulation requirements and includes additional benefits such as an Atrium and enclosed loading docks.	NON-RESPONSIVE: PROPOSED SITE IS 141,450 SF. TABULATION DETAILS HAVE NOT BEEN PROVIDED. THERE IS NO DESIGN PROVIDED TO MEET S.O.E. REQUIREMENTS AS ONLY A PLOT PLAN WAS SUBMITTED.	NON-RESPONSIVE: PROPOSED SITE IS 135,000 SF. TABULATION DETAILS HAVE NOT BEEN PROVIDED. THERE IS NO DESIGN PROVIDED TO MEET S.O.E. REQUIREMENTS AND NO PLANS WERE PROVIDED.