

**Request for Proposals to Purchase and Redevelop the
Former Brooklyn Developmental Center Campus**

Addendum #2

Release Date: June 1, 2018

- 1) **Additional Site Tour:** An additional tour of the Site will be held on **Monday, June 11 at 10:30AM EST**. Respondents are not required to attend, but must email BDCRFP@esd.ny.gov at least two days in advance if they wish to participate. When emailing regarding tour participation, Respondents should provide the name, title, firm, telephone number and email address of all representatives who will attend.

- 2) **RFP Inquiries:** The following is a list of responses to questions submitted by prospective respondents (“Respondents”) to the Request for Proposals to Purchase and Redevelop the Former Brooklyn Developmental Center Campus (“RFP”). A copy of the RFP is available at: <https://esd.ny.gov/doing-business-ny/requests-proposals/former-brooklyn-developmmental-center-rfp>. Similar questions have been combined and one response has been given for these questions in the list below.

Please note that all capitalized terms used below and not otherwise defined in the below list of responses will have the meanings set forth in the RFP. In addition, the “Shared Drive” referenced below can be accessed at <https://www.dropbox.com/sh/qc4d6da68ux6kme/AACBTKgerZ6Qe0XpCK2kdg-5a?dl=0>.

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Brooklyn Developmental Center RFP Responses to Questions

No.	Question	Answer
1)	When were the buildings built? How are the buildings doing structurally?	<p>Buildings 1, 2, 3, 4, 5, & 6 of the Brooklyn Developmental Center were built in 1971 and are constructed primarily of concrete and a steel system superstructure. These buildings have had minor modifications and repairs but generally no major renovations over their lifetime with the exception of two improvements:</p> <ul style="list-style-type: none"> i. Stairs were added at the corners of each of the wings surrounding the central cores of Buildings 1, 2, 3, & 4 in 1978 and were more recently renovated to halt their settlement. ii. A 2,000-square foot storage space was added to Building 5 located next to the maintenance area. <p>Building 7 was built in 1985 and is a pre-engineered metal building.</p> <p>The buildings are currently in average to good condition. Excerpts from a “Campus Planning Study” commissioned by DASNY have been uploaded to the Shared Drive in a folder named “BDC Campus Planning Study.” Please refer to pages 36-40, 52-55, and 64-66 of the Campus Planning Study for further details on the conditions of the structures at the Site.</p>
2)	Are the buildings made of concrete?	Please see answer to #1.
3)	What are the colored structures at the ends of each of the BDC residential buildings?	The colored structures at the end of each wing of the residential buildings are stairwells. The colors were applied to the structures to serve as wayfinding markers for emergency services.

No.	Question	Answer
4)	Do each of the buildings have a basement?	Floorplans for some of the buildings can be found in the Campus Planning Study. In addition, floorplans for all of the existing structures on the BDC campus have been uploaded to the Shared Drive in a folder named "BDC Floorplans."
5)	Do each of the buildings have elevators?	Please see answer to #4.
6)	Do you have a plan of the existing buildings showing their layout?	Please see answer to #4.
7)	Do the existing buildings use any mitigations systems or engineering controls in relation to environmental contaminants (e.g., vapor barrier, depressurization system)?	ESD and OPWDD are not aware of the use of any mitigations systems or engineering controls in relation to environmental contaminants in any of the structures on the BDC campus.
8)	Are there any hazardous materials reports or any documentation of asbestos, lead or other similar material being used in the existing buildings?	<p>OPWDD has encountered and remediated asbestos in some pipe fittings, insulations, and gaskets in Building 6. There may also be asbestos in the utility tunnel between building 6 and other buildings on the BDC campus.</p> <p>An assessment of hazardous materials for Building 5 can be found on pages 37, 51, and 154 of the Campus Planning Study. In addition, past asbestos and hazardous materials reports have been uploaded to the Shared Drive in a folder named "BDC Asbestos Reports."</p>
9)	Are foundation drawings available for the existing buildings?	This information is not available at this time.
10)	Is there any available subsurface information?	OPWDD has informed ESD that storm drain pipes on the Site are constructed on pile supports whereas the building themselves are on spread footings.
11)	Are as-built or design records available for the site?	This information is not available at this time.

No.	Question	Answer
12)	Can you provide utility information for the interior of the site?	<p>OPWDD has informed ESD that electric service was brought to the Site circa 2006 through Building 6 as part of a comprehensive power plant upgrade project. Prior to 2006, the facility generated all its electric power on site in Building 6. The service is 12,700 volt 3-phase primary, stepped down to 480 volt, 3-phase, and then distributed to the individual buildings on the Site and reduced therein to either 120/208 volt, 3-phase or 120/240 volt 1-phase.</p> <p>Please refer to pages 36-40, 52-55, and 64-66 of the Campus Planning Study for further details on utility services at and to the Site.</p>
13)	Is a Phase I study available for the RFP Site?	A Phase I study for the RFP Site is not available.
14)	Are any trees protected on the Site?	Respondents should assume that any trees removed for development on the Site will need to be replaced by the Designated Developer at a minimum of a 1:1 basis. Identification of any protected trees that cannot be removed from the Site will be determined by the environmental review after a Designated Developer has been selected.

No.	Question	Answer
15)	Are there any environmental assessment, investigation, tank closure or remediation reports for the property?	<p>There have been a number of fuel tank-related projects at Building 6. These projects related to demonstrating compliance with New York State Department of Environmental Conservation (DEC) requirements and replacements in conjunction with other projects conducted at Building 6. Please refer to pages 36-40, 52-55, and 64-66 of the Campus Planning Study for further tank status and other environmental information for the Site.</p> <p>For other environmental reports about the surrounding area of the Site, a Phase IA Archaeological Report for the neighboring “Gateway Estates” site to the east of the RFP Site has been uploaded to the Shared Drive in a folder named “Gateway Estates Phase 1A Archaeological Report.” In addition, as indicated on page 9 of the RFP, Phase I and Phase II studies for the Planned Development are available at https://esd.ny.gov/fountain-avenue-project-feis in Appendix F of the FEIS.</p> <p>Access to the Site for environmental due diligence at the Site will be given at a later point in the RFP process.</p>
16)	Are there any environmental easements on the property?	ESD and OPWDD are not aware of any environmental easements on the property.
17)	An Eligible Basis Boost is listed at 130%, but the site is not in a SDDA or QCT. Is the State awarding a basis boost to the project? If so, does it only apply to the individual buildings that are financed with 9% credits or the entire site?	The Site is not currently in a qualified Difficult Development Area (DDA) or Qualified Census Tract (QCT). As a result, Respondents should not assume that any development on the Site will be eligible to receive the 130% LIHTC “basis boost.”

No.	Question	Answer
18)	<p>Please provide:</p> <ol style="list-style-type: none"> 1) Contact/email addresses of the list of firms that were invited to submit a Proposal for the above mentioned RFP; 2) the firms that requested a RFP and; 3) the firms that downloaded the RFP from the Contract Reporter website. 	<p>ESD does not disclose names of firms that have downloaded or requested RFPs issued by ESD. In addition, ESD does not selectively invite firms to submit a Proposal for its RFPs; ESD makes RFPs publicly available on the ESD website, the New York State Contract Reporter, and through various modes of public outreach.</p> <p>A list of attendees of the Site Tour was posted on May 18, 2018 as Addendum #1 to the following web page: https://esd.ny.gov/sites/default/files/rfp/BDC-RFP-Addendum1_51818.pdf.</p>
19)	<p>Will Prime Contractor’s MWBE utilization plan submittals, be part of the Technical Proposal evaluation and selection criteria? If so, at what evaluation criteria percentage level? An evaluation and selection criteria % is not specified in the RFP?</p>	<p>Per the Quantitative Factors scoring criteria in the RFP, ESD will award 5% to Respondents that are NYS certified MWBEs or SDVOBs, or to project teams where an MWBE or SDVOB is part of the Responding team. While the scoring of the Proposal will not be based on the Utilization Plan itself, submission of Utilization Plans are requirements for this project and a Proposal will not be deemed complete without a utilization plan.</p>
20)	<p>Are there any MWBEs, who have the financial girth NYSESD requires interested in priming this project that have requested the RFP, been invited to bid, who have previous experience as a principal developer and manager of large developments incorporating commercial and/or retail space leased to third parties?</p>	<p>Please see answer to #18.</p>
21)	<p>Has NYSESD identified and reached out to any MWBE firms in the US who meet NYSESD’s RFP criteria?</p>	<p>Please see answer to #18.</p>

No.	Question	Answer
22)	Have any MWBE firms in the US expressed an interest to bid on this opportunity as a Prime Contractor?	ESD does not have information on the type of contract relationship sought by potential Respondents or potential service providers to Respondents of the RFP. Firms interested in providing services to Respondents of the RFP should refer to the list of attendees of the Site Tour posted in Addendum #1. Respondents seeking services from MWBE-certified and SDVOB-certified firms are encouraged to consult the New York State Directory of Certified MWBE Firms at https://ny.newnycontracts.com/Default.asp?XID=6567 , and the Directory of NYS Certified SDVOB Firms at: https://online.ogs.ny.gov/SDVOB/search .
23)	<p>I would like to formally request a modification to this RFP as follows:</p> <p>When evaluating Proposals, the following selection criteria will be considered to calculate an overall Proposal score. Proposals providing a MWBE utilization plan which meets the MWBE participation goals specified in the RFP:</p> <p>Minority Owned Sub-Contracting Goal: 15%; Women Owned Sub-Contracting Goal: 15%; Disadvantaged Owned Sub-Contracting Goal: 6%;</p> <p>shall receive a score of 5% of the evaluation criteria.</p>	ESD uses quantitative factors or diversity practices when reviewing RFP responses. For the RFP at issue, as indicated in the RFP, ESD will utilize the Quantitative Factors methodology to score the RFP.
24)	In Tab K, the requested SDVOB Utilization Plan under item vi. Is this a duplicate request as in item iv. OCSD-4 MWBE and SDVOB Utilization Plan?	Please utilize form OCSD-4 for both the MWBE and SDVOB Utilization Plan.
25)	Do any of the buildings have to be preserved (for landmark or other reasons)?	None of the existing buildings or structures on the Site are required to be preserved.

No.	Question	Answer
26)	How will the two parcels currently under development integrate with the future development on the rest of the Brooklyn Developmental Center (“BDC”) campus?	<p>Future development pursuant to this RFP can be done independently from the developments currently underway at the two non-contiguous parcels sold in 2016 for the Planned Development (Block 4586, Lots 200 and 500). Regarding Site circulation, the Planned Development will include a new privately-owned publicly accessible pedestrianized extension of Schroeders Avenue through the Site called Schroeders Walk. In addition, as described in the RFP, an easement exists on Block 4586 that mandates a 60-foot minimum distance between any buildings or future improvements located within the Planned Development or the Site. Please see page 13 of the RFP for a site diagram showing Schroeders Walk. For more details about the Planned Development, please refer to the General Project Plan (“GPP”) found at https://esd.ny.gov/sites/default/files/Fountain-Ave-Modified-GPP-022018.pdf.</p>
27)	Why were the other parcels on the BDC campus offered for development before the current RFP parcels?	The Planned Development parcels were offered for development before the current RFP because they were deemed surplus property earlier.
28)	Please share the site plan and building plans for the development on the two parcels immediately adjacent to the Site.	Please see the GPP and Final Environmental Impact Study referenced on page 7 of the RFP for the site plan, building plans and renderings for the Planned Development.
29)	It is stated that if the Respondent is designated for a short list, that ESD can draw upon the funds in the Imprest Account for numerous costs incurred by ESD. Can you clarify and elaborate on the use of Respondent funds prior to the Respondent being designated as the sole Designated Developer?	ESD will only deposit the Cost Letter Check for a single Designated Developer. A new Cost Letter has been uploaded to the Shared Drive in a folder named “BDC Cost Letter”. Respondents should use this version in place of Appendix D of the RFP when submitting their Proposals. For further clarification on ESD’s use of the Imprest Account, please refer to the “Transaction Structure” and “Other Considerations” sections on page 14 of the RFP.

No.	Question	Answer
30)	How will the Cost Letter Check funds that a Respondent must submit as the part of its proposal be used by ESD?	<p>The Cost Letter Check funds will be used to pay out-of-pocket costs and expenses incurred in connection with Site disposition to the Designated Developer and the Designated Developer's development project. Examples of such costs and expenses include consultant and legal fees.</p> <p>For further clarification on the use of the Cost Letter Check Funds, please refer to the "Transaction Structure" and "Other Considerations" sections on page 14 of the RFP as well as the Cost Letter posted to the Shared Drive.</p>
31)	In the requirements of Tab A, ESD has requested current operating budget, previous 3 years of audited financials, and details of any materials events, credit rating, bankruptcy/insolvency events or litigation. Given that some of this is sensitive information, can we provide under separate cover in a confidential envelope to ESD? To whose contact should it be sent?	Financial information for a Respondent may be sent under separate cover to the recipient and address listed on page 24 of the RFP.
32)	Can you please send the required State Finance Law 139-j and 139-k forms?	Please use the link found on page 27 of the RFP (https://cdn.esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf).
33)	Is it possible to enter into a long-term lease for the site, instead of a fee purchase?	ESD will only consider Proposals for the Respondent to purchase fee title to the entire Site. However, as indicated on page 13 of the RFP, ESD will consider Proposals that contemplate a lease through construction.
34)	Is it possible for the Designated Developer to close on the site in phases?	ESD will consider Proposals for a multi-phase closing on the Site. However, all Respondents who propose a multi-phase closing must also include a single-phase closing offer in their Proposals. ESD strongly prefers to close in a single phase to minimize ongoing State maintenance and operational costs.

No.	Question	Answer
35)	Under what circumstance would ESD require the site to be conveyed to a Housing Development Fund Corporation (“HDFC”)?	Under the Urban Development Corporation Act 174/68 (“UDC Act”), ESD’s governing statute, for any “residential” project, as defined in the UDC Act, the Site must be conveyed to an HDFC.
36)	Do you have a goal for the number of affordable housing units?	As stated in the RFP, ESD and HCR are seeking Proposals for a mixed-use, wellness-oriented development with affordable and supportive housing components. Additionally, as reflected in the Selection Criteria and the 60th Assembly District Community Advisory Council development priorities, ESD and HCR are seeking Proposals that present housing for a wide range of incomes. While ESD and HCR do not have a specific goal for the number of units, given the large size of the Site and the provision of a zoning override by ESD, Respondents are strongly encouraged to submit plans in their Proposals for a meaningful and substantial number of affordable housing units serving a wide range of affordability income levels.
37)	Can the set-aside for NYC School Construction Authority be anywhere on the Site?	The land set aside for the New York City School Construction Authority for a future school can be anywhere on the Site. As indicated on page 12 of the RFP, it is anticipated that the NYC school will be a stand-alone structure.
38)	Does the 20% allocation for OPWDD Assisted Units apply to residential units or square footage?	The 20% allocation for OPWDD Assisted Units referenced on page 12 of the RFP applies to number of residential units.
39)	Please elaborate on what is meant by “the Hospital will pay... a base rent at-cost”	Respondents should expect that One Brooklyn Health System (“Tenant”) will pay a base rent that will cover the Designated Developer’s operating expenses for the Tenant’s space without profit to the Designated Developer.
40)	Are the I/DD units envisioned to be in stand-alone building/s or to have units scattered throughout the site?	Respondents should assume that the I/DD units will be integrated throughout the development and not clustered into a certain wing, section or structure.

No.	Question	Answer
41)	Will the Project have to go through ULURP?	Any requested zoning changes to the Site will be effectuated through a GPP administered by ESD and will not be subject to ULURP. Please see page 9 of the RFP for further details.
42)	How are the elected officials involved in the RFP process?	<p>As part of the Vital Brooklyn initiative, Community Advisory Councils led by New York State Assembly Members provided input on the local communities' unmet needs and goals for improving overall wellness in the Central Brooklyn area. A summary of the Community Advisory Council's development priorities for the 60th Assembly District, where the Site is located, can be found in Appendix B of the RFP.</p> <p>Future opportunities for community input will become available during a public process that will include public hearings and public meetings and the establishment by ESD of a Community Advisory Council after a Respondent has been conditionally designated as the Designated Developer.</p>
43)	How long will the selection process be?	ESD has not set a timeline for selection after submission of Proposals.
44)	Is the Due Date/Time: On or before 2:00 PM EST, or on July 13, 2018?	ESD must receive all Proposals on or before July 13, 2018, 2:00 PM EST. Proposals received after this date and time will not be accepted.
45)	Is a survey of the Site available?	All available additional surveys of the Site have been uploaded to the Shared Drive in a folder named "BDC Site Surveys."
46)	Is there a topographic survey of the site available with elevations at each street and/or corners of the property (with Datum system) to be used to evaluate for flood resiliency strategy?	Please see answer to #45. In addition, flood and coast storm hazard maps are available in the Campus Planning Report on pages 139 – 153.
47)	Is any site property survey information available in CAD format covering any existing infrastructure and easements?	Please see answer to #45.



No.	Question	Answer
48)	Please elaborate on the parcel of land at Vandalia Avenue and Erskine Street along the northeast frontage of the Planned Development north parcel? The Tax map shows this un-planted area as part of the street. Is this land available for street improvements, plantings, etc.?	The parcel of land at the northeast corner of the former BDC campus adjacent to the north Planned development parcel is owned by New York City Department of Transportation (NYCDOT) and is not part of the RFP Site.

Each of the foregoing is added to and made part of the RFP. Any questions regarding this addendum may be submitted to the designated contact account for this solicitation at BDCRFP@esd.ny.gov. In order to receive an update when a new addendum is posted to the ESD website, please email BDCRFP@esd.ny.gov. If you have already emailed this account, you will be notified of future updates.