

Request for Proposals for the Jacob K. Javits Convention Center Site K

418 11TH Avenue Manhattan, New York

Addendum # 3 - Responses to Questions

Release Date: April 9, 2021

The following is a list of responses to questions submitted by prospective respondents (“Respondents”) to the Request for Proposals for the Jacob K. Javits Convention Center Site K - 418 11TH Avenue Manhattan, New York

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No.	Question	Answer
1	Will the designated developer have a due diligence period to perform environmental and geotechnical diligence?	During the entitlements process, which is expected to last 9-18 months, the Designated Developer will be granted access to perform diligence.
2	How is the State prioritizing its goal to generate revenue vs. create hotel/other uses that complement the convention center?	We recommend that Respondents refer to the weighting offered in the Selection Criteria section of the RFP, which provides guidance on the relative priority of revenue generation vs. program.
3	Could development (and certain uses) be phased?	ESD and CCDC do not anticipate a multi-phased development scenario whereby portions of the site or building are developed over an elongated timeframe. However, Proposals with a multi-building design may include a practicable construction phasing plan, should it be necessary.

4	Is there a commercial minimum that the State would like to see in each phase of development/the project at large?	The RFP does not require Proposals to provide a minimum amount of commercial space.
5	What kind of amendments is the State considering making to the Javits GPP in order to enable this project?	CCDC will make modifications to the Javits GPP in order to implement the Project.
6	Hudson Yards UTEP program requires minimum of 1M sf of commercial space – would the authorities consider relaxing the 1M sf requirement, given the overall size of the project, and preference to include a residential component?	Proposals do not need to provide a minimum amount of commercial space.
7	Will this project rely on the Hudson Yards zoning for density, specifically DIB and ERY TDRs?	Proposals should follow the design and bulk parameters of Hudson Yards zoning, but the Project will not necessarily be eligible to receive the financial benefits or programs of the Hudson Yards district nor will it be subject to financial obligations of the Hudson Yards district. However, PILOT proposals that mirror what the Site would be eligible for if it remained in the UTEP will be considered.

8	Does the 531-key hotel at 450 11th Ave/550 West 37th Street currently under development impact the State's vision for a hotel on this site?	Despite the 2006 Javits GPP, this RFP does not require a hotel. As stated in the RFP, hotel uses that are complementary to the Javits Center are encouraged but not required.
9	The RFP states that proposals including residential use must include 30% affordable units. Is proposed residential use limited to multifamily rental (no condo)?	ESD and CCDC do not have a preference for a particular residential unit typology.
10	Would ESD be open to a structure where part of the project designated for residential use would comprise market-rate condos with a separate affordable rental component (similar to 15 Hudson Yards)?	ESD and CCDC do not have a preference for a particular residential unit typology.
11	Will the residential portion need to comply with all requirements of the current Affordable New York housing program (including construction wage requirements)?	For Proposals including an affordable housing component, the affordable housing component should be fully compliant with Affordable New York. The Designated Developer will be required to enter into a regulatory agreement with New York State Homes and Community Renewal (HCR) governing the terms of the affordable housing.

12	With Affordable NY program expiring in June 2022, will the site be “grandfathered” under the existing program if it were to be eliminated, or does the construction need to commence prior to the expiration of the program?	For the purposes of the Proposal, Respondents should comply with the terms of the current Affordable New York program.
13	Will ESD entertain submissions for 24.0 FAR residential?	The residential component of Proposals should be capped at 12FAR, per New York State Multiple Dwelling Law https://www1.nyc.gov/assets/buildings/pdf/MultipleDwellingLaw.pdf .
14	RFP indicates residential use to be limited to 12 times FAR, while CB4 guidelines state preference for the minimum of 12 FAR – would proposals with residential component less than that be disqualified given CB4’s preference?	The RFP does not stipulate a preference for residential use nor does it state a preference for a certain amount of residential use. Proposals with residential components less than 12FAR will not be disqualified.
15	The Cost Letter states that if “in the event that Respondent is not designated to enter into negotiations with respect to the Development, ESD and CCDC will promptly return to Respondent the \$500,000 and any accrued interest.” However, the amount of the required check is \$1 million. Is this a typo in the letter or is it correct that unsuccessful Respondents will only receive \$500,000 back?	The \$500,000 figure was a mistake in the RFP. The sentence should read: “ESD and CCDC will promptly return to Respondent the \$1,000,000 and any accrued interest”.

16	Page 20 of the RFP states that “ESD intends to conditionally designate one or more respondents as a Designated Developer.” If there are multiple Designated Developers, will every Designated Developer’s check be drawn upon at that point in time, or only once the final Designated Developer is chosen?	ESD and CCDC intend to designate one Developer (or Development Team) that responds to the RFP with a single Proposal. We anticipate depositing only one check.
17	Will prevailing wage or any other wage requirement be imposed on the development of the site?	It is anticipated that prevailing wages will apply.
18	Does the elevated platform span the entire footprint of the site?	The existing platform at street level does not span the entire site. It has been cut back in an irregular shape from the northeastern corner to accommodate the MTA ventilation shaft.
19	Is Block 707 currently included in the Javits GPP? What will the approval process be for any necessary modifications to the Javits GPP? Is any additional State legislation or City of New York approval expected to be required to implement this RFP?	Block 707 Lot 1 is part of the 2006 Javits GPP. The sliver parcels (Block 707, p/o Lots 13 and 56) are expected to be a non-material addition to any necessary GPP modification. Any GPP modification would be subject to all applicable law, including, without limitation, compliance with UDC Act, Public Authorities Law and SEQRA, as necessary.

20	Is there a geotechnical report or property survey available for the site?	No geotechnical reports are available. A survey conducted in 2017 can be found in Appendix D of the RFP. All appendices can be accessed via a Dropbox link at the end of the RFP.
21	Can you please share drawings for the MTA ventilation structure, existing Amtrak tunnel, and the existing platform?	Respondents interested in viewing drawings of MTA Infrastructure and Buildings, kindly email the following: JavitsSiteKRFP@esd.ny.gov
22	Are there any specific expectations/preferences related to construction commencement and delivery?	Construction commencement and delivery deadlines will be negotiated with the Designated Developer.
23	Can the plans call for placing two towers on site? Could residential tower be developed first? Would ESD be supportive of such proposal?	Respondents are welcome to propose a design that they believe best suits the Site. As stated in the answer to Question 3, ESD and CCDC do not anticipate a multi-phased development scenario whereby portions of the site or building are developed over an elongated timeframe. However, Proposals with a multi-building design may include a practicable construction phasing plan, should it be necessary.

24	Please provide the 2017 survey for review (referenced in section III.F, but not included in Appendix D).	Appendix D has been updated with the 2017 survey.
25	Please confirm if owner or developer will be responsible for SEQRA efforts.	ESD will be Lead Agency for SEQRA and direct environmental consultants. The Designated Developer will pay for these costs through the Imprest Account, as outlined in the Cost Agreement.
26	The site is e-designated. Please confirm if NYC OER will have oversight on the development, or if NYS DEC will take lead on the state-owned property.	The site's current E-designation is for hazardous materials, noise, and air quality. Any proposed modification to the existing Javits GPP would incorporate the obligations required due to the site's E-designation. The Hudson Yards Final Generic Environmental Impact Statement (HYFGEIS) required additional sub-surface investigation and a Health and Safety Plan as part of the site's redevelopment due to the site's potential for petroleum-based contamination. These requirements would be set forth in the site's Construction Environmental Protection Program, a requirement identified in the HYFGEIS and the site's original GPP. Accordingly, NYC OER is not expected to have oversight on the development.
27	Please confirm that NYC DOB will have jurisdiction for review and approval of the development plans.	NYC DOB will review building plans and provide building permits.

28	What function does Javits shaft serve, exhaust only or intake?	The Javits Shaft serves an exhaust function only. It does not function as intake.
29	Is there still a pedestrian tunnel connection between Javits and Site K (when it was formerly a plaza)?	No, the pedestrian tunnel was removed during the construction of the Subway 7 line.
30	Can you provide more details on the size of the Javits ventilation equipment on Block 707 and the ability to relocate or reconfigure that equipment within the proposed development?	All exhaust fans are located west of Block 707 across 11 th Avenue within Javits mechanical equipment room. Proposals should assume integration/reconfiguration of the Javits vent that currently exists on the Site, in consultation with the Javits Center.
31	Is there an opportunity for connection to the Javits center via a tunnel under 11th Avenue (there were references to that in State's old GPP)?	While this is not a requirement of the RFP, Proposals may include a tunnel connection to the Javits Center for consideration.

32	Previous documents discuss a physical pedestrian connection under 11 th Avenue between a hotel on Block 707 and the Javits center. Is that connection still feasible and is it a desired element of this RFP?	While this is not a requirement of the RFP, Proposals may include a tunnel connection to the Javits Center for consideration.
33	Can the existing retaining wall easements on 11 th Avenue and 36 th Street be extinguished once the new foundation for the Site K development is built? Is any future access required to the existing walls?	This could potentially be possible, however would need to be engineered and coordinated with all parties. The engineering intent could be undertaken by the future building on site.
34	Can we have structural drawings for the two retaining walls (along 11th Ave and along 36th street) within the identified easements?	Respondents interested in viewing drawings of MTA Infrastructure and Buildings, kindly email the following: JavitsSiteKRFP@esd.ny.gov
35	Can columns and caissons be located in prescribed areas within the footprint of the MTA vent building?	Although the MTA will work with proponents to support any proposed solution, the feasibility of locating additional structure within the footprint of the MTA vent building is low.

36	Are structural drawings available for the MTA building?	Respondents interested in viewing drawings of MTA Infrastructure and Buildings, kindly email the following: JavitsSiteKRFP@esd.ny.gov
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