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ADDENDUM IV

Q&A Matrix

Request for Proposals to Develop
MANHATTAN BLOCK 1093, LOT 9

Release Date: February 27, 2025

The following is a list of responses to questions submitted by prospective respondents to the Request for Proposals to Develop Manhattan Block 1093, Lot 9. A copy of the RFP is available at:

https://esd.ny.gov/doing-business-ny/requests-proposals/request-proposals-develop-manhattan-block-1093-lot-9

No.	Question	Answer
1	**Please let me know if this development is anticipated to be a public/private partnership. That isn't indicated in the RFP paperwork.**	ESD intends to dispose of the site through a sale but reserves the right to request revised Proposals that reflect a long-term ground lease of the Site instead of a sale. In all proposals an upfront payment equivalent to or greater than the appraised value of the site as it is currently zoned must be made to accommodate the FHWA requirements.
2	**We are considering developer partners for application to this RFP and one of the partners is newly working on an application to become a NYS certified Minority owned business. Is it OK if at the time of application this is still in process?**	ESD will accept proposals from developer teams whose MWBE certification is pending. However, ESD will not award points for MWBE certification unless the certification was completed before ESD's scoring is complete.
3	**If our organization's MBE status is pending with NY, how will ESD view that situation?**	ESD will accept proposals from developer teams whose MWBE certification is pending. However, ESD will not award points for MWBE certification unless the certification was completed before ESD's scoring is complete.

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No.	Question	Answer
4	**Will there be another site tour?**	No.
5	**Please be aware that our team is formally pursuing the Intrepid Lot RFP released on February 27. Our team consists of [names of development partners].** **Let us know if our development partners need to separately indicate their interest or, since we are submitting a unified proposal, if our email is sufficient.**	A unified proposal is standard. There is no requirement that teams indicate their interest in submitting a proposal in order to do so.
6	**Our team has reviewed the RFP document including section XI(x) regarding potential conflicts of interest. After a review of the RFP and the associated attachments, we do not believe that any of our team members has a conflict of interest. However, we would not want to go through the response process only to learn at a later date that a conflict is in fact perceived to exist. Therefore, we were hoping to arrange for a call with the appropriate folks on the ESDC team to discuss this further and seek their guidance. Could you please assist with connecting us to the appropriate people to have this conversation with?**	It is the responsibility of a potential developer interested in the project to disclose any actual or potential conflicts of interest as set forth in Section IX of the RFP. ESD does not engage with vendors prior to proposal submission to review or discuss the existence or lack of actual or potential conflicts of interest. If you are interested in submitting a response for this offering, you should fully comply with all provisions of the RFP, including the provisions of the Conflict of Interest Attestation form set forth in Section IX(i).

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No.	Question	Answer
7	**What is the current dialogue with the Intrepid museum (if anything) and what is their anticipated role in the RFP process?**	As stated in the RFP, respondents are encouraged to engage existing cultural institutions in the neighborhood for community facility use. The Intrepid Museum will not play a role in ESD's evaluation process.
8	**Can the garage providing bus parking be a self-park garage (ie not attended)?**	The garage can be self-parking however the Intrepid Museum requires a security presence.
9	**Please confirm if bus parking has to be provided during construction.**	Respondents are expected to submit ideas for off-site parking during the construction period, including costs, and will be expected to oversee and facilitate these arrangements.
10	**What remediation work has ConEdison completed (if any) since the Notice of Order and Consent was recorded in Sept. 2018?**	As stated in the RFP, Respondents are responsible for independently investigating and performing their own due diligence of environmental matters associated with the Site. Please note that according to a Notice of Order and Consent filed against the Site in the Office of the City Register, New York County, a copy of the Consent Order, as well as any work plans approved by the New York State Department of Environmental Conservation ("NYSDEC") under the Consent Order, can be reviewed at NYSDEC's offices located at 625 Broadway, Albany, NY 12233.
11	**Can respondents assume participation in the NYS Brownfield Cleanup Program and the receipt of Brownfield Tax Credits?**	Yes. However, respondents financial offer should not be contingent on receiving BCP tax credits given the uncertainty surrounding this financial source. Should BCP tax credits be awarded, ESD reserves the right to participate in the upside of tax credit revenue.

No.	Question	Answer
12	**What does it mean that "Contractor staff assigned to work on this project" will be subject to ESD approval? Is this section relevant?**	ESD staff will conduct a review to ensure no individuals assigned to this project are considered "prohibited persons" and to ensure, as the RFP states: "staff assigned to work on this project continue to work on this project until completion... The Corporation has an absolute right and discretion to approve or disapprove any proposed changes in staff."
13	**What is the "required purchase price" as described in Section V.I?**	The required purchase price refers to the upfront cash offer that ESD will evaluate as part of the financial component to RFP submissions. The required purchase price must meet FMV requirements for an appraisal of the site as it is currently zoned.
14	**Please confirm that an annual asset management fee will apply even in case of a sale (in perpetuity)?**	Yes because there would still be costs associated with a regulatory agreement in the event of a sale
15	**Is there a survey of the site and rough spot elevations?**	ESD cannot provide any existing surveys, other than the DEC resources included in the RFP (Section III).
16	**Is there an appraisal that ESD has for respondents to evaluate an upfront payment that is equivalent or greater than "appraised value"?**	ESD will not share previous appraisals of the property but will evaluate purchase price offers against previous appraisals conducted on behalf of ESD.

No.	Question	Answer
17	**Is the ESD fee capped at $1,000,000 and just a flat number regardless of what it takes to get to closing?**	Yes, this is a flat fee. However, ESD's costs for consulting fees will be covered by the Imprest account. See the RFP text (Section IV, K): "The signed Cost Agreement shall be accompanied by the Respondent's check in the amount of $500,000 ("Cost Agreement Check") payable to "NYS Urban Development Corporation d/b/a Empire State Development". The Cost Agreement Check will not be deposited initially. If the Respondent is selected as the Designated Developer to enter into negotiations with ESD, the Cost Agreement Check will be deposited into an ESD Imprest account ("Imprest Account") for the Designated Developer. If a Respondent is not selected as the Designated Developer, the Cost Agreement Check will be returned to the Respondent." ESD reserves the right to request a replenishment of Imprest funds should this be necessary.
18	**Appendix A and the RFP description references maintaining 24 hour access to the pedestrian bridge. Currently this access is a ramp. Is it allowable to replace the ramp with a 24 hour accessible elevator on the east side of the bridge? What is the facility underneath and does that need to remain?**	ESD encourages respondents to contemplate changes to the pedestrian bridge and will evaluate any proposal that fulfills the requirements of the RFP.
19	**Appendix A and the RFP description references maintaining 14 bus parking spots for the Intrepid Museum's use. During construction, is it allowable to provide nearby off-site parking in lieu of onsite parking?**	This is allowable. Respondents are expected to submit ideas for off-site parking during the construction period, including associated costs, and will be expected to oversee and facilitate these arrangements.

No.	Question	Answer
20	**What is the planned drop-off arrangement for Intrepid buses. Are there requirements for people to be dropped off adjacent/in the bus garage, or is the intent to have a separate drop off for people on the public street and then have the buses move to their separate parking area in the building without passengers?**	Teams can propose drop-off areas that are designed and integrated into the layout and circulation of their proposed project. Bus riders should be able to disembark buses and exit the site safely (if needed) through a clear circulation route or disembark in a public area.
21	**The Climate Act (CLCPA) is a large and broad-reaching law. We understand the spirit and intent of the law, but what specific targets in the Climate Act do we need to follow?**	As stated in the selection criteria portion of the RFP, ESD will evaluate proposals on their sustainability certification level, building electrification, and resiliency measures to address the flood risk. Proposals that contemplate the highest sustainability certification levels will be considered by ESD to be more competitive than proposals that contemplate lower certifications or no certification.
22	**Are there parking requirements (beyond the 14 bus spots) for the site?**	No
23	**What type of bus size should be used for the Intrepid bus parking ? A conventional school bus (S-BUS-36 per AASHTO Green Book), or a larger motorcoach/intercity bus (BUS-40 per AASHTO Green Book)? Is there a clear height required?**	The parking garage will need to accommodate both conventional school busses and coach busses. There is no height minimum, and ESD encourages respondents to contemplate the most efficient parking structure design that fulfills the requirements of the RFP.
24	**Will the FMV appraisal reflect the requirements of the RFP including affordability, Intrepid parking and pedestrian bridge, 485-x wage requirements, known environmental conditions, and costs for the atypical approvals (page 14)?**	The FMV appraisal requirement refers to the site as it is currently zoned.

No.	Question	Answer
25	**Would a condo component be permitted as long as the rental component contains sufficient affordable units to represent 25%-30% of the combined condo and rental units? If so, would a separate entrance and circulation core be permissible for the condo component? If condo is not permissible, would the FMV be reflective of that restriction (page 18)?**	ESD will permit a condo component provided the following conditions are met: 1. The forecasted increased revenue generated by the condo component is reflected in the purchase price offer 2. MIH distribution of affordable units should be met or exceeded, inclusive of the condo floors 3. The affordable units are distributed equitably throughout 100% of the rental component 4. The lobby and entrances of the condo and rental components are similar in quality Additionally, the FMV requirement refers to the site as it is currently zoned, which prohibits any residential use.
26	**Can a copy of the Consent Order be provided (page 10)?**	As stated in the RFP, Respondents are responsible for independently investigating and performing their own due diligence of environmental matters associated with the Site. Please note that according to a Notice of Order and Consent filed against the Site in the Office of the City Register, New York County, a copy of the Consent Order, as well as any work plans approved by the New York State Department of Environmental Conservation ("NYSDEC") under the Consent Order, can be reviewed at NYSDEC's offices located at 625 Broadway, Albany, NY 12233.

No.	Question	Answer
27	**RFP page 11 (Section V.G) and page 19 (Section N) reference specific targets in the Climate Act and a required table describing how proposals will address those targets. It is our understanding that the Climate Act has targets for the state overall but not for individual projects. Is the intention of the RFP that proposals demonstrate how they will support overall state targets, or how projects will achieve specific building targets? If specific building targets, please clarify. Related, does the RFP intend to reference the Climate Act itself or NYS actions that have flowed from it like the Climate Action Council Final Scoping plan dated Dec. 2022?**	The intent is for proposals to demonstrate how they will meet the individual project goals. As stated in the selection criteria portion of the RFP, ESD will evaluate proposals on their sustainability certification level, building electrification, and resiliency measures to address the flood risk. Proposals that contemplate the highest sustainability certification levels will be considered by ESD to be more competitive than proposals that contemplate lower certifications or no certification.
28	**Can a survey with spot grade elevations be provided?**	ESD cannot provide any existing surveys, other than the DEC resources included in the RFP (Section III).
29	**Will the FMV appraisal reflect the requirements of the RFP including affordability, Intrepid parking and pedestrian bridge, 485-x wage requirements, known environmental conditions, and costs for the atypical approvals (page 14)?**	The FMV appraisal requirement refers to the site as it is currently zoned.

No.	Question	Answer
30	**Would a condo component be permitted as long as the rental component contains sufficient affordable units to represent 25%-30% of the combined condo and rental units? If so, would a separate entrance and circulation core be permissible for the condo component? If condo is not permissible, would the FMV be reflective of that restriction (page 18-20)?**	ESD will permit a condo component provided the following conditions are met: 1. The forecasted increased revenue generated by the condo component is reflected in the purchase price offer 2. MIH distribution of affordable units should be met or exceeded, inclusive of the condo floors 3. The affordable units are distributed equitably throughout 100% of the rental component 4. The lobby and entrances of the condo and rental components are similar in quality Additionally, the FMV requirement refers to the site as it is currently zoned, which prohibits any residential use.
31	**Can a copy of the Consent Order or a summary of Con Edison's obligations be provided(page 10)?**	As stated in the RFP, Respondents are responsible for independently investigating and performing their own due diligence of environmental matters associated with the Site. Please note that according to a Notice of Order and Consent filed against the Site in the Office of the City Register, New York County, a copy of the Consent Order, as well as any work plans approved by the New York State Department of Environmental Conservation ("NYSDEC") under the Consent Order, can be reviewed at NYSDEC's offices located at 625 Broadway, Albany, NY 12233.

No.	Question	Answer
32	**Can ESD provide more specifics on the status and timeline of the Coned remediation work? Will Coned be remediating the site to a residential standard?**	As stated in the RFP, Respondents are responsible for independently investigating and performing their own due diligence of environmental matters associated with the Site. Please note that according to a Notice of Order and Consent filed against the Site in the Office of the City Register, New York County, a copy of the Consent Order, as well as any work plans approved by the New York State Department of Environmental Conservation ("NYSDEC") under the Consent Order, can be reviewed at NYSDEC's offices located at 625 Broadway, Albany, NY 12233.
33	**Are there any designated alternative parking locations that can be utilized during construction phases that disrupt the existing parking area?**	Respondents are expected to submit ideas for off-site parking during the construction period, including costs, and will be expected to oversee and facilitate these arrangements.
34	**Can proposals contemplate changes to the pedestrian bridge/ access from the site, including the east touchdown (ramps and stairs), to better integrate into the development?**	Yes.
35	**What is the anticipated timeline of the required approvals and disposition process by NYSDOT? How does that relate to the GPP approval process?**	ESD will manage the disposition on behalf of NYSDOT in conjunction with the environmental review and GPP approval processes. ESD cannot share an anticipated timeline.
36	**Is there an anticipated timeframe for construction/completion? Will ESD consider proposals that contemplate a phased development?**	ESD will consider proposals that contemplate a phased development. There is no anticipated timeframe for completion that ESD can share.

No.	Question	Answer
37	**What are the developer's expected obligations concerning the site disposition process and related approvals/ coordination with the relevant agencies?**	ESD will act as lead agency throughout the site disposition, environmental review, and public approvals process and will provide coordination with relevant agencies. ESD will enter a term sheet agreement with the selected developer that outlines the obligations of the developer team throughout the disposition and approvals process.
38	**If it was to be included, would any Intrepid event space / lobby area count towards the FAR?**	As stated in the RFP, the only use exempt from FAR will be the parking structure.
39	**Do we have to continuously have 14 spaces of parking on site even during construction?**	Respondents are expected to submit ideas for off-site parking during the construction period, including costs, and will be expected to oversee and facilitate these arrangements.
40	**Do we need to abide by the Exhibit A parking layout (below) or can we design a more efficient design?**	ESD encourages respondents to contemplate the most efficient parking structure design.
41	**(Page 8; Section III.C) Can a survey or drawings of the existing bridge and stairs be provided?**	Record Plans are publicly available online: https://www.dot.ny.gov/main/recordplans The pedestrian bridge BIN number is 1077890
42	**(Page 9; Section III.E) What access is required for the bridge during construction?**	Respondents should account for safe pedestrian access to the Intrepid museum by patrons utilizing bus parking. This does not need to be via the existing pedestrian bridge.

No.	Question	Answer
43	**(Page 10; Section III.E) It is ConEd's responsibility (and cost) to remediate the site?**	As stated in the RFP, Respondents are responsible for independently investigating and performing their own due diligence of environmental matters associated with the Site. Please note that according to a Notice of Order and Consent filed against the Site in the Office of the City Register, New York County, a copy of the Consent Order, as well as any work plans approved by the New York State Department of Environmental Conservation ("NYSDEC") under the Consent Order, can be reviewed at NYSDEC's offices located at 625 Broadway, Albany, NY 12233.
44	**(Page 16; Section V.K) Does ESD have any guidance on their ongoing out-of-pocket costs and expenses paid by the Designated Developer?**	The Designated Developer is responsible for all out-of-pocket costs and expenses throughout the project lifecycle.
45	**(Page 16; Section V.K) Does NYS HCR have any guidance on the annual asset management fee?**	ESD will negotiate this fee with the selected developer. In ESD's experience on similarly structured projects, this fee is relatively nominal.
46	**(Page 20; Section VI.Q) Section VI.Q references an "Upset Price", assuming this the appraised value? Can ESD expand further on requirements of the term-sheet if only cash offers are considered? Section VI.Q references "rental terms, proposed rent abatements, and escalations".**	The term "upset price" was not explicitly defined in the "transaction structure" section of the RFP, but ESD uses "upset price" interchangeably with the "fair market value" as determined by an independent appraisal of the site as it is currently zoned. This "fair market value" or "upset price" will represent the minimum price that ESD will be able to accept for the land disposition. ESD will only consider cash offers for the site. Development Teams should propose tax abatements / PILOT in their offer if necessary for financial feasibility. ESD will evaluate the upset price in conjunction with the respondent's proposed rental terms, proposed rent abatements, and escalations.

No.	Question	Answer
47	**(Page 22; Section VI.Q) Are there any additional resources on the RUSH program? Why is it only permitted to offset costs associated with compliance with the parking agreement?**	The RUSH program is a $500 million NY State inter-agency capital fund available to pay for site infrastructure and remediation costs that would otherwise prevent sites from redevelopment as housing. The offset costs associated with compliance with the parking agreement were determined as eligible criteria for participation in this program by the inter-agency body that governs RUSH.
48	**Section IV of the RFP (page 11) outlines the availability of proceeds from the RUSH program. Can you please provide more color / context on how to access the RUSH funds and what part of the development have access to the funding?** **a) Does the RUSH program allow for site cleanup?** **b) Is there minimum affordable housing needed to access the funds?** **c) Are there exceptions to downstate vs. upstate?**	RUSH funds are available to pay for site infrastructure that would otherwise prevent Sites from redevelopment as housing. For the Intrepid Lot RFP, RUSH funds were pre-approved by the inter-agency committee that governs the program to include the costs of a parking structure in the RFP. No other RUSH fund uses have been approved. **Does the RUSH program allow for site cleanup?** No **Is there minimum affordable housing needed to access the funds?** No, however ESD expects respondents to meet the housing requirements of the RFP **Are there exceptions to downstate vs upstate?** No
49	**Are there any additional maps / plans of the site that outline where the MGP's are located, remnants of bulkheads and any other relevant materials?**	ESD cannot provide any existing surveys, other than the DEC resources included in the RFP (Section III).

No.	Question	Answer
50	**Per Section VI(S) (pg 21) — Will full points be awarded to the Respondent Team if the MWBE JV partner is not City/State certified at the time of the RFP deadline, but meets the requirements to become certified, and would do so if the Respondent Team was selected for the RFP?**	ESD will accept proposals from developer teams whose MWBE certification is pending. However, ESD will not award points for MWBE certification unless the certification was completed before ESD's scoring is complete.
51	**I'm with [ ], an experienced affordable and supportive housing contractor. We were hoping there was a list of developers that have responded to this RFP that we could access. We were looking to partner with or offer our GC services to the prospective developers. Is this something you could share or advise where to find the list?**	No.