NEW YORK STATE OF OPPORTUNITY.

Empire State Development

REQUEST FOR PROPOSALS

FOR THE PURCHASE AND DEVELOPMENT OF THE FIRST PHASE OF THE CREEDMOOR MIXED-USE PROJECT

79-25 Winchester Boulevard, Queens, New York

Issued: December 4, 2025

Important Notice: A restricted period under the Procurement Lobbying Law is currently in effect for this Procurement and it will remain in effect until approval of the Contract. Bidders are prohibited from contact related to this procurement with any New York State employee other than the designated contacts listed below.

Designated Contacts for this RFP:

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All contacts/inquiries shall be made by email to the following address:
Creedmoor2025RFP@esd.ny.gov

Proposals must be uploaded to the designated Dropbox:
https://www.dropbox.com/request/jEXpabLwXpfLDXt4hoNE

This RFP is posted on the Empire State Development website:
https://esd.ny.gov/doing-business-ny/requests-proposals

Submission Deadline: March 18, 2026
Late submissions will not be taken into consideration.

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I. INTRODUCTION

New York State Urban Development Corporation, d/b/a Empire State Development, a public authority of the State of New York, constituting a political subdivision and public benefit corporation ("ESD"), is seeking proposals ("Proposals") from qualified and responsible parties for a project (the "Project") that entails the disposition and redevelopment of state-owned land for residential use, including affordable housing, and associated mixed uses. Each party that submits a Proposal to this RFP is referred to herein as a "Respondent". A Respondent that is conditionally designated through this RFP process is referred to herein as a "Designated Developer."

The Creedmoor Mixed-Use Project is informed by the Creedmoor Community Master Plan (CCMP), published in December 2023. The CCMP reimagined an underutilized portion of the Creedmoor Psychiatric Center campus (the "Creedmoor Campus") through a collaborative planning process, led by ESD in consultation with the Queens Borough President. The process included participation from local community members, community groups, and elected officials. In total, over 400 attendees and more than 30 local organizations participated in planning workshops and other community visioning meetings.

The CCMP is the foundation of the Creedmoor Mixed-Use Project master plan (the "Master Plan"). The Master Plan incorporated this community planning report into an ESD General Project Plan that envisions development comprising affordable rental units and a mix of affordable and market-rate homeownership units along with community priorities including open spaces, community facilities, and neighborhood retail. The Master Plan also balances existing building heights on the Creedmoor Campus and those in the surrounding community by limiting building heights at the periphery and increasing building heights to be more central to the development. The Master Plan envisions up to approximately 2.18 million gross square feet (gsf) of mixed-use space across approximately 46.5 acres.

This RFP refers specifically to the first phase (the "Site") of the Master Plan. As explained in further detail throughout this RFP, the Site includes all of Phase A and portions of Phase B from the Design Guidelines. Further phases are expected to be developed in subsequent RFPs. ESD has attained the following approvals for the Master Plan, including the Site, prior to the release of this RFP:

- ESD Directors' approval of the Master Plan as detailed in the modified General Project Plan (MGPP provided in **Appendix A: Modified General Project Plan**)
- ESD Directors' approval of the Final Environmental Impact Statement and adoption of the SEQRA Findings Statement (see **Appendix B: SEQRA Findings Statement**)
- Public Authorities Control Board (PACB) approval (see **Appendix C: PACB Resolution**)

For more information on approvals see **Section IX: Disposition and Approval.**

ESD invites all qualified parties to submit proposals for the redevelopment of the Site in accordance with the goals and objectives of the Project and the parameters specified in this Request for Proposals ("RFP"). Respondents are invited to propose a mixed-use development plan with 100% affordable housing for the Site. Rental housing should include supportive housing for people with serious mental illness (SMI), supportive housing for veterans, and income restricted housing. Homeownership housing should be income restricted. The development program should also include uses to support the Site and surrounding area's residents including, but not limited to, community facilities, retail, open space, and parking. Proposals also need to include on-site building demolition and infrastructure improvements necessary to facilitate the development. Proposals should demonstrate their compliance with the existing approvals.

Proposals that deviate from the approvals should provide a rationale for the proposed changes and explain any necessary modifications to the MGPP and/or Design Guidelines and potential implications on the environmental analysis.

Respondents must demonstrate sufficient financial resources and professional ability and experience to develop the Site and provide services for the full breadth of the development program. It is expected that Proposals will include joint development teams with an established record showing that they can successfully deliver the different housing programs, such as supportive housing from people with serious mental illness, supportive housing for veterans, and income restricted rental and homeownership housing; community facility space; retail space; passive and active open spaces; off-street parking; environmentally responsible demolition of existing buildings; and infrastructure improvements, such as roadways and utilities. Refer to **Section VI(G): Respondent Description and Qualifications** for more information.

II. RFP TIMELINE

The following are significant dates in the RFP process. Please note, ESD reserves the right to change any of the dates listed in this RFP.

Milestone	Timeline
1. RFP Release Date	December 4, 2025
2. Deadline to RSVP for Site Tour	December 15, 2025 by 6:00 PM
3. Site Tour	December 17, 2025
4. Deadline for Submission of Questions	January 21, 2026 by 6:00 PM
5. Deadline for ESD Responses to Questions	February 4, 2026
6. Deadline for Submission of Proposals	March 18, 2026 by 2:00 PM

III. SITE CONTEXT AND DESCRIPTION

A. Site and Surrounding Area

The Creedmoor Mixed-Use Project, comprising approximately 46.5 acres of the larger 125-acre Creedmoor Campus, is located in the Bellerose Manor neighborhood of eastern Queens on the parcel at 79-25 Winchester Boulevard, Queens, New York, 11203 (Queens Block 7880, part of Lot 1). The Creedmoor Campus is gated and largely bounded by Hillside Avenue to the south, Winchester Boulevard to the west, Union Turnpike to the North, and a mix of public and private properties, along with 240th Street, to the east.

The Creedmoor Campus dates to 1908, when the NY State Legislature selected a portion of the existing site for a new state hospital, the Creedmoor State Hospital, to replace the Long Island State Hospital (now known as Kingsboro Psychiatric Center). Between the 1920s and 1940s, public facilities on the Creedmoor Campus expanded due to the rise in patient population and associated increase in employees. Since 1975, the need for a sprawling Creedmoor Campus declined with the decreasing patient population, and several tracts of land were conveyed by New York State to neighborhood institutions including Queens County Farm Museum, Hollis-Bellaire-Queens-Village-Bellerose Little League Fields, the Lifeline Center, Father Reder Senior Apartments, Country Pointe HOA, and the Frank Padavan Campus at Glen Oaks.

Today on portions of the Creedmoor Campus outside of the Master Plan (see **Figure 1**), the NYS Office of Mental Health (OMH) provides inpatient and outpatient services to individuals with mental illness at the North Campus, north of Union Turnpike, in the Creedmoor Psychiatric Center and on the South Campus at its transitional housing buildings. Additionally, the NYS Office for People With Developmental Disabilities (OPWDD) provides services and support to individuals with developmental disabilities through its Bernard Fineson Developmental Disabilities Services Office. Development of the Project will not compromise the continued delivery of these services at the Creedmoor Campus.

At the southern-most portion of the Master Plan (see **Figure 2**) is the Site (see **Figure 3**). It is primarily along Hillside Avenue and a portion of Avenue C with a street network that would connect from Hillside Avenue through the Site to Winchester Avenue. The Site contains six existing buildings. Buildings 10, 11, 12, 22, and 25 are vacant. Building 4 is partially occupied by Services Now for Adult Persons, Inc. (SNAP). SNAP has identified a new location outside of the Creedmoor Campus to relocate its facility. The existing roadway network is owned and operated by the State and is not built to NYC Department of Transportation standards. Roadways in the network include Avenue C, which intersects with Hillside Avenue, and Second Street. A portion of Avenue A, including the intersection with Hillside Avenue, is not owned by the State nor part of the Site. The Site also includes open space and surface parking lots.

The surrounding area, outside of the Creedmoor Campus, is a mix of uses. Located adjacent to the campus' southwest boundary is Country Pointe, a residential complex with 2-story brick townhouses constructed in 2002. To the campus's eastern boundary are detached single-family houses primarily constructed in the 1940s and 1950s. The residential neighborhoods west of Winchester Boulevard and south of Hillside Avenue are also comprised of detached single-family houses primarily constructed between 1930 and 1960. To the east of the campus, on the other side of the Cross Island Parkway, are detached single-family houses primarily constructed in the 1940s and 1950s; Glen Oaks Village, a cooperative residential housing development with garden-style apartments constructed in the late 1940s; and North Shore Towers, a residential community consisting of three 33-story towers constructed in 1972. Also, on eastern side of

the Cross Island Parkway and northeast of the Creedmoor Campus is the Frank Padavan Campus at Glen Oaks which includes P.S/I.S. 208, P.S/I.S. 266Q, and Queens High School of Teaching, Liberal Arts, and the Sciences. West of the Creedmoor Campus across Union Turnpike and Winchester Boulevard is a City park, Alley Pond Park.

Figure 1: Area map and existing buildings with Master Plan boundary.

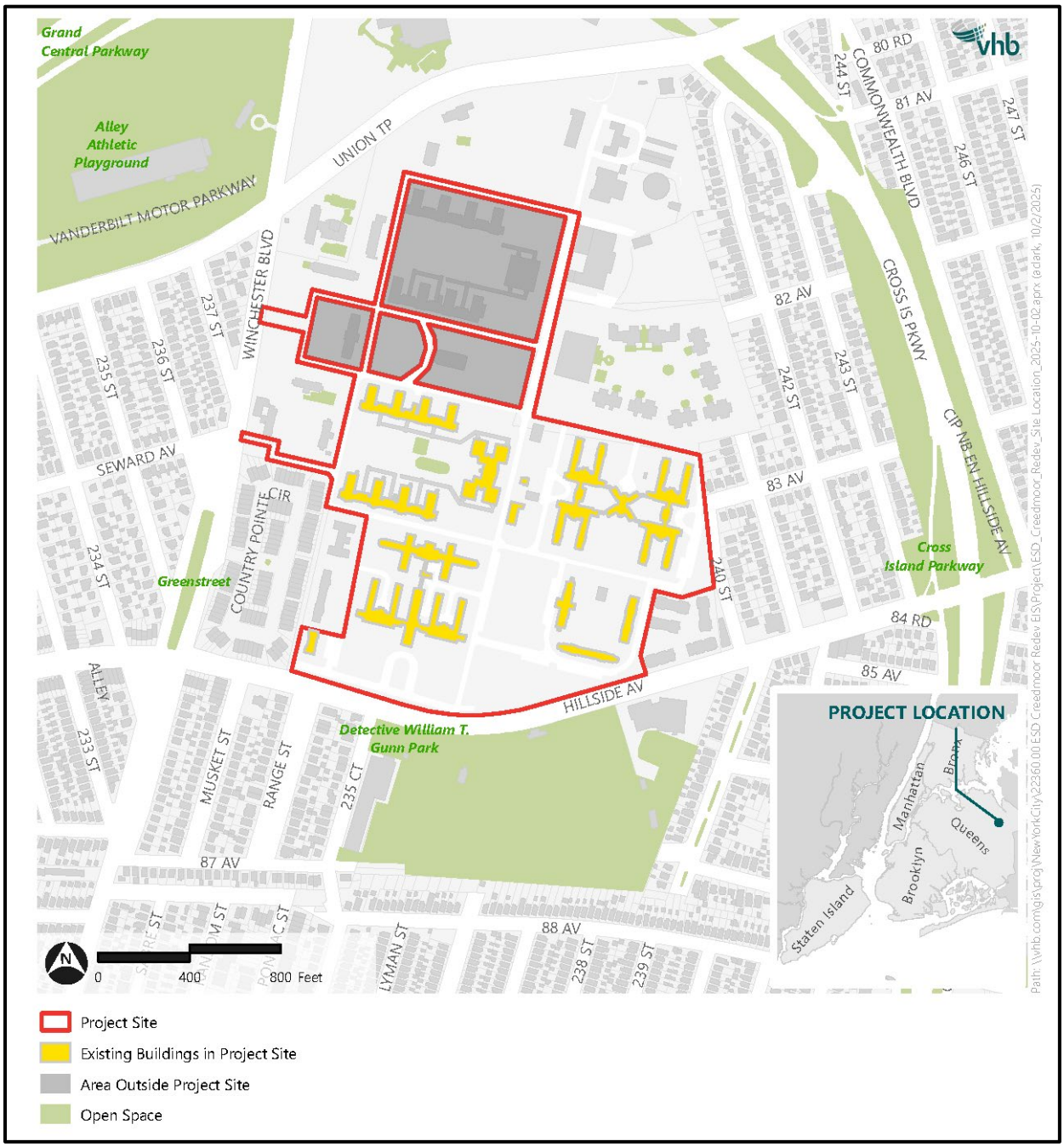

Figure 2: The Master Plan.

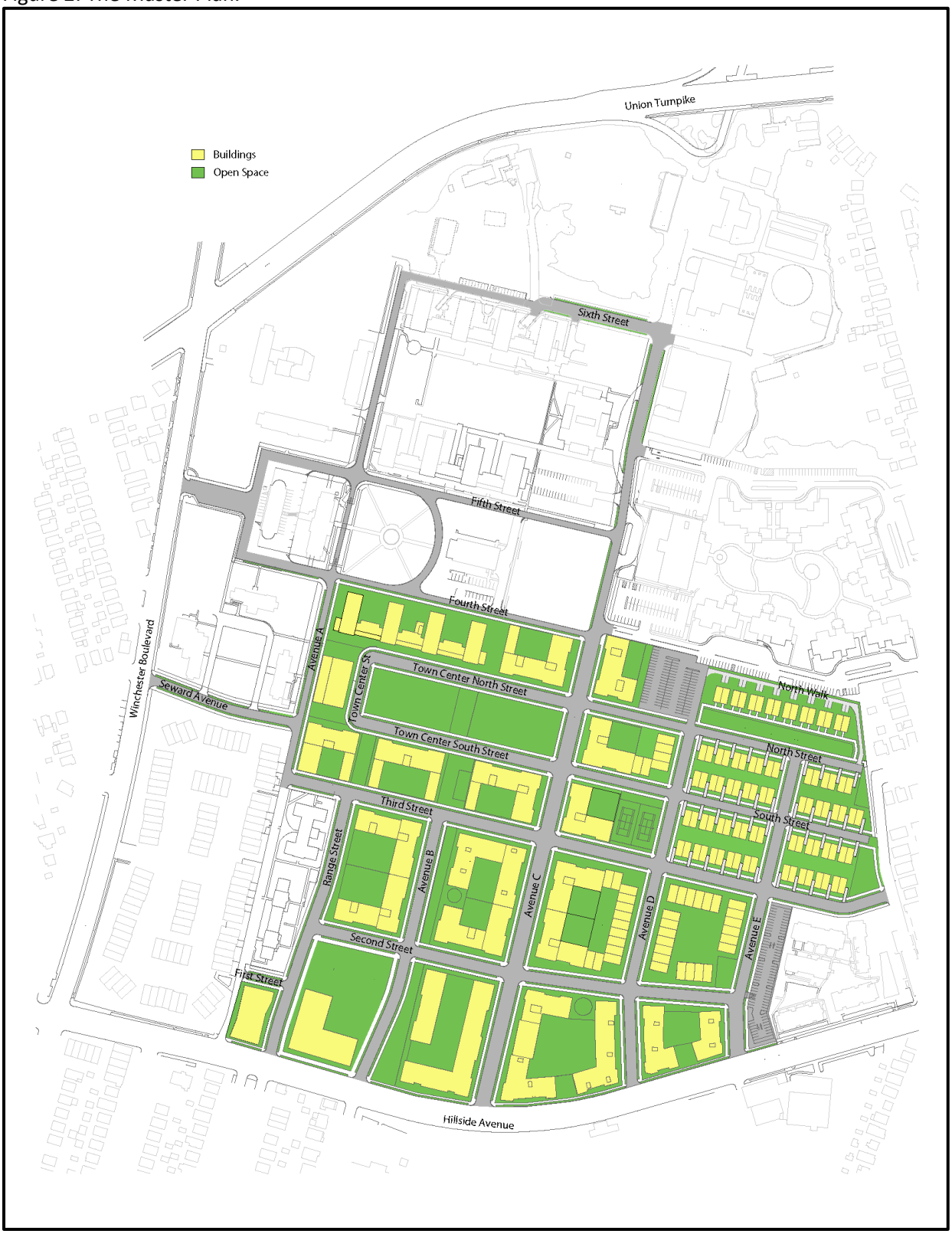

Figure 3: The Site.

B. Zoning and Land Use

The Master Plan, inclusive of the Site, would introduce new development with a variety of land uses including residential, neighborhood retail, community facilities, open space, and parking. While some of these uses would be new to the Site, these uses are consistent with uses in the surrounding community. The MGPP, approved by the ESD Directors and PACB, (see **Appendix A: Modified General Project Plan**) overrides the R3-2 zoning district. In lieu of zoning, respondents are expected to submit proposals that comply with the MGPP and Design Guidelines (see **Appendix D: Design Guidelines**).

Per the Design Guidelines, the Site will include the residential and neighborhood retail land uses. Residential buildings on the Site should provide private open space for residents and there are requirements to provide public open space at street level. Building heights along Hillside Avenue are capped at 4 stories. Respondents should review the Design Guidelines and incorporate its requirements into their proposal. Proposals are encouraged to consider community facility uses, including but not limited to an urgent care center, early childhood center, and/or an older adult center. The site will also include a standalone structured parking garage and ground floor structured parking garages in the residential buildings.

C. Existing Structures, Infrastructure, and Utilities

The Site contains six existing buildings, all designated for demolition per the Master Plan:

1. Building 4 is 166,294 gsf. It was built in 1930. It is partially occupied by Services Now for Adult Persons, Inc. (SNAP). SNAP has identified a new location outside of the Creedmoor Campus to relocate its facility.
2. Building 10 is 33,567 gsf. It was built in 1930 and vacated in 2011. While in use, the building served as Single Employee Housing.
3. Building 11 is 33,565 gsf. It was built in 1930 and vacated in 2012. While in use, the building served as a Parole Patients Building.
4. Building 12 is 33,465 gsf. It was built in 1930 and vacated in 2011. While in use, the building served as Married Employees Housing.
5. Building 22 is 11,174 gsf. It was built in 1931 and vacated in 2012. While in use, the building served as a TSI Residence.
6. Building 25 is 140,688 gsf. It was built in 1937 and vacated in 2000. While in use, the building served as an Inpatient Rehab Facility.

The combined square footage of existing structures on the Site is 418,753 gsf. More information on the existing buildings is available in **Appendix E: Existing Conditions Report**.

Additionally, it is anticipated that all streets within the Master Plan will undergo a street mapping action through the NYC Planning process. ESD will assume administrative responsibilities for this work. The Designated Developer is expected to undertake construction of the streets and subsurface infrastructure within the Site boundaries and should include appropriate assumptions in its Proposal. ESD reserves the right to have the construction work undertaken by an entity other than the Designated Developer.

D. Environmental Review

In September 2025, ESD completed the Final Environmental Impact Statement (FEIS) for the Creedmoor Mixed-Use Project and in October 2025, adopted a Statement of Findings pursuant to New York's State

Environmental Quality Review Act ("SEQRA"), which concluded the environmental review process for the Project. The FEIS is available online at https://esd.ny.gov/creedmoor-environmental-review.

Specific development proposals resulting from this RFP that have the potential for environmental impacts beyond those assessed in the FEIS may require additional environmental review through a technical memorandum or in some cases a Supplemental Environmental Impact Statement. Should the selected first phase development project require additional environmental review, the review will be completed prior to the ESD Board of Directors' final approval of actions necessary to effectuate the first phase development project.

In developing the Site, the Designated Developer will be responsible for complying with the commitments and measures (the "Environmental Measures") set forth in **Appendix F: Environmental Measures**, which have been identified to avoid, minimize, or mitigate significant adverse environmental impacts as assessed in the FEIS.

E. Historic Resources

The Master Plan contains existing historic resources and is within a portion of the New York State and National Registers of Historic Places (S/NRHP)-eligible Creedmoor Psychiatric Center Historic District (Historic District), which includes individual buildings, as well as a landscape plan and several copper-covered walkways that contribute to the character of the Historic District. The Historic District is eligible under S/NRHP Criterion A in the area of health/medicine and Criterion C architecture.

To address the significant adverse impact arising from the demolition of historic resources on the Site, mitigation measures have been developed in consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) and are stipulated in an amended Letter of Resolution (LOR) (see **Appendix G: Letter of Resolution**). The Designated Developer will be responsible for complying with and implementing the relevant LOR stipulations for the Site as specified in the Environmental Measures. Specifically, the Designated Developer will be responsible for completing the obligations under Stipulations #1, #4 and #5 of the LOR, which are as follows:

1. Prior to the demolition of the Project Site, all S/NRHP eligible buildings, copper-covered walkways, and landscape located within the boundaries of the Creedmoor Psychiatric Center Historic District will be recorded in accordance with documentation requirements in Attachment B. Recordation should also include photographs showing overall site views of the non-contributing buildings within the Historic District.
2. Potentially salvage, in consultation with OPRHP, intact components of the buildings proposed for demolition, either for incorporation into new buildings or for donation to organizations that donate or sell salvaged building components. Salvage and reuse will be subject to feasibility of salvage and removal. A list of building components to be salvaged and a plan for reuse or donation of salvaged components, if feasible, will be submitted to OPRHP for review and comment.
3. A Construction Protection Plan (CPP) will be developed to protect historic structures within 90 feet of building demolition and new construction. The CPP will meet the requirements specified in the New York City Department of Buildings Technical Policy and Procedure Notice #10/88: Procedures for the Avoidance of Damage to Historic Structures Resulting from Adjacent Construction and will be

implemented by a licensed professional engineer. The CPP will be submitted to OPRHP for review and approval prior to the commencement of construction. OPRHP will have 30 days to review and comment.

F. Ownership and Taxes

The Site is currently owned by the People of the State of New York acting through Dormitory Authority of the State of New York (DASNY) and is managed by OMH and OPWDD and is thus exempt from property taxes. Upon disposition, the Site will be subject to New York City real property taxes and charges. Property tax exemptions may be available for eligible Projects or Project components. For details of relevant tax exemption programs, Respondents should consult relevant statutes and rules. Proposals should indicate which tax exemption program(s), if any, Respondents plan to utilize. It is the Designated Developer's responsibility to apply for and meet the requirements of any specific tax benefit program(s).

While proposals should not assume a payment in lieu of taxes (PILOT), ESD reserves the right to request revised Proposals that reflect a PILOT to be issued by ESD. ESD reserves the right to make such requests to all Respondents or to a subset of all Respondents as set forth in **Section VII: Selection Criteria**. Any Respondents still under consideration may be given the opportunity to revise their Proposals, and any related provisions of the RFP will be amended or deemed amended as necessary.

IV. REDEVELOPING UNDERUTILIZED SITES FOR HOUSING

As part of the 2024 State of the State and the FY2025 Enacted Budget, Governor Kathy Hochul outlined a vision for addressing New York State's housing crisis to make the State more affordable and livable for all New Yorkers. This groundbreaking and multifaceted plan to build new housing across the State included a $500 million capital fund to develop up to 15,000 new homes on state land through the Redevelopment of Underutilized Sites for Housing initiative ("RUSH") after signing an executive order last year requiring all state agencies to examine properties within their control to determine their housing potential.

RUSH funding is available to meaningfully offset the cost to the Designated Developer to build out infrastructure and utilities needed to facilitate development of the Site. Proposals should include how much RUSH funding is requested and provide a basis for that request, including a breakdown of the cost estimate for each item.

The list of RUSH eligible items includes:

1. Building demolition
2. Roadway and utility demolition
3. Parking construction, including stand-alone garage and garages within the multifamily buildings
4. Open space construction
5. Roadway and utility construction

ESD will review proposals that include additions to the above list of RUSH eligible items. ESD will evaluate Proposals, in part, on their efficient use of RUSH funds.

V. DEVELOPMENT OBJECTIVES AND REQUIREMENTS

A. Development Objectives

The primary development objectives of the Site are to develop several mixed-use, 100% affordable developments that provide residential housing to meet housing demand, improve economic opportunities in eastern Queens, and advance the goals of NY State. ESD is seeking Proposals for a high-quality mixed-used development that meets the following objectives (the "Development Objectives"):

1. Provide residential affordable homeownership opportunities;
2. Provide residential affordable rental opportunities, including supportive housing for veterans and supportive housing for people with serious mental illness (SMI);
3. Provide retail and community facility uses to support the new residential development and contribute to the surrounding area's existing establishments and services;
4. Provide meaningful open space opportunities to promote passive and active recreation;
5. Ensure adequate parking for the proposed development;
6. Improve infrastructure and undertake environmental remediation necessary to facilitate the proposed development;
7. Incorporate environmentally sustainable, resilient, and energy efficient development and building design that align with the New York State Climate Leadership and Community Protection Act's greenhouse gas reduction goals and broader climate objectives. Proposals that contemplate the highest certification levels will be considered by ESD to be more competitive than Proposals that contemplate lower certification(s) or no certification; and
8. Create local job opportunities for area residents during construction and operation;
9. Ensure meaningful participation by certified MBE, WBE, and SDVOB entities.

B. Development Program

The Site is along the Master Plan's Hillside Avenue frontage and extending into the campus along Avenue C. This placement enables the first phase to begin making the physical connection to the surrounding community and connect to the existing City infrastructure, including streets and water, storm, and sanitary network. The following development program is based on the approved MGPP, its associated Design Guidelines, and the FEIS. Proposals should demonstrate their compliance with the existing approvals. Proposals that deviate from this program should provide a rationale for the proposed changes and explain any necessary modifications to the MGPP and/or Design Guidelines and potential implications on the environmental analysis. ESD reserves the right to request revised Proposals that reflect modifications to the development program. ESD reserves the right to make such requests to all Respondents or to a subset of all Respondents as set forth in **Section VII: Selection Criteria**.

Building Designation	Description	Ownership Type	Number of Housing Units	Number of Parking Spaces
A1	Income restricted housing	Homeownership	117	168
A2	Veteran supportive housing	Rental	78	14
A3	Income restricted housing	Rental	88	101
A4	Income restricted housing	Homeownership	63	79
B2	Income restricted housing and SMI supportive housing	Rental	110 (55 IRH + 55 SMI)	51
PG1	Standalone parking garage		0	184

Note that housing unit and parking space numbers in this table are approximate.

The residential component of the Project should ensure compliance with public agency financing and program requirements. The affordable rental housing component should show building breakdowns and assume a single transaction for the income restricted, SMI supportive housing, and veteran supportive housing using the 4% Low-Income Housing Tax Credit (LIHTC) program and applicable HCR term sheets, including funding for supportive housing services. The affordable homeownership component should show building breakdowns and assume a single transaction per the applicable HCR term sheets. Both rental and homeownership income level assumptions must be supported by a residential market study.

The non-residential component should be supported by the non-residential market study and the Respondents expertise and experience. The program should also consider the viability of uses identified through public input during the master planning process that indicated interest in a grocery store, an urgent care center, an early childhood center, and neighborhood retail. The construction, fit-out, and operations of all non-residential uses must be independently financed from the residential component. Non-residential uses should provide a rent that will support financing to construct a white box space for purposes of Temporary Certificate of Occupancy ("TCO"). If not, additional private financing sources separate must be identified. Service provides for community facility uses may be included in more than one Proposal.

The minimum 597 parking spaces are inclusive of on-street parking, accessory ground floor parking, and the standalone parking garage.

The public realm should consist of both active and passive publicly accessible open spaces. An open space along Avenue B from Hillside Avenue to Second Street should be designed to serve as a visual connection to the future Town Center and in anticipation of its proximity to a future school.

Proposals should discuss infrastructure investments necessary to achieve the Project. This includes, but is not limited to, environmental remediation; demolition of existing buildings, roadways, and utilities; construction of roadways and utilities; construction of the stand-alone garage and garages within the multifamily buildings; and construction of public open spaces. See **Section IV: Redeveloping Underutilized Sites for Housing** for more information on potential State funding available for infrastructure investments.

C. Transaction Structure and Approvals

It is anticipated that the Site will be conveyed to the Designated Developer at closing for nominal consideration, and that the Designated Developer will hold title during development of the Site. The Designated Developer will acquire fee title, subject to a purchase and sale agreement, restrictive declaration and any other customary transaction documents for this type of development.

ESD reserves the right to request revised Proposals that reflect a long-term ground lease instead of a sale. ESD reserves the right to make such requests to all Respondents or to a subset of all Respondents as set forth in **Section VII: Selection Criteria**. Any Respondents still under consideration may be given the opportunity to revise their Proposals, and any related provisions of the RFP will be amended or deemed amended as necessary.

D. Cost Agreement and Imprest Account and Other Fees

The Designated Developer must enter into agreements with ESD that will require the Designated Developer to pay, from the date of its conditional designation:

- ESD's ongoing out-of-pocket costs and expenses incurred in connection with the Project and Site disposition to the Designated Developer, including costs and expenses of environmental consultants and legal counsel; and
- ESD's administrative fee, paid at Closing, equal to the cost of direct and actual staff time on the Project from the time of conditional designation until conveyance, capped at two hundred and fifty thousand dollars ($250,000). ESD reserves the right to modify the requirements of the administrative fee taking into account the Project's development program and use of public funding sources.

As part of their Proposal, respondents must provide as a signed letter agreement (the "Cost Agreement") provided in **Appendix H: Cost Agreement**, pursuant to which the Respondent will pay ESD for ESD's reasonable out-of-pocket costs and expenses, including, without limitation, those for consultants and legal counsel incurred by ESD in the event the Respondent is selected as the Designated Developer. Prior to term sheet execution and a Respondent being selected as the Designated Developer by ESD, a check must be provided in the amount of $300,000 ("Cost Agreement Check") payable to "NYS Urban Development Corporation d/b/a Empire State Development". The Cost Agreement Check will be deposited into an ESD Imprest account ("Imprest Account") for the Designated Developer. ESD will draw on the Imprest Account to pay costs related to the Project. The Cost Agreement provides that the Designated Developer will fully replenish the Imprest Account in the amount of $300,000 each time the balance of the Imprest Account is reduced to below $150,000. Following Closing, any amount remaining in the Imprest Account and not required to pay outstanding costs will be returned to the Designated Developer.

As noted in the Cost Agreement, if at any time ESD reasonably determines that additional funds are required under the circumstances to implement the Project, the Designated Developer will make an additional deposit into the Imprest Account in the amount necessary to increase the balance to $500,000. In the case where the balance is increased to $500,000, the Designated Developer will fully replenish the Imprest Account in the amount of $500,000 each time the balance of the Imprest Account is reduced to below $250,000.

E. MWBE and SDVOB Subcontractor Interest

New York State certified Minority- and Women-Owned Businesses ("MWBE") and Service-Disabled Veteran Owned Businesses ("SDVOB") may request that their firm's contact information be included on a list of firms interested in serving as a subcontractor for this procurement. The listing will be publicly posted on ESD's website for reference by the bidding community. A firm requesting inclusion on this list should send contact information and a copy of its NYS certification to: Creedmoor2025RFP@esd.ny.gov.

Nothing prohibits an MWBE Vendor from proposing as a prime contractor.

VI. REQUIRED PROPOSAL CONTENTS

The following must be submitted with all Proposals responding to the RFP. ESD reserves the right, in its sole discretion, to reject any Proposal that is deemed incomplete, inconsistent with stated requirements

within this RFP, or nonresponsive to the RFP requirements. ESD also reserves the right, in its sole discretion, to reject any and all Proposals, and to proceed (or not proceed) with the development of the Site without completing this RFP process.

In addition to the forms required as described later in **Section XII: Procurement Forms and Requirements**, each complete Proposal must contain the following elements (the "Technical Proposal") outlined in this section.

A. Project Description

The project description should include a detailed narrative describing all relevant aspects of the Site. Proposals should also describe how development of the Site will advance the Development Objectives set forth in the RFP. At a minimum, Proposals should include:

- Residential development program, including the total number of housing units, the number of units per target population (e.g., affordable homeownership, veteran supportive units, etc.) and the mix of unit sizes;
- Non-residential development program, including uses and square footages, and distribution of uses throughout buildings on the Site;
- On-street and off-street parking distribution throughout the Site;
- Open space design and distribution throughout the Site;
- Height, bulk, and size (gross and net square footages) of the development;
- Approach to site preparation including building demolition and infrastructure improvements
- List of proposed partners or tenants and any letters of intent from potential tenants, including proposed community facilities and retail operators;
- Total development costs, including all hard costs, soft-costs, contingencies, and escalations;
- Market study and list of comparables of residential market for rental and homeownership;
- Market study and list of comparables that support the demand for proposed retail and community facility uses;
- Estimated number of direct and indirect permanent and construction jobs estimated to be created by the Project; and
- A detailed plan on how the Respondent would meet Non-Discrimination and Contractor and Supplier Diversity Requirements outlined in **Section XII: Procurement Forms and Requirements**.

B. Site Plan and Architectural Design

Proposals must include the following:

- Summary of the proposed building program for the Project with gross and net square footages for each use;
- At a minimum a set of concept sketches, drawings, diagrams and renderings of the full proposed Project showing the site plan, site circulation, principal elevations and massing, typical floor plans, streetscape, open space network and landscape plans, entry features and signage;
- Description of the proposed architectural character, exterior materials, and other relevant specifications;
- On-street parking plan showing the number of spaces that are feasible given the respondent's building design plans and curb cut locations. On-street parking spots are only those that are adjacent to the development parcels;

- Off-street parking plan showing the number of spaces provided in the standalone parking garage and the residential accessory parking garages; and
- Address key design priorities that are specific to the site and its context, including:
    - Referencing neighboring residential areas, the Padavan-Preller Fields, and the OMH Creedmoor Psychiatric Center campus in the proposed massing and site organization;
    - Establishing a distinguished entrance at Avenue C as it will be the central spine of the Master Plan.

Proposals should also address how the Project will support the State's agenda for environmentally sustainable, resilient, and energy efficient development and building design[1]. Accordingly, Respondents must provide:

- A summary table describing how the Project responds to the targets stipulated in the Climate Act, including any net-zero design principles included in the Plan (e.g., clean energy generation); and
- A narrative describing the broader sustainability, energy, carbon neutrality, and resilience strategies (e.g. geothermal and solar) on a building and/or district network scale for the Project construction and operation, including the proposed types and levels of certifications that best support that strategy. Proposals that contemplate the highest certification levels will be considered by ESD to be more competitive than Proposals that contemplate other lower certification(s) or no certification.

If a centralized thermal energy network and/or centralized renewable electrical system is deemed feasible for the Site or Master Plan, ESD reserves the right to request revised Proposals that connect to the centralized network and/or system. ESD reserves the right to make such requests to all Respondents or to a subset of all Respondents as set forth in **Section VII: Selection Criteria**. Any Respondents still under consideration may be given the opportunity to revise their Proposals, and any related provisions of the RFP will be amended or deemed amended as necessary.

C. Community Engagement Plan

Respondents must submit a community engagement plan that details how residents and local stakeholders will be informed of Project plans throughout the design and construction process. The Designated Developer will be expected to present their plans at community and stakeholder meetings as needed. This includes, but is not limited to, meetings with adjacent property owners, local civic and chamber organizations, and local elected officials. At a minimum, the Respondent must be prepared to present to stakeholders: elevation and site plan renderings, an overview of key Project facts (unit count, building height, amenities, community benefits, etc.), and the overall Project timeline.

D. Local Hiring Plan

Respondents should include a narrative as part of the Proposal describing their commitment to local hiring, including an explanation of how the Project will create jobs for local residents and a summary of which community organizations Respondents will partner with in order to maximize local hiring.

[1] The Climate Leadership and Community Protection Act (https://climate.ny.gov/)

E. Financial Proposal

Respondents should include a summary that explains at a high level how the Respondent would approach the financing of the Project, including reference to any expected abatements or tax credit program equivalents.

Respondents must submit two pro-forma statements, provided in Excel and "live-linked." One pro-forma must be submitted for the Project's rental component (see **Appendix I: Rental Underwriting Template**) and one pro-forma for the Project's homeownership component (**Appendix J: Homeownership Underwriting Template**). The pro-forma statements should follow the guidance below.

- The rental pro-forma must include a fifteen-year period and assume a single transaction for the income restricted, SMI supportive housing, and veteran supportive housing using the 4% Low-Income Housing Tax Credit (LIHTC) program and include funding for supportive housing services. Underwriting should also show the per building breakdown. Underwriting must comply with the HCR term sheets/programs used, including maximum subsidy limits.
- The homeownership pro-forma should assume a single transaction with home pricing reflecting affordability up to 100% AMI. Underwriting should also show the per building breakdown. Underwriting must comply with the HCR Affordable Homeownership Opportunity Program (AHOP) term sheet/program, including maximum subsidy limits.
- While Proposals should comply with HCR term sheet maximum subsidy limits, should additional subsidy be proposed, Respondents must show the financing gap as a separate line item in the financing sources. Proposal scoring will take into account the efficient use of HCR financing and the size of any financing gaps.
- Statement of assumptions on which all calculations are based.
- Sources and uses of funds.
- Construction and development budget, including hard and soft costs. Costs associated with non-residential and parking spaces must be separated from residential costs.
    - A predevelopment expense of $0.95 per gsf of residential and non-residential floor area (i.e., retail, community facility space, and parking). Note that this expense is subject to change at closing.
- Operational budgets, including contributions to capital reserve and sitewide maintenance.
    - Respondents should assume a Homeowners Association (HOA) will be established to fund sitewide maintenance and operations, of which the exact scope and costs will be determined in the future. For this Proposal, underwriting should include a per gsf fee in the maintenance and operating budget for the approximately 3.5 acres of passive public open space and approximately 0.9 acres of active public open space for the Master Plan.
- Detailed description of proposed tax credit equity and construction and permanent financing, including a detailed breakdown of all sources of equity and terms, as well as interest rate and term for financing.
- Information regarding all necessary capital investments over time and reserves and debt service payments associated with all financings.
- Financing for retail, community facility, and parking in the multifamily buildings shown in the relevant rental or homeownership pro-formas.
- Trade cost breakdown of infrastructure work to be funded by RUSH shown in a separate Excel for the purposes of Proposal scoring. Parking garages within the multifamily buildings should be shown in the RUSH budget as well as the rental and homeownership pro-formas. Note that these costs will be apportioned to the rental and homeownership transactions at closing.

Respondents must also submit Financing Letters of interest and/or intent from lenders and tax credit equity investors. Letters of interest from potential tenants of non-residential spaces should also be included and should acknowledge the rent being assumed for that space.

F. Development Schedule

Respondents must submit a development timeline for the Project. Proposals should include a schedule that includes building demolition, infrastructure demolition and construction, and construction of mixed-use buildings and a standalone parking garage with the estimated length of time to reach key milestones, such as commencement and completion of design, financing, construction, and operational stabilization for the development program. Any contingencies that may affect this timeline should be identified.

G. Respondent Description and Qualifications

Each Respondent must demonstrate sufficient financial resources and professional ability to develop the Site in a manner consistent with its Proposal. Due to the breadth of the development program, it is expected that Proposals will include joint development teams with an established record showing that they can successfully deliver the different programs, such as supportive housing from people with serious mental illness and supportive housing for veterans. To be considered a "Qualifying Organization," Respondent firms or joint ventures of firms ("Respondent Team") must demonstrate collectively their significant experience, expertise, and capacity:

- In developing and operating residential or mixed-use projects that include income restricted affordable homeownership, income restricted affordable rental, including supportive housing;
- With at least three project examples in the last seven years for which Respondent or Respondent Team acted as a developer and/or principal operator of similar mixed-use development projects. Examples can include one or more of the Respondent Team's constituent members, it is not necessary for every constituent member to provide three examples. Project examples should include income restricted affordable homeownership housing; income restricted affordable rental housing, including supportive housing; mixed-use developments with community facility uses, neighborhood retail, open space, and parking; and building demolition and roadway and utilities demolition and construction; and
- In equity investments in substantial or ground-up real estate development projects.

Each proposal must also include a description of the Respondent/Respondent Team including:

<u>Development Team</u>

- A one-page explanation, with figures and org charts, laying out the intended form and structure of the firm, joint venture partnerships, contractors, and subcontractors. Any proposed partnership or joint venture must be clearly explained.
- A chart or diagram that clearly illustrates the Project Team structure and an accompanying table reflecting the availability and time each member on the Project Team will dedicate to the Project.

<u>Past Projects and Experience</u>

- Experience developing and operating mixed-use multifamily developments that incorporated affordable rental housing and affordable homeownership housing, including supportive housing. This should include marketing, leasing, and compliance.

- Experience developing and operating community facilities (if community facilities are included in the Proposal): Respondents should describe their previous experience acting as principal developer and/or operator of community facilities, specifically as they relate to the Proposal, that were part of a mixed-use development or stand-alone projects.
- Experience undertaking building demolition and roadway and utilities demolition and construction.
- Intended general contractors, property managers, and social service providers should be presented with an explanation of their background and experience.
- Experience developing similarly complex projects involving regulatory compliance and approvals across different levels of government.
- Other experience that makes the Respondent Team uniquely suited to plan, develop, and manage the proposed project.

Contact and Financial Information

- Name, address, phone number and email of each member of the Respondent Team. Respondents must also provide their Federal Employer Identification Number ("EIN") and identify a primary contact person.
- Current operating budget and previous three (3) years of audited financials. If available, copies of the interim financial statement for each quarter since the last fiscal year for which audited statements are provided. In addition, any details that describe the financial strength of the Respondent should be provided including but not limited to:
    - Details of any material events that may affect the entity's financial standing since the last annual or interim financial statements provided;
    - Details of any credit rating; and
    - Details of any bankruptcy, insolvency, company creditor arrangement, or other insolvency litigation in the last three fiscal years.

References and Past Project Description

Summaries of comparable projects completed by members of the Respondent Team. For each project, the following information is requested:

- Name of Respondent Team member;
- Project name;
- Current status of project / completion date or anticipated completion date;
- Project description;
- Location;
- Total development costs;
- Reference (name, email, telephone number); and
- Relevance to RFP.

Additional Information

- Description of any prior RFPs for which Respondent has been selected, but which have not resulted in a successfully developed project.
- Any additional documentation or information evidencing the strength of the Respondent and its ability to complete the Project.

- Documentation addressing whether any participating member of the Respondent Team has been involved in any litigation or legal dispute against the State or any agency, department, authority or subdivision of the State or any litigation or legal dispute regarding a real estate venture during the past five years.
- All required procurement forms are identified in **Section XII: Procurement Forms and Requirements** of this RFP.

For this RFP, up to ten points (see **Section VII: Selection Criteria**) will be awarded to Respondent Teams that include one or more New York State Certified Minority and/or Women-Owned Business Enterprise(s) (each an "MWBE Developer") that will solely or collectively hold at least 10% of the managing ownership interest in the Residential Component of the Project and must receive a commensurate interest in the totality of the economic benefits of the Project, including, but not limited to, all available cash flows and sale/refinancing proceeds.

A fee-only arrangement for the minority and/or women owned business(es) will not satisfy this requirement (unless developer fee is the only cashflow available to the Respondent Team under any applicable term sheet(s) used).

Projects with lower MWBE ownership percentages will be awarded fewer points in the Quantitative Factors section of the Selection Criteria. ESD reserves the right to determine whether a Respondent satisfies these requirements based on the experience of the Respondent Team's constituent members. Entities that do not meet the above eligibility criteria (e.g., construction contractors, facility managers and operators, providers of design, engineering, surveying, and specialty construction or maintenance services; and/or lenders or other capital providers, legal or financial advisors, or other providers of professional services) may participate in a submission as part of a Respondent Team that includes a Qualifying Organization.

Please note the following entities and individuals are precluded from responding to this RFP and from participating as part of any Respondent Team, unless otherwise authorized by ESD:

- Any consultant firm that has provided professional services to ESD, OMH, or OPWDD in connection with the Project;
- Any entity that is a parent, affiliate, or subsidiary of any of the foregoing entities, or that is under common ownership, control, or management with any of the foregoing entities; and
- Any employee or former employee of any of the foregoing entities who was involved with the Project while serving as an employee of such entity.

Notwithstanding the foregoing, if ESD determines in its sole discretion that there is no conflict, or that adequate safeguards are in place to prevent the conflict from occurring, or that all of the work provided by such firm, entity, or employee has been made publicly available by ESD, then ESD may provide written authorization that such firm, entity, or employee may respond to the RFP or participate on a Respondent team.

VII. SELECTION CRITERIA

Category	Description	Scoring
Development Program	1. Responsiveness to the development objectives and program, including adherence to FEIS and Design Guidelines, and demonstrated responsiveness to programmatic components of CCMP.	Up to 20 points
Design and Sustainability	1. Site plan, use program, massing and design, including attractiveness and buildability. 2. Incorporation of sustainable and resilient building practices, including conformance with HCR Sustainability Guidelines. 3. Incorporation of State and City sustainability goals and policy.	Up to 10 points
Respondent Qualifications	1. Taking into account Respondents existing project pipeline, including projects with the State, the Respondents demonstrated ability and capacity to form a dedicated project team that can execute the project and meet project milestones both pre- and post-closing. 2. Experience, financial capabilities, and qualifications of the Respondent Team in developing, financing, leasing, operating, and managing projects of similar size and/or with similar combinations of uses. 3. Local development expertise and experience with public engagement in New York City; demonstrated ability to take Project through necessary approvals. 4. Components of the local hiring plan. 5. Experience with attaining approvals for environmental remediation and infrastructure approvals.	Up to 20 points
Building Operations Qualifications	1. Experience with affordable housing rental and homeownership marketing, leasing, compliance, and operations. 2. Experience with providing services and operating supportive housing marketing, leasing, compliance, and operations.	Up to 10 points
Construction Qualifications	1. Experience delivering mixed-use developments on time and within budget. 2. Experience constructing infrastructure, including environmental remediation; demolition of existing buildings, roadways, and utilities; construction of roadways and utilities; construction of parking garages; and construction of public open spaces. 3. Experience with MWBE and SDVOB subcontracting and compliance with utilization plans.	Up to 10 points
Financial Proposal	1. Financial feasibility of the Proposal. 2. Efficient use of housing financing resources.	Up to 20 points

Category	Description	Scoring
	3. Non-residential use rents that support project financing. 4. Efficient use of RUSH resources. 5. Quality of data and market analysis for residential and non-residential Project components.	
Quantitative Factors	ESD will award points based on percentage of MWBE Developer ownership in the Project as described in **Section VI: Required Proposal Contents**.	Up to 10 Points: • 0 points for <5% MWBE Ownership • 5 points for 5% to <10% MWBE Ownership • 10 points for 10%+ MWBE Ownership

ESD reserves the right to conduct in-person interviews with or pose questions in writing to individual Respondents in order to clarify the content of Respondents' Proposals and to ensure a full and complete understanding of each Proposal. ESD will undertake to pursue uniformity in questioning Respondents to the extent practicable, but ESD may ask different or additional questions to different Respondents in the context of any individual interview or in writing. Respondents who are invited for an interview will receive additional instructions upon their invitation.

ESD reserves the right, in its sole discretion, to reject any Proposal that is deemed incomplete, inconsistent with stated requirements within this RFP, or nonresponsive to the RFP requirements. ESD also reserves the right, in its sole discretion, to reject any and all Proposals, and to proceed (or not proceed) with the development of the Site without completing this RFP process.

In evaluating the capabilities of Respondents, ESD may use any and all information available, including information not provided by Respondent. Proposals should clearly and concisely state the unique capabilities, experience, and advantages of Respondent and demonstrate Respondent's capability to satisfy the requirements and objectives set forth in this RFP. ESD further reserves the right to ask additional written or oral clarifying questions to all Respondents or to a subset of Respondents.

ESD anticipates that a single Respondent will be conditionally designated based upon the evaluation committee's determination of the best Proposal, and as further described in **Section VIII(A): Disposition and Approvals**.

VIII. DEVELOPER DUE DILIGENCE

Respondents should assume that the Site, including land, improvements, and any supporting building infrastructure, will be disposed of "AS IS" and "WHERE IS" without any express or implied warranties, guarantees, or representations as to quantity, quality, title, character, physical and environmental condition, size, or kind, or that the same is in condition or fit to be used for the Respondent's purpose.

The Designated Developer will be responsible for conducting all due diligence investigations and remediation, including, but not limited to, environmental site assessments, which include sampling and testing of the soil, sediments, and ground water (if any). No representation or warranty is made nor shall be given by ESD, the State of New York, or any other entity as to any environmental condition at or under

the Project Site. The term "environmental condition" as used herein includes but is not limited to any hazardous and/or toxic substance as defined in any State or Federal law, rule or regulation, solid waste, petroleum and/or petroleum by-products, endangered species of fauna or flora, archeological feature or artifact or any other matter or site condition which may affect the development of the Project Site.

Information regarding the RFP will be posted on the ESD website (https://esd.ny.gov/doing-business-ny/requests-proposals). Respondents are encouraged to check for updates. Prospective Respondents should notify ESD of their interest as soon as possible in order to ensure that they receive all updates associated with this RFP by sending an email to Creedmoor2025RFP@esd.ny.gov.

Respondents must rely solely on their own independent research and investigations for all matters, including, but not limited to: easements and encumbrances; costs, including taxes; title; survey; development; financing; construction; and environmental remediation. Respondents should not rely on the information provided in connection with this RFP. ESD makes no representation or warranty concerning the accuracy or utility of information posted or otherwise provided to potential or actual Respondents.

IX. DISPOSITION AND APPROVAL

The following is a summary description of the property disposition and project approval process.

After a review of the Proposals, ESD intends to conditionally designate one or more Respondents as the Designated Developer(s). The Designated Developer(s) and ESD will sign a non-binding term sheet regarding key aspects of the Project and disposition of the Site, and the Designated Developer(s) may enter into agreements with ESD and/or other State entities and/or municipalities regarding payment by the Designated Developer(s) of costs and expenses (see **Section V(D): Cost Agreement and Imprest Account and Other Fees**.) In implementing the Project, including the disposition process, ESD intends to:

- Comply with SEQRA, the New York State Urban Development Corporation Act ("UDC Act"), and all other applicable laws, rules, and regulations in connection with the implementation of the Project and disposition of the Site;
- If necessary, prepare, in accordance with the UDC Act and in consultation with the Designated Developer, a modification to the approved MGPP for the Creedmoor Mixed-Use Project that reflects the Designated Developer's Proposal;
- Assist ESD, HCR, OMH, OPWDD, and DASNY, as necessary, in obtaining any necessary consents and approvals as may be required for ESD's acquisition and disposition of the Site;
- Present to ESD's Directors the essential transaction contract terms for the proposed disposition of the Site to the Designated Developer (and, if necessary, any proposed modifications to the MGPP and/or environmental review), any required findings under the UDC Act, and any other applicable statutory or regulatory requirements, for adoption prior to a public hearing in accordance with the UDC Act;
- Give prior notice of and conduct a public hearing to present in order to receive comments on the essential contract terms and, if necessary, any proposed modifications to the MGPP (including, if necessary, any required SEQRA analyses);
- Review such comments, and, if necessary, either affirm or modify the adopted modified MGPP to be presented to ESD Directors to authorize the proposed transaction;

- Prepare, in consultation with the Designated Developer(s), and record in the Office of the City Register, a restrictive declaration (the "Declaration") regarding the Project's conformance to the MGPP, including the affordable housing components; and
- Negotiate a purchase and sale agreement and all transaction documents with the Designated Developer(s);
- Acquire title to the Site from DASNY and deliver to the Designated Developer, at closing, a quitclaim deed without covenants for the Site that is subject to the Declaration.

X. PROPOSAL SUBMISSION INSTRUCTIONS

A. Submission of a Complete Two-Part Proposal

Firms submitting proposals are indicating their acceptance of the conditions in this RFP. Late proposals will not be considered for award. Submission of proposals in a manner other than as described in these instructions will not be accepted (e.g., facsimile, hardcopies, emails). When submitting proposals, Respondents must comply with the following.

Technical and Administrative Proposals and all related documents must be uploaded to the Dropbox (https://www.dropbox.com/request/jEXpabLwXpfLDXt4hoNE). Please create a folder with: Respondent's name – RFP Title – Date of Submission (example: ABC Inc. – Creedmoor Phase A RFP – 1/1/26). The main folder should include two sub-folders, one should be titled "Administrative Proposal" and the other titled "Technical Proposal". The main folder should be uploaded to the Dropbox by choosing the following option: "Add files -> folders from computer". All documents in the two sub-folders should be properly labeled.

B. Questions

Questions or requests for clarification regarding the RFP should be submitted via email, citing the RFP page and section in accordance with the schedule in **Section II: RFP Timeline** to: Creedmoor2025RFP@esd.ny.gov.

Questions will not be accepted orally, and any question received after the deadline may not be answered. The comprehensive list of questions/requests for clarifications and the official responses will be posted with this RFP.

C. Site Visit

A site visit, hosted by ESD, will be scheduled for December 17, 2025. Respondents are not required to attend but encouraged to do so. Respondents who wish to attend must RSVP to Creedmoor2025RFP@esd.ny.gov on or before December 15, 2025 to receive notice of the visit time and confirmation of the date. When signing up to attend, please provide the name of the Respondent and firm, and the name, title, telephone number, and email address of all representatives who are attending. ESD reserves the right to limit the number of visitors on the site visit and to require such procedures as necessary to ensure the safety and security of visitors.

ESD reserves the right to modify this RFP schedule at its discretion. Notification of changes in connection with this RFP will be made available to all interested parties by email and via ESD's website: https://esd.ny.gov/doing-business-ny/requests-proposals.

XI. GENERAL PROVISIONS

The issuance of this RFP and the submission of a Proposal by a Respondent or the acceptance of such a Proposal by ESD does not obligate ESD in any manner. ESD reserves the right to:

1. amend, modify, or withdraw this RFP;
2. revise any requirement of this RFP;
3. require supplemental statements or information from any responsible party;
4. accept or reject any or all responses hereto;
5. extend the deadline for submission of responses hereto;
6. negotiate potential contract terms with any Respondent;
7. communicate with any Respondent to correct and/or clarify responses which do not conform to the instructions contained herein;
8. cancel, or reissue in whole or in part, this RFP, if ESD determines in its sole discretion that it is its best interest to do so; and
9. extend the term of any agreement on terms consistent with this RFP.

ESD may exercise the foregoing rights at any time without notice and without liability to any responding firm or any other party for its expenses incurred in preparation of responses hereto or otherwise. All costs associated with responding to this RFP will be at the sole cost and expense of the Respondent.

All information submitted in response to this RFP is subject to the Freedom of Information Law ("FOIL"), which generally mandates the disclosure of documents in the possession of ESD upon the request of any person unless the content of the document falls under a specific exemption to disclosure. In addition, Proposals may be discussed at meetings of the ESD Directors, which meetings are subject to the Open Meetings Law.

ESD reserves the right, in its sole discretion, to retain and use all the materials and information, and the ideas and suggestions therein, submitted in response to this solicitation (collectively, the "Response Information") for any purpose. By submitting a Proposal, each Respondent waives any and all claims against ESD relating to ESD's retention or use of the Response Information.

XII. PROCUREMENT FORMS AND REQUIREMENTS

This section contains additional information about the forms that are required to be included in each Respondent's submission pursuant to **Section X: Proposal Submission Instructions**, as well as information about ESD's procurement requirements.

A. Non-Collusive Bidding Certification

In accordance with Section 2878 of the New York State Public Authorities Law, all bidders must certify that they have not colluded with any other Respondents in their proposal.

The required certification can be found at:
https://esd.ny.gov/sites/default/files/media/document/NonCollusiveBiddingCertification6-13-25.pdf
and must be completed and included in all proposals.

B. Conflicts of Interest

Respondent must attest it has read, understood and will comply with the following provisions https://esd.ny.gov/sites/default/files/Conflict-of-Interest-Attestation-June-2019.pdf. ESD may disqualify any Respondent to this RFP or terminate any contract entered into as a result of this RFP should ESD determine that the Respondent has violated any of these requirements.

1. **Gifts and Offers of Employment:** Respondent has not and shall not during this procurement and during the negotiation of any contract resulting from this procurement, offer to any employee, member or director of ESD, any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the offer was intended to influence said employee, member or director, or could reasonably be expected to influence said employee, member or director, in the performance of the official duty of said employee, member or director or was intended as a reward for any official action on the part of said employee, member or director. Respondent may not make any offers of employment or discuss the possibility of such offers with any employee, member or director of ESD who is involved in this procurement and/or resulting contract negotiation within at least 30 days from the time that the employee's involvement in this matter closed.
2. **Disclosure of Potential Conflicts:** Respondent shall disclose any existing or contemplated relationship with any other person or entity, including relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers/employers of the Respondent or former officers and employees of ESD, in connection with your rendering services enumerated in this RFP. If a conflict does or might exist, Respondent must describe how it would eliminate or prevent it.
3. **Disclosure of Ethics Investigations:** Respondent must disclose whether it, or any of its members, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any ongoing investigation or disciplinary action by the New York State Commission on Ethics and Lobbying in Government or its predecessor State entities (collectively, "Commission"), and if so, a description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

C. State Finance Law Sections 139-j and 139-k Forms

State Finance Law Sections 139-j and 139-k (collectively, the "Procurement Requirements") apply to this RFP. These Procurement Requirements: (1) govern permissible communications between potential Respondents and ESD or other involved governmental entities with respect to this RFP; (2) provide for increased disclosure in the public procurement process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this RFP. Compliance with the Procurement Requirements requires that all communications regarding this RFP, from the time of its issuance through final award and execution of any resulting contract (the "Restricted Period"), be conducted only with the designated contact persons listed above; the completion by Respondents of the Offeror Disclosure of Prior Non-Responsibility Determinations, and the Offeror's Affirmation of Understanding and Agreement pursuant to State Finance Law; and periodic updating of such forms during the term of any contract resulting from this RFP.

Respondents must submit the Offeror Disclosure of Prior Non-Responsibility Determinations, and the Offeror's Affirmation of Understanding and Agreement pursuant to State Finance Law as part of their submittal.
Copies of these forms are available at: https://esd.ny.gov/sites/default/files/media/document/SF-Law139-JK-2025.pdf.

The Procurement Requirements also require ESD staff to obtain and report certain information when contacted by Respondents during the Restricted Period, make a determination of the responsibility of Respondents and make all such information publicly available in accordance with applicable law. If a Respondent is found to have knowingly and willfully violated the State Finance Law provisions, that Respondent and its subsidiaries, related or successor entities will be determined to be a non-responsible Respondent and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract. The designated contact account for this solicitation is referenced on the cover of this RFP.

This is not a complete presentation of the provisions of the Procurement Requirements. All potential Respondents are solely responsible for full compliance with the Procurement Requirements. Both the prime consultant and any sub-consultants complete the forms required above.

D. Vendor Responsibility Questionnaire

All Respondents to this RFP must be "responsible," which in this context means that they must have the requisite financial ability, organizational capacity and legal authority to carry out its obligations under this RFP, and in addition must demonstrate that both the Respondent and its principals have and will maintain the level of integrity needed to contract with New York State entities such as ESD. Further, the Respondent must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between ESD and the Respondent, if any, shall include clauses providing that the Respondent remain "responsible" throughout the term of the contract, that ESD may suspend the contract if information is discovered that calls into question the responsibility of the contracting party, and that ESD may terminate the contract based on a determination that the contracting party is non-responsible. On request, model language to this effect will be provided to any Respondent to this RFP.

To assist in the determination of responsibility, ESD requires that all Respondents register in the State's Vendor Responsibility System ("Vend-Rep System"). The Vend-Rep System allows business entities to enter and maintain their Vendor Responsibility Questionnaire information in a secure, centralized database. New York State Procurement Law requires that state agencies award contracts only to responsible vendors. Respondents are to file the required Vendor Responsibility Questionnaire online via the Vend-Rep System or may choose to complete and submit a paper questionnaire. Please include a copy of your Vend-Rep submission receipt or paper questionnaire with your proposal. Your Vendor Responsibility Questionnaire must have been completed within one year of submission of your proposal.

To enroll in and use the Vend-Rep System, please visit: www.osc.state.ny.us/vendrep. For direct Vend-Rep System user assistance, the Office of the State Comptroller's Help Desk may be reached at 866-370-4672 or 518-408-4672 or by email at itservicedesk@osc.state.ny.us.

Respondents opting to file a paper questionnaire can obtain the appropriate questionnaire from the Vend-Rep website (http://www.osc.state.ny.us/vendrep/forms_vendor.htm) and execute accordingly pertaining to the company's trade industry. Bidders are required to complete the questionnaire which best matches the business activity (either "Construction" or "Non-Construction") and business type (either "For-Profit" or "Not-for-Profit") from the four (4) available options.

In addition, please see link to EO-192: https://ogs.ny.gov/system/files/documents/2021/09/eo-192-vendor-integrity_0.pdf.

E. Iran Divestment Act

Every Proposal made to ESD pursuant to a competitive solicitation must contain the following statement, signed by the Respondent on company letterhead and affirmed as true under penalty of perjury:

> "By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law."

The list in question is maintained by the Office of General Services. For further information and to view this list please go to: https://ogs.ny.gov/iran-divestment-act-2012.

F. Executive Order 16

In accordance with New York State Executive Order 16 ("EO-16"), all bidders must certify that they are in compliance with EO-16 prohibiting State Agencies and Authorities from Contracting with Businesses in Russia. EO-16 will remain in effect while sanctions imposed by the federal government are in effect.

> "By submission of a bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is in compliance with EO-16."

The required certification can be found at:
https://esd.ny.gov/sites/default/files/EO16-certification.pdf and must be signed and included in all Proposals.

G. Executive Order 177

In accordance with New York State Executive Order 177, all bidders must certify that they are in compliance with the New York State Human Rights Law which prohibits discrimination and harassment based on a protected class, and which requires reasonable accommodation for persons with disability or pregnancy related conditions.

The required certification can be found at:
https://esd.ny.gov/sites/default/files/EO-177-Certification.pdf and must be signed and included in all Proposals.

H. Compliance with State Finance Law Section 139-M

Section 139-m of the New York State Finance Law requires that all vendors bidding or otherwise submitting a proposal for a competitive procurement must implement and attest (via written certification) to a Gender-Based Violence and the Workplace policy. This policy must be in place at the time for bid or proposal submission set forth in Section V above for a bid or submission to be considered.

The model policy published by the New York State Office for the Prevention of Domestic Violence can be found at: opdv-gbv-workplace-bidder-model-policy_2025.08.28_0.pdf. The required Gender-Based Violence and the Workplace Certification can be found at: https://esd.ny.gov/sites/default/files/media/document/GBVandtheWorkplacePolicyAttestationTemplate-103125.pdf and must be signed and included with all bids, proposals or other submissions.

I. Non-Discrimination and Contractor & Supplier Diversity Requirements

CONTRACTOR REQUIREMENTS AND PROCEDURES FOR PARTICIPATION BY NEW YORK STATE-CERTIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES AND EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITY GROUP MEMBERS AND WOMEN

Pursuant to New York State Executive Law Article 15-A and Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations, ESD is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of ESD contracts.

Business Participation Opportunities for MWBEs

For purposes of this solicitation, ESD hereby establishes an overall goal of 30 percent for MWBE participation, which includes 15 percent for New York State-certified Minority-owned Business Enterprise ("MBE") participation and 15 percent for New York State-certified Women-owned Business Enterprise ("WBE") participation (based on the current availability of MBEs and WBEs). A contractor ("Contractor") on any contract resulting from this procurement ("Contract") must document its good faith efforts to provide meaningful participation by MWBEs as subcontractors and suppliers in the performance of the Contract. To that end, by submitting a response to this RFP, the Respondent agrees that ESD may withhold payment pursuant to any Contract awarded as a result of this RFP pending receipt of the required MWBE documentation. The directory of MWBEs can be viewed at: https://ny.newnycontracts.com. For guidance on how ESD will evaluate a Contractor's "good faith efforts," refer to 5 NYCRR § 142.8.

The Respondent understands that only sums paid to MWBEs for the performance of a commercially useful function, as that term is defined in 5 NYCRR § 140.1, may be applied towards the achievement of the applicable MWBE participation goal. The portion of a contract with an MWBE serving as a supplier that shall be deemed to represent the commercially useful function performed by the MWBE shall be 60 percent of the total value of the contract. The portion of a contract with an MWBE serving as a broker that shall be deemed to represent the commercially useful function performed by the MWBE shall be the monetary value for fees, or the markup percentage, charged by the MWBE.

In accordance with 5 NYCRR § 142.13, the Respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in a Contract

resulting from this RFP, such finding constitutes a breach of contract and ESD may withhold payment as liquidated damages.

Such liquidated damages shall be calculated as an amount equaling the difference between: (1) all sums identified for payment to MWBEs had the Contractor achieved the contractual MWBE goals; and (2) all sums actually paid to MWBEs for work performed or materials supplied under the Contract.

By submitting a proposal, a Respondent agrees to demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System ("NYSCS"), which can be viewed at https://ny.newnycontracts.com, provided, however, that a Respondent may arrange to provide such evidence via a non-electronic method by contacting the Office of Contractor and Supplier Diversity ("OCSD") at OCSD@esd.ny.gov.

Additionally, a Respondent will be required to submit the following documents and information as evidence of compliance with the foregoing:

a. An MWBE Utilization Plan with their proposal. Any modifications or changes to an accepted MWBE Utilization Plan after the Contract award and during the term of the Contract must be reported on a revised MWBE Utilization Plan and submitted to ESD for review and approval.
    - ESD will review the submitted MWBE Utilization Plan and advise the Respondent of ESD acceptance or issue a notice of deficiency within 30 days of receipt.
b. If a notice of deficiency is issued, the Respondent will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to OCSD at OCSD@esd.ny.gov, a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the Respondent and direct the Respondent to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.

ESD may disqualify a Respondent as being non-responsive under the following circumstances:

A. If a Respondent fails to submit an MWBE Utilization Plan;
B. If a Respondent fails to submit a written remedy to a notice of deficiency;
C. If a Respondent fails to submit a request for waiver; or
D. If ESD determines that the Respondent has failed to document good faith efforts.

The successful Respondent will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract Award may be made at any time during the term of the Contract to ESD, but must be made no later than prior to the submission of a request for final payment on the Contract.

The successful Respondent will be required to submit a quarterly MWBE Contractor Compliance & Payment Report to ESD, by the 10th day following each end of quarter over the term of the Contract documenting the progress made toward achievement of the MWBE goals of the Contract.

Equal Employment Opportunity Requirements

By submission of a proposal in response to this solicitation, the Respondent agrees with all of the terms and conditions SCHEDULE B - PARTICIPATION BY MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES: REQUIREMENTS AND PROCEDURES. The Respondent is required to ensure that it and any subcontractors awarded a subcontract for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the "Work"), except where the Work is for the beneficial use of the Respondent, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to the Contract; or (ii) employment outside New York State.

The Respondent will be required to submit a Minority and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement, OCSD-1, to ESD with its proposal.

If awarded a Contract, Respondent shall submit a Workforce Utilization Report and shall require each of its Subcontractors to submit a Workforce Utilization Report, in such format as shall be required by ESD on a monthly basis during the term of the Contract.

Pursuant to Executive Order #162, contractors and subcontractors will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the contract utilizing the Workforce Utilization Report on a quarterly basis.

Further, pursuant to Article 15 of the Executive Law (the "Human Rights Law"), all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor and sub-contractors will not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

Please Note: Failure to comply with the foregoing requirements may result in a finding of non-responsiveness, non-responsibility and/or a breach of the Contract, leading to the withholding of funds, suspension or termination of the Contract or such other actions or enforcement proceedings as allowed by the Contract.

The required forms can be found at the following web addresses:

Required with Proposal:
Form OCSD-1: https://esd.ny.gov/sites/default/files/OCSD-1-Policy-Statement.pdf
Form OCSD-2: https://esd.ny.gov/sites/default/files/media/document/OCSD-2-Staffing-Plan-REV-7-24-2025.xlsx
Form OCSD-3: https://esd.ny.gov/sites/default/files/media/document/OCSD-3-Workforce%20Utilization-Report-100224.xlsx
Form OCSD-4: https://esd.ny.gov/sites/default/files/OCSD-4%20Utilization%20Plan.pdf
Form OCSD-5: https://esd.ny.gov/sites/default/files/media/document/OCSD-5-Waiver-Request-Form-073124.pdf

Form OCSD-6: https://esd.ny.gov/sites/default/files/media/document/OCSD-6-OCSD-6-Compliance-Report-021925.pdf

In the event that the above links are unavailable or inactive, the forms may also be requested from OCSD at OCSD@esd.ny.gov.

PARTICIPATION OPPORTUNITIES FOR NEW YORK STATE CERTIFIED SERVICE-DISABLED VETERAN OWNED BUSINESSES (SDVOBs)

Article 3 of New York State Veterans' Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOB"), thereby further integrating such businesses into New York State's economy. ESD recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of ESD contracts.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Respondents are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles.

Contract Goals

A. ESD hereby establishes an overall goal of 6% for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, the Respondent should reference the directory of New York State Certified SDVOBs found at: https://online.ogs.ny.gov/SDVOB/search. Questions regarding compliance with SDVOB participation goals should be directed to the Designated Contacts. Additionally, following Contract execution, Contractor is encouraged to contact the Office of General Services' Division of Service-Disabled Veterans' Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss additional methods of maximizing participation by SDVOBs on the Contract.
B. Designated Developer must document "good faith efforts" to provide meaningful participation by SDVOBs as subcontractors or suppliers in the performance of the Contract.

SDVOB Utilization Plan

A. In accordance with 9 NYCRR § 252.2(i), Respondents are required to submit a completed SDVOB Utilization Plan on Form OCSD-4.
B. The Utilization Plan shall list the SDVOBs that the Respondent intends to use to perform the Contract, a description of the work that the Respondent intends the SDVOB to perform to meet the goals on the Contract, the estimated dollar amounts to be paid to an SDVOB, or, if not known, an estimate of the percentage of Contract work the SDVOB will perform. By signing the Utilization Plan, the Respondent acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, termination of a contract for cause, loss of eligibility to submit future bids or proposals, and/or withholding of payments. Any modifications or changes to the agreed participation by SDVOBs after the Contract award and during the term of the Contract must be reported on a revised SDVOB Utilization Plan and submitted to ESD.

C. ESD will review the submitted SDVOB Utilization Plan and advise the Respondent/Contractor of ESD acceptance or issue a notice of deficiency within 20 days of receipt.
D. If a notice of deficiency is issued, Respondent/Contractor agrees that it shall respond to the notice of deficiency, within seven business days of receipt, by submitting to ESD a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD shall notify the Respondent/Contractor and direct the Respondent/Contractor to submit, within five business days of notification by ESD, a request for a partial or total waiver of SDVOB participation goals on OCSD-5. Failure to file the waiver form in a timely manner may be grounds for disqualification of the proposal.
E. ESD may disqualify a Respondent's proposal as being non-responsive under the following circumstances:
    (a.) If a Respondent fails to submit an SDVOB Utilization Plan;
    (b.) If a Respondent fails to submit a written remedy to a notice of deficiency;
    (c.) If a Respondent fails to submit a request for waiver; or
    (d.) If ESD determines that the Respondent has failed to document good faith efforts.
F. If awarded a Contract, Contractor certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs on the Contract pursuant to the prescribed SDVOB contract goals set forth above.
G. Contractor further agrees that a failure to use SDVOBs as agreed in the Utilization Plan shall constitute a material breach of the terms of the Contract. Upon the occurrence of such a material breach, ESD shall be entitled to any remedy provided herein, including but not limited to, a finding of Contractor non-responsibility.

Request for Waiver

A. Prior to submission of a request for a partial or total waiver, Respondent/Contractor shall speak to the Designated Contacts at ESD for guidance.
B. In accordance with 9 NYCRR § 252.2(m), a Respondent/Contractor that is able to document good faith efforts to meet the goal requirements, as set forth in clause IV below, may submit a request for a partial or total waiver on Form OCSD-5, accompanied by supporting documentation. A Respondent may submit the request for waiver at the same time it submits its SDVOB Utilization Plan. If a request for waiver is submitted with the SDVOB Utilization Plan and is not accepted by ESD at that time, the provisions of clauses II (C), (D) & (E) will apply. If the documentation included with the Respondent's/Contractor's waiver request is complete, ESD shall evaluate the request and issue a written notice of acceptance or denial within 20 days of receipt.
C. Designated Developer shall attempt to utilize, in good faith, the SDVOBs identified within its SDVOB Utilization Plan, during the performance of the Contract. Requests for a partial or total waiver of established goal requirements made subsequent to Contract award may be made at any time during the term of the Contract to ESD, but must be made no later than prior to the submission of a request for final payment on the Contract.
D. If ESD, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (OCSD-6) determines that Contractor is failing or refusing to comply with the contract goals and no waiver has been issued in regards to such non-compliance, ESD may issue a notice of deficiency to the Contractor. The Contractor must respond to the notice of deficiency within seven business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals.

Waiver requests should be sent to OCSD.

Required Good Faith Efforts

In accordance with 9 NYCRR § 252.2(n), Designated Developers must document their good faith efforts toward utilizing SDVOBs on the Contract. Evidence of required good faith efforts shall include, but not be limited to, the following:

1. Copies of solicitations to SDVOBs and any responses thereto.
2. Explanation of the specific reasons each SDVOB that responded to Respondents/Contractors' solicitation was not selected.
3. Dates of any pre-proposal, pre-award or other meetings attended by Contractor, if any, scheduled by ESD with certified SDVOBs whom ESD determined were capable of fulfilling the SDVOB goals set in the Contract.
4. Information describing the specific steps undertaken to reasonably structure the Contract scope of work for the purpose of subcontracting with, or obtaining supplies from, certified SDVOBs.
5. Other information deemed relevant to the waiver request.

Monthly SDVOB Contractor Compliance Report

In accordance with 9 NYCRR § 252.2(q), Contractor is required to report Monthly SDVOB Contractor Compliance to ESD during the term of the Contract for the preceding month's activity, documenting progress made towards achieving the Contract SDVOB goals. This information must be submitted using form OCSD-6 available on the ESD website and should be completed by the Contractor and submitted to ESD, by the 10th day of each month during the term of the Contract, for the preceding month's activity to: OCSD@esd.ny.gov.

Breach of Contract and Damages

In accordance with 9 NYCRR § 252.2(s), any Contractor found to have willfully and intentionally failed to comply with the SDVOB participation goals set forth in the Contract, shall be found to have breached the contract and Contractor shall pay damages as set forth therein.

J. Encouraging the Use of NYS Businesses in Contract Performance Form

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Respondents for this ESD contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. In order for ESD to assess the use of New York State businesses in each Proposal, ESD requests that each Respondent complete the Encouraging Use of New York State Businesses in Contract Performance form, accessible here: https://esd.ny.gov/sites/default/files/media/document/USEOFNYSBUSINESSES-2025.pdf.

K. Certification under State Tax Law Section 5-a

Any contract resulting from this solicitation is also subject to the requirements of State Tax Law Section 5-a ("STL 5-a"). STL 5-a prohibits ESD from approving any such contract with any entity if that entity or any of its affiliates, subcontractors or affiliates of any subcontractor makes sales within New York State of tangible personal property or taxable services having a value over $300,000 and is not registered for sales

and compensating use tax purposes. To comply with STL 5-a, all Respondents to this solicitation must include in their Proposals a properly completed Form ST-220-CA (http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf), or an affidavit (https://esd.ny.gov/sites/default/files/media/document/STL5A-Affidavit-2025.pdf) that the Respondent is not required to be registered with the State Department of Taxation and Finance. Also in accordance with the requirements of STL 5-a, any contract resulting from this solicitation will require periodic updating of the certifications contained in Form ST-220-CA. Solicitation responses that do not include a properly completed ST-220-CA will be considered incomplete and non-responsive and will not be considered for contract award. Only the prime consultant needs to complete Form ST 220-CA, but be advised that Schedule A to Form ST 220-TD (which is required to be submitted in accordance with Form ST 220-CA) requires detailed information from the sub-consultants, such as tax ID number, etc., if applicable. Moreover, if applicable, certificates of authority must be attached by the prime consultant and all the sub-consultants.

L. Schedule A

Following final selection of a Respondent, ESD will prepare a contract defining all project terms and conditions and the Respondent's responsibilities in conformance with Schedule A. A sample can be found at: https://esd.ny.gov/sites/default/files/ScheduleA-Services_Materials-3818.pdf.

Please note that Respondents should not provide the information/documentation required by Schedule A (aside from any information/documentation otherwise required by this solicitation) with the submission of a proposal. However, Respondents should thoroughly review the terms set forth in Schedule A, which are standard for all ESD contracts, and submit any concerns in writing together with the Respondent's Administrative Proposal. Failure to submit concerns in a timely manner shall be deemed a waiver of any objections to the terms contained in Schedule A and successful Respondents will be required to accept the terms therein as part of the executed contract between the parties.

M. Project Sunlight

This procurement is subject to the Public Integrity Reform Act of 2011. Under the Public Integrity Reform Act of 2011, "appearances" (broadly defined and including any substantive interaction that is meant to have an impact on the decision-making process of a state entity) before a public benefit corporation such as ESD by a person (also broadly defined) for the purposes of procuring a state contract (as contemplated in this RFP) must be reported by ESD to a database maintained by the State Office of General Services that is available to members of the public. If in doubt as to the applicability of Project Sunlight, Respondents and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

N. Insurance Requirements

The Designated Developer will be required to indemnify and hold harmless ESD and the State of New York and to provide appropriate insurance coverage as determined by ESD once the structure of the transaction has been finalized including (at a minimum and to the extent applicable):

- Commercial General Liability: $5 million per occurrence, $10 million in the aggregate;
- Commercial Automobile: $2 million; $5 million if environmental work included;

    - For environmental work: Endorsements MSC 90 required. The CA9948 is also required if hauling to a site outside of NYS and/or the contractor is domiciled in a state other than NYS;

- Umbrella/Excess Liability: $25 to $100 million;

- Evidence of Worker's Compensation & Employer's Liability insurance at State statutory limits; at least $1 million;
    - If work is on or over navigable waterways: Longshore and Harbor Workers Endorsement and/or Jones Act coverage endorsement;

- Evidence of Disability insurance coverage at State statutory limits;

- Railroad Protective Liability for work within 50 feet of tracks: $2 million per occurrence, $6 million aggregate;

- Marine Protection and Indemnity for work on or over navigable waterways: $5 million per occurrence, $10 million aggregate;

- Builder's Risk/Installation Floater: Total contract cost;

- Professional Liability: $2 million;

- Pollution Legal Liability: $2 million;

- Contractor's Pollution Liability: $5 million

- Architects and Engineers Professional Liability: $2 million;

- Valuable Papers: $500,000;

- Contractor's Protective Professional Indemnity Insurance: $5 million;

NYS Urban Development Corporation d/b/a Empire State Development (ESD) must be named as additional insured on a primary and non-contributory basis on all of the following policies: Commercial General Liability and Auto Liability. All policies above should include a waiver of subrogation in favor of ESD.

O. W-9 Form

Provide a completed W-9 form (https://www.irs.gov/pub/irs-pdf/fw9.pdf), submit with proposal.

XIII. APPENDICES

Appendix A: Modified General Project Plan
Appendix B: SEQRA Findings Statement
Appendix C: PACB Resolution
Appendix D: Design Guidelines
Appendix E: Existing Conditions Report
Appendix F: Environmental Measures
Appendix G: Letter of Resolution
Appendix H: Cost Agreement
Appendix I: Rental Underwriting Template
Appendix J: Homeownership Underwriting Template
Appendix K: Compliance with State Finance Law Section 139-m
Appendix L: ESD IT Security Brief