



RESPONSE FOR RFP #0501-18-WFC

**West Falls Church  
Economic Development  
Project**

# *West Falls*



**COMSTOCK**

**dcs**  
DESIGN



**LandDesign.**  
CREATING PLACES  
THAT MATTER.



CITY OF FALLS CHURCH

**4.4 E. Statement of  
Conflict of Interest, etc.**

# COMSTOCK

**Certification  
Regarding Conflicts of Interest and Ethics in Public Contracting**

The undersigned, on behalf of the Proposer, states that he is not aware of any conflicts of interest or other factors that may impact the City of Falls Church's consideration of the proposal or of any persons acting on behalf of the City who would be obligated to disqualify themselves from participation in any transaction arising from or in connection with the West Falls Church Economic Development Project (Solicitation No. RFP 0501-18-WFC) pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (Va. Code § 2.2-3100, et. seq.).

During this procurement, Proposer has conformed with Sections 2.2-4367 through 2.2-4377 of the Code of Virginia, the Ethics in Public Contracting Act.

This 1st day of May, 2018.



Christopher Clemente

# COMSTOCK

May 1, 2018

The City of Falls Church  
400 North Washington Street  
Suite 300-09  
Falls Church, Virginia 22046  
Attn: Jim Wise, Purchasing Agent

**Re: Authorization to Contact References  
RFP No. 0501-18-GMHS-WFC  
West Falls Church Economic Development Project**

Dear Mr. Wise:

Please accept this letter as Comstock's authorization for the City to contact each of the references named by Comstock in Section 4.5 of our Proposal submitted in response to the RFP referenced above.

Your transmittal of a copy of this letter to any of those references shall serve as our authorization for that person or others at the named institution to respond to inquiries from the City in connection with this RFP.

We very much look forward to working with the City. If you or your associates have any questions, please do not hesitate to contact me.

Sincerely,



Christopher Clemente

## 4.5 A. LETTER OF RECOMMENDATION



**William H. Ashton II**  
TOWN MANAGER  
T(703) 787-7368  
Bill.ashton@herndon-va.gov

**TOWN COUNCIL**  
Lisa C. Merkel, Mayor  
Jennifer K. Baker, Vice Mayor  
Grace Wolf Cunningham  
Jeffrey L. Davidson  
Signe Friedrichs  
Bill McKenna  
Sheila A. Olem

April 30, 2018

To Whom It May Concern:

It is a pleasure to recommend to you Comstock Development Services, LC of Reston, Virginia, as a real estate development firm for your proposed project. Comstock has proven to be an equitable and responsible partner in the development of a complex mixed-use development project in downtown Herndon.

Chief Executive Officer, Chris Clemente and his staff have been very responsive to the town's needs and to the public on numerous occasions throughout the RFP phase and in the pre-development phase of the project. Comstock takes great pride in the development of projects that are positive additions to the community in which they are located.

We look forward to continuing to work with them as we move forward with our project, and anticipate you will too. Feel free to contact our Economic Development Manager, Dennis Holste, at 703-435-6800 ext. 2085 or me directly at 703-787-7368 should you wish to discuss this further.

Regards,

A handwritten signature in black ink that reads "Bill Ashton".

Bill Ashton  
Town Manager

c. Dennis Holste, Economic Development Manager

## 4.5 E. LETTER FROM SURETY



**THE GUARANTEE**

Please see the attached letter from Edward V. Mahoney, Assistant Vice President of The Guarantee Company of North America USA.

Mr. Jim Wise  
Purchasing Agent  
City of Falls Church  
300 Park Avenue Suite 300 East  
Falls Church VA 22046

RE : Comstock Partners, LC Reston, VA  
RFP 0501-18-GMHS-WFC West Falls Church Economic Development Project

Dear Mr. Wise

The Guarantee of Company of North America USA (The Guarantee) is the surety for Comstock Partners LC and we have enjoyed a strong business relationship since 2012. The Guarantee is an A rated insurance company and is an approved surety on the US Government Treasury list.

We are pleased to offer this recommendation and testimonial of the experience and the financial capability of Comstock Partners LC for an undertaking such as West Falls Church Mixed Used Development having successfully completed other projects and improvements similar in size and scope. Comstock enjoys maximum performance and payment bond capacity with us and while this letter serves as a reference only on behalf of our client, it is not a commitment to writing bonds or incurring liability. The Guarantee reserves the right to perform normal underwriting at the time of any bond request, including, without limitation, prior review and approval of relevant contract documents, bond forms, and project financing. Any arrangement for bonds is a matter between Comstock and us at the time that the actual bond request is made.

Sincerely,

*Edward V. Mahoney*

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Edward V Mahoney  
**The Guarantee Company of North America USA**  
Assistant Vice President and Attorney-in-Fact  
248-281-0281 Ext 66244

One Towne Square, Suite 1470, Southfield, Michigan, USA 48076 | Tel: 248.281.0281 1.866.328.0567 | Fax: 248.750.0431

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**The Guarantee Company of North America USA**  
Southfield, Michigan

**POWER OF ATTORNEY**

**KNOW ALL BY THESE PRESENTS:** That **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, a corporation organized and existing under the laws of the State of Michigan, having its principal office in Southfield, Michigan, does hereby constitute and appoint

Edward V. Mahoney  
The Guarantee Company of North America USA

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

The execution of such instrument(s) in pursuance of these presents, shall be as binding upon **THE GUARANTEE COMPANY OF NORTH AMERICA USA** as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at the principal office.

The Power of Attorney is executed and may be certified so, and may be revoked, pursuant to and by authority of Article IX, Section 9.03 of the By-Laws adopted by the Board of Directors of **THE GUARANTEE COMPANY OF NORTH AMERICA USA** at a meeting held on the 31<sup>st</sup> day of December, 2003. The President, or any Vice President, acting with any Secretary or Assistant Secretary, shall have power and authority:

1. To appoint Attorney(s)-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof; and
2. To revoke, at any time, any such Attorney-in-fact and revoke the authority given, except as provided below
3. In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.
4. In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner – Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of the Company adopted at a meeting duly called and held on the 6th day of December 2011, of which the following is a true excerpt:

RESOLVED that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, contracts of indemnity and other writings obligatory in the nature thereof, and such signature and seal when so used shall have the same force and effect as though manually affixed.



IN WITNESS WHEREOF, **THE GUARANTEE COMPANY OF NORTH AMERICA USA** has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 2<sup>nd</sup> day of October, 2015.

**THE GUARANTEE COMPANY OF NORTH AMERICA USA**

**STATE OF MICHIGAN**  
County of Oakland

**Stephen C. Ruschak, President & Chief Operating Officer**

**Randall Musselman, Secretary**

On this 2nd day of October, 2015 before me came the individuals who executed the preceding instrument, to me personally known, and being by me duly sworn, said that each is the herein described and authorized officer of The Guarantee Company of North America USA; that the seal affixed to said instrument is the Corporate Seal of said Company; that the Corporate Seal and each signature were duly affixed by order of the Board of Directors of said company.



Cynthia A. Takai  
Notary Public, State of Michigan  
County of Oakland  
My Commission Expires February 27, 2018  
Acting in Oakland County

IN WITNESS WHEREOF, I have hereunto set my hand at The Guarantee Company of North America USA offices the day and year above written.

I, Randall Musselman, Secretary of **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, which is still in full force and effect.



IN WITNESS WHEREOF, I have thereunto set my hand and attached the seal of said Company this 23<sup>rd</sup> day of April, 2018

**Randall Musselman, Secretary**

## 4.5 F. LENDER'S LETTER OF INTEREST



April 27, 2018

Mr. Jim Wise  
Purchasing Agent  
City of Falls Church  
300 Park Avenue, Suite 300 East  
Falls Church, VA 22046

RE: Comstock Partners, LC – West Falls Church Redevelopment

Dear Mr. Wise,

Citizens Bank has worked with Comstock Partners since 2014, providing construction financing for the development of the BLVD at Reston Station apartment building. As you are likely aware, the Comstock development of the mixed use Reston Station is very similar to the vision for the redevelopment of the West Falls Church Metro Station.

Based on our experience, we believe that Comstock has the development experience to develop a Class A mixed use project at the West Falls Church Metro Station.

Citizens Bank would be very interested in providing construction financing for this exciting project, subject to review and standard bank underwriting criteria.

Please feel free to give me a call if you would like to discuss.

Sincerely,

A handwritten signature in black ink that reads "Casey Brill". The signature is written in a cursive, flowing style.

Casey Brill  
SVP  
Citizens Bank  
(703) 2457034  
casey.brill@citizensbank.com