



REQUEST FOR PROPOSAL

FOR

SAN DIEGO TOURISM PROMOTION CORPORATION

LEGAL SERVICES

Closing Date: Friday, November 21, 2008

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

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 Promotion Corporation (SDTPC).

I. BACKGROUND:

Mission: The San Diego Tourism Promotion Corporation is a nonprofit mutual benefit corporation dedicated to improving tourism and hotel 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 promotion, marketing and advertising programs.

Board of Directors:

C. Terry Brown, Chair
Richard Bartell, Vice Chair
Luis Barrios, Secretary
Joe Terzi, Treasurer
Patrick Duffy
Bill Evans
Mohsen Khaleghi
Bob Rauch
Ray Warren

Staff:

Lorin Stewart, Executive Director

What is a Tourism Marketing District?

The San Diego Tourism Marketing District follows the model of Tourism Business Improvement Districts (BID's) that utilize the efficiencies of private sector operation in the market-based promotion of local and regional tourism. Tourism BID's, such as the SDTPC allow lodging and other tourism-related business owners to organize their efforts to increase tourism. In San Diego, lodging business owners within the district assess themselves to fund the District and those funds are used to provide programs and services that specifically benefit the assessed lodging businesses.

The San Diego Tourism Promotion Corporation is not a marketing entity, but rather a funding conduit for the development and implementation of effective marketing programs and services that benefit the assessed businesses within the District. SDTPC is responsible for the allocation and distribution of the available revenue and will contract with qualified third-party vendors to supply marketing programs and services as required and approved by the Board of Directors.

The San Diego Tourism Promotion Corporation will contract for marketing programs and services to promote the City of San Diego as a tourism destination and to fund projects, programs, and activities that specifically benefit the assessed hotels within the boundaries of the District.

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 the San Diego City Council adopted an enabling Procedural Ordinance that allowed for the formation of a Tourism Marketing District. In December of 2007, the qualifying businesses voted to establish the assessment district, and the *Tourism Marketing District (TMD)* was approved by San Diego City Council.

The Tourism Marketing District began on January 1, 2008.

The enabling Procedural Ordinance and the Management District Plan provide that the City contract with the *San Diego Tourism Promotion Corporation (SDTPC)*, a nonprofit mutual benefit corporation, to plan and carry out specified activities, subject to the terms and conditions enumerated in the contract between SDTPC and the City.

In April 2008, City Council gave final approval of the contract between SDTPC and the City, thus establishing the terms for SDTPC to manage the District assessments and to contract for implementation of the proposed marketing programs and services outlined in the Management District Plan.

Location:

The Tourism Marketing District is citywide, inclusive of all areas within the city limits of the City of San Diego.

Funding Source Entirely from Assessed Businesses:

The TMD assessment is designed to benefit, and is levied upon, lodging businesses with 70 or more sleeping rooms in the City of San Diego. Business means any and all types of hotels where a structure, or any portion of a structure, is held out to the public as being occupied, or designed for occupancy, by transients for dwelling, lodging or sleeping purposes. The owner(s), operator(s), or an authorized representative who is noted on City records as the responsible party for remitting and reporting Transient Occupancy Tax for each lodging business is responsible for paying the assessment.

The annual assessment is based upon 2% of gross room revenue from transient stays in the lodging business as described above.

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. Having knowledge or experience of the tourism industry and business improvement districts would be advantageous. Ongoing required services may include but not be limited to the following:

- Assisting / advising at regularly scheduled SDTPC Board of Directors Meetings and generating meeting minutes.
- Writing, amending, and generating SDTPC contracts for all SDTPC funded entities.
- Preparing applications for annual operating permits, licenses, and reports required for the SDTPC operation.
- Working in concert with various City of San Diego departments to insure SDTPC compliance with city contract and agreements.
- Providing ongoing legal consultation for the corporation on an “as need” basis.

III. PROFESSIONAL FEES

The SDTPC contract with the City requires that the governing board meet a minimum of six (6) times per fiscal year (July 1-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. Currently, there are ten (10) contractors funded by the SDTPC, and only two of those contractors receive “fixed funding”. Each year new contracts will be generated by our legal firm and administered to various agencies after program approval by the SDTPC board of directors.

The San Diego Tourism Promotion Corporation requests that a list of hourly rates for your legal services be provided. Identify primary and secondary staff assignment and their hourly rates. A baseline “best guess estimate” range for the services outlined above would be advisable.

IV. QUALIFICATIONS:

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

- Experience with the Ralph M. Brown 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 Corporations Code-Mutual Benefit Nonprofits
- Expertise with IRS Codes-Tax Exempt Statutes
- Knowledge or experience of the tourism and travel industry

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 “best guess estimate” range for the services outlined in Section III as well as a list of hourly rates for the assigned staff and anticipated services.
- Applicants need to be in compliance with equal employment opportunity and nondiscrimination laws and policies.

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

VI. SUBMITTAL PROCEDURES:

Please submit 12 (twelve) copies of your proposal by 5:00 p.m., Friday, November 21, 2008 to:

San Diego Tourism Promotion Corporation
8880 Rio San Diego Drive, Suite 800
San Diego, CA 92108
Attention: Mr. Lorin Stewart, 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, November 21, 2008, will not be considered.

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