



Purchase & Redevelopment of Downstate Correctional Facility
Request for Proposals RFP

Release Date: July 18, 2023

The following is a list of responses to questions submitted by prospective respondents to Real Estate RFP for the Purchase and Redevelopment of Downstate Correctional Facility.

Downstate Correctional Facility RFP – Q&A Matrix

Table with 3 columns: No., Question, Answer. Row 1: Discrepancies in Property Descriptions... Row 2: Discrepancies in Building area...

No.	Question	Answer
3	<p>Environmental Hazards and/or Studies – Are there any known contaminated sites or Hazardous Materials on site that would still be there when the property transfers to the Designated Developer?</p> <ul style="list-style-type: none"> a. For example, there is a building labeled as Hazardous Materials – what materials were stored in there and is there any residual contamination? b. Is there any residual medical waste from any on site infirmary? c. Is there any residual contamination from any mechanical work done on vehicles used on the property? d. Is there any residual contamination from the storage and use of road salt on the site? e. The RFP notes that an archeological buffer exists. What was the previous use of this property and was an archeological study done as part of the Correctional Facility’s Environmental Review? 	<p>Any known contaminated sites or hazardous materials on site have been documented in the Phase I and Phase II Environmental Impact Studies. These have been uploaded to the ESD Downstate CF RFP page: https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp</p> <p>Please note, reports and surveys may not be all inclusive. The designated developer is fully responsible for conducting their own due diligence.</p> <p>Regarding part (e.) the archeological buffer: The previous use was as the Matteawan State Hospital. An environmental review was not conducted as part of that transaction.</p>
4	<p>6.5% fee to be paid at closing to ESD – Can you confirm that if the proposal meets the stated minimum 20% affordable housing requirement that exempts it from a purchase price, that the 6.5% fee to the ESD is \$0?</p>	<p>At closing, the Designated Developer must pay to ESD the balance of the purchase price and (if the developer does not meet the affordable housing threshold) the administrative fee in the amount equal to 6.5% of the purchase price.</p>

No.	Question	Answer
5	<p>Property Tax Exemption – Dutchess County Parcel Access indicates that the full 99.81 acre parcel has a value of \$1,402,500 for school district purposes, yet it is \$0 for the Town and County values. Does the State make any payments to the School District (beyond normal State Education Aid) for this property? If so, how much?</p>	<p>New York State is exempt from these taxes.</p>
6	<p>Impact on Local School District – Have there been any discussions with the Beacon School District on the reuse of this property and whether the district has the capacity to handle school children from the redevelopment of this site for housing or whether any mitigation would be required by the School District?</p>	<p>ESD has not had conversations with the Beacon School District.</p>
7	<p>When does the responder make these payments out to ESD for purchase price and for SEQR costs.</p>	<p>Regarding the SEQR costs, which is considered an ESD out-of-pocket cost, as indicated on page 19 of the RFP, “at the time of designation and as a pre-requisite to its designation” the Respondent will need to make a deposit into the imprest account to pay for ESD’s out-of-pocket costs and expenses. The purchase price is paid at the closing of the transfer to the selected developer that occur only after the SEQRA review process (including findings) concludes and all public approvals occur.</p>
8	<p>Designated Proposed would be responsible for SEQR costs incurred by ESD – This would include any of their third-party consultants and studies; the SEQR is expected to take approximately 12 months to complete.</p> <p>a. Has SEQR started? Are there cost estimates available?</p>	<p>The SEQR process has not started yet. The review process will commence following the selection of the developer and proposed project. A cost estimate is not available. It will be available at the time of procurement for an environmental consultant. The purchase price is paid at the closing of the transfer to the selected developer that occur only after the SEQRA review process (including findings) concludes and all public approvals occur.</p>

No.	Question	Answer
9	<p>There is a 50-page limit, does this exclude the vendor forms/5- year exp./Letters of credit that will be attached to the RFP response. – the RFP states the submission is broken down into 1 folder and 2 subfolders</p>	<p>The Vendrep form, 5- year exp., and letters of credit are not included in the RFP 50-page limit.</p> <p>As described in the RFP, Respondents submitting proposals are discouraged from uploading single files to the Dropbox. Instead, the proper format as indicated on page 17 under Submission.</p> <p>Proper format: Please create a folder with company name – RFQ title – date of Submission. example: UNIVEX, Inc. – Downstate Correctional Facility RFP – 09.27.23 18 Included in that main folder should be two sub-folders, one for the Administrative Documents and one for the Technical Documents. 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.</p>
10	<p>Will the 50-page response be uploaded to the main and the legal/ letters/ supporting documents be divided into the other 2?</p>	<p>The response should be divided into two sections. The technical response should be uploaded into the technical subfolder and the Administrative / Procurement forms into the administrative subfolder. Both the technical and administrative subfolders should be uploaded into the main folder which will be uploaded to the Dropbox. See page 17 of the RFP – Submission Section.</p>
11	<p>The site is zoned for single family res (r-40), the RFP specifies to obtain a variance, should/do we need to seek rezoning of the entire site for the purposes of multi-family res.</p>	<p>Yes, based on current zoning, the site would need to be rezoned if the proposal included multi-family residential.</p>



No.	Question	Answer
12	<p>In connection with the RFP for the Downstate Correctional Facility, is it possible to send over a copy of the plans for the facility?</p> <p>This would be very helpful as we complete the RFP.</p>	<p>Available plans and "as built" have been posted to the Downstate CF RFP page: https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp.</p>
13	<p>I wanted to confirm the schedule for this RFP submission and the due date of August 23rd wasn't meant to be October 23rd?</p>	<p>The original due date for this RFP submission was August 23, however the due date has been extended to September 27, 2023.</p>
14	<p>Are ALTA/Topographic/Utility surveys available?</p>	<p>Available reports have been posted to the Downstate CF RFP page: https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp. Please note, reports and surveys may not be all inclusive. The designated developer is fully responsible for conducting their own due diligence.</p>
15	<p>Are title reports available?</p>	<p>Title reports are not available.</p>
16	<p>Please share any available previous approvals/design/site plans.</p>	<p>Available plans and "as built" have been posted to the Downstate CF RFP page: https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp.</p>
17	<p>Are Phase I/II ESD reports available? If not, is there any information on site contaminants?</p>	<p>Yes, available Environmental Site Assessments have been posted to the Downstate CF RFP page https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp.</p> <p>Please note, reports and surveys may not be all inclusive. The designated developer is fully responsible for conducting their own due diligence.</p>

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18	Can close out reports for site utilities mentioned in the RFP be shared?	The facility decommissioning contract is currently underway. Close out reports are not available at this time.
19	Is there information or mapping on the archeological buffer referenced as Item 4 on page 8 available?	<p>All information pertinent to the historic and archeological determination of the project site is available on the following URL: https://cris.parks.ny.gov/.</p> <p>Since the project site is in an archeological buffer which represents buffer areas around recorded archaeological resources, consultation with New York State Historic Preservation Office’s Archaeology Unit is required to evaluate sensitivity of the project site based on a variety of factors such as project scope etc.</p>
20	Page 15: Under the “Housing and Financial Criteria” section, the “Achievable Points” are identified as “Up to 30 points for proposals that include a minimum of 20% affordable units subsidized by market rate housing.” How does this scoring system treat proposals that offer more than 20% affordable units? For example, if two proposals are identical except that one offers 20% affordability and the other offers 30%, would they both qualify for the maximum 30 points in this section?	As noted in the RFP, the maximum number of points any submitted proposal may receive is 100. The maximum points will be awarded to proposals that include a minimum of 20% affordable units. Proposals should assume affordable housing units are not supported by public financing sources and should be cross subsidized by the market rate units.
21	Page 15: With respect to affordable housing, is ESD targeting any particular level of affordability to be provided on site (e.g., 80-100% AMI vs. 40-60% AMI)?	ESD is not targeting a specific level of affordability to be provided on site but seeks to maximize the benefits to the surrounding community while generating the highest economic return for the State. Proposals should assume affordable housing units are not supported by public financing sources and should be cross subsidized by the market rate units.

No.	Question	Answer
22	<p>Page 15: The “Housing and Financial Criteria” section identifies the “Financial feasibility of project without use of housing subsidies” as a factor for scoring. Does this statement mean that ESD will not consider proposals that assume housing subsidies for affordable housing or just that such proposals may not qualify for the maximum 30 points in this section? On a related note, do “housing subsidies” include both rental subsidies and homeownership subsidies? Do housing subsidies include use of tax-exempt bonds and LIHTC equity?</p>	<p>Proposals should assume affordable housing units are not supported by public financing sources and should be cross subsidized by the market rate units.</p>
23	<p>Page 15: The “Housing and Financial Criteria” section identifies housing, including affordable housing, as a key factor in scoring proposals. Will the level of housing density impact the potential scoring in this section? For instance, will projects with greater density score higher, all else equal? Does ESD have a minimum and/or maximum expectation for housing density on this site?</p>	<p>ESD does not have a minimum and/or maximum expectation for housing density on this site. Proposals should discuss rationale for proposed housing density as part of their submission.</p>
24	<p>Page 8: Section 4. “State Historic Preservation” mentions that “An archaeological buffer is present on the site.” Can ESD provide any additional information on this buffer, such as the Unique Site Number issued by the New York State Historic Preservation Office, or any detail on its expectations and requirements concerning the buffer?</p>	<p>All information pertinent to the historic and archeological determination of the project site is available on the following URL: https://cris.parks.ny.gov/.</p> <p>Since the project site is in an archeological buffer which represents buffer areas around recorded archaeological resources, consultation with New York State Historic Preservation Office’s Archaeology Unit is required to evaluate sensitivity of the project site based on a variety of factors such as project scope etc.</p>

No.	Question	Answer
25	Can ESD provide any existing environmental studies that have been conducted on the site, such as a phase I environmental site assessment?	Environmental Site Assessments have been posted to the Downstate CF RFP page https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp . Please note, reports and surveys may not be all inclusive. The designated developer is fully responsible for conducting their own due diligence.
26	Is ESD aware of any existing asbestos on the site? Can ESD provide any existing asbestos surveys conducted on the site?	Potential asbestos containing material (ACM) was noted as a recognized environmental condition (REC) in the phase 1 report. There has not been a facility-wide survey. ACM should be assumed at the facility unless sampling confirms otherwise. Environmental Site Assessments have been posted to the Downstate CF RFP page: https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp . Please note, reports and surveys may not be all inclusive. The designated developer is fully responsible for conducting their own due diligence.
27	What factors would impact whether or not ESD would pursue a General Project Plan (GPP) to modify the Site's zoning?	The Site may be eligible for a zoning variance, subject to the Town of Fishkill Zoning Board of Appeals (ZBA) process or a General Project Plan (GPP) could be considered to override local zoning. Proposals that require zoning variances should include an explanation and rationale for such variances.
28	Will ESD consider issuance of a PILOT for the proposed development? What factor will ESD take into account in evaluating proposals that involve requests for a PILOT?	Proposals can state why a PILOT would be needed and what the benefits would be. ESD could consider the statement and may consult with the locality to discuss the appropriateness of a PILOT in the circumstances.



No.	Question	Answer
29	<p>As we were walking there was leaking and the mention of possible asbestos.</p> <p>Is there an environmental report from any recent years. If so, how far back?</p>	<p>Any identified leaks in the roofing are being addressed under the Facility Closure Project (OGS Project No. Q1824) prior to the contractors being demobilized.</p> <p>Potential ACM was noted as a REC in the phase 1 report. There has not been a facility-wide survey. ACM should be assumed at the facility unless sampling confirms otherwise.</p> <p>Environmental Site Assessments have been posted to the Downstate CF RFP page https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp.</p> <p>Please note, reports and surveys may not be all inclusive. The designated developer is fully responsible for conducting their own due diligence.</p>

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There was mention of a former auto body shop on the premises- was this cleared and is there any history of spills or any remediation work needed?

As part of the facility closure, NYSDOCCS requested HRP Associates, Inc. (HRP) complete a Phase I Environmental Site Assessment of the Downstate Correctional Facility property (Phase I ESA; (HRP 2022); attached hereto). The Phase I ESA, revealed evidence of the following recognized environmental conditions (RECs):

- A portion of the maintenance building is utilized as an auto garage for servicing facility vehicles. Stored petroleum substances observed in 55-gallon drums inside the auto-garage include transmission fluid and motor oil. Floor drains were observed along the garage floor. The potential for discharge of petroleum substances in the auto maintenance area and into the drains is considered a REC.
- An in-ground hydraulic lift was identified in the garage. Several historic spills involving hydraulic fluid associated with the lift are documented. The presence of a subsurface hydraulic lift tank is evidence of a REC.
- Outside of the auto-garage portion of the maintenance building, a 300-gallon waste oil/used oil AST (Tank #3A), petroleum staining was observed on the surrounding asphalt, which is considered a REC.

Based on the findings, HRP recommended a Phase II investigation be conducted to further assess these areas. That was completed in September 2022. The Phase II ESA concluded that Based upon the data collected to date, HRP offers the following conclusions:

- The suspected oil-water separator is likely a sump, not an oil-water separator due to the lack of piping entering and exiting the tank.
- The sampling and testing of soil and ground water did not identify obvious indications of a release from the assessed areas (auto garage, hydraulic lift, floor drains, used oil tank).
- Low concentrations of petroleum compounds were detected in soils below the strictest NYSDEC soil standards; the detections were associated with a previous spill that was closed.

No.	Question	Answer
		<p>The Limited Phase II Environmental Site Assessment (Phase II ESA; (HRP, 2022)) is attached for reference.</p> <p>Phase I ESA noted that, nine recorded spills have occurred on-site involving sewage, hydraulic oil, waste oil/used oil, and diesel fuel. All spills were addressed, cleaned up as necessary, and closed by the New York State Department of Environmental Conservation (NYSDEC); spill events are described in more detail in Section 5.1 of the attached report. Based on a review of spill/tank closure reports by the NYSDEC, the spill incidents that have occurred on-site were identified as Historical RECs, and the consultant did not recommend any further action regarding the Historical Spills.</p>
31	<p>Could you please share the sign-in sheet from the site tour earlier this month, and advise if there might be another site tour opportunity now that more time has been allotted?</p>	<p>The Downstate CF Tour Attendees list has been posted on the Downstate CF RFP page on the ESD website: https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp</p>
32	<p>Do you compensate real estate broker? If so, what would the brokerage commission be?</p>	<p>ESD does not compensate real estate brokers.</p>
33	<p>I'm wondering if there is a way to see the names of other entities that have accessed the RFP documents so that we can start putting together a proposal team.</p>	<p>The names of entities that have accessed the RFP documents is not available. The Downstate CF Tour Attendees list has been posted on the Downstate CF RFP page on the ESD website: https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp</p>
34	<p>Is it possible to send over a copy of the plans for the facility? This would be very helpful as we complete the RFP.</p>	<p>Available plans and "as built" have been posted to the Downstate CF RFP page: https://esd.ny.gov/doing-business-ny/requests-proposals/purchase-redevelopment-downstate-correctional-facility-rfp.</p>



No.	Question	Answer
35	I am reaching out to submit a <u>formal request for extension of the Downstate Correctional Facility RFP</u> . We had the pleasure of touring the facility yesterday and want to make sure we have enough time to complete a robust proposal.	The due date for this RFP has been extended to September 27, 2023.