

Bayview RFP Questions and Answers

Respondents must rely solely on their own independent research and investigations for all matters, including, but not limited to: encumbrances, including easements; costs; including taxes; title; survey; development; financing; construction; and 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.

1. Who is the heat provider for the four boilers on site?

A: Natural gas is supplied by ConEd. No. 2 fuel is currently supplied through a contract with Sprague.

2. If the Development Team is comprised wholly of a MWBE and Not for Profit organization is it possible that the deposit discussed in Section D of the RFP be waived?

A: The deposit will not be waived. However, the initial deposit (Cost Letter Check) has been reduced from \$500,000 to \$200,000. The Respondent selected as the Designated Developer will also be required to submit an additional check in the amount of \$300,000 to bring the total amount of the Imprest Account to \$500,000.

The RFP has been updated to reflect this change:

As part of their Proposal, respondents must provide as a signed letter agreement (**the “Cost Letter”**) provided in **Appendix F** 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. The signed Cost Letter shall be accompanied by the Respondent’s check in the amount of \$200,000 (“Cost Letter Check”) payable to “NYS Urban Development Corporation d/b/a Empire State Development”. The Cost Letter Check will not be deposited initially. If the Respondent is selected as the Designated Developer to enter negotiations with ESD, the Cost Letter Check will be deposited into an ESD Imprest account (“Imprest Account”) for the Designated Developer. The Respondent selected as the Designated Developer will also be required to submit an additional check in the amount of \$300,000 (“Cost Letter Check”) payable to “NYS Urban Development Corporation d/b/a Empire State Development” to bring the total amount of the Imprest Account to \$500,000. If a Respondent is not selected as the Designated Developer, the Cost Letter Check will be returned to the Respondent. ESD will draw on the Imprest Account to pay costs related to the Project. The Cost Letter provides that 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 \$100,000. Following Closing, any amount remaining in the Imprest Account and not required to pay outstanding costs will be returned to the Designated Developer.

3. The RFP asks for a detailed plan on how the Respondent would meet MWBE and SDVOB goals. Do you intend for form OCSD-4 to be populated with the RFP response or prior to contract award? Can a member of the development team be included towards meeting MWBE goals?

A: Respondents are required to include Form OCSD-4 Utilization Plan with proposal documents (pre-award phase). If they do not intend on participating with MWBE firms, they will need to include a completed Form OCSD-5 Waiver Request with supporting Good Faith Efforts documentation in their proposal documents. Please see the list of Contractor's Good Faith Efforts located on page 2-3 of Form OCSD-5.

4. Will prevailing wage be required for the construction job? Or are there any union requirements respondents should adhere to when submitting the anticipated hard cost?

A: Respondents should ensure that they are complying with any relevant prevailing wage rules and regulations required by any funding sources proposed, such as utilizing more than eight project-based Section 8 vouchers.

5. Is there a preferred pdf page formatting for the submission response? (i.e., 8.5x11, etc., vertical/horizontal)

A: None preferred.

6. The RFP states: *"So long as they satisfy all other elements of Sub-area D zoning, Proposals may propose floor area up to the Max FAR without being required to externally purchase additional development rights."* Is this a zoning interpretation based on the required program fulfilling affordable housing requirements of the Special West Chelsea District? Or is it a provision of the RFP that presumes the possibility of a State Override to allow the Max FAR to be realized independent of the specific bonusing regulations in the SWCD?

A: It is a provision of the RFP that presumes the possibility of a state override.

7. The RFP states: *"Respondents are required to comply with the current use and bulk zoning requirements of the Special West Chelsea District...Respondents must comply with regulations associated with this designation and the City of New York's Flood Resilience Zoning Text Amendment."* Can the response use the bulk relief/incentives allowed by the Flood Resilience Zoning that are not explicitly mentioned in the SWCD?

A: Yes.

8. The documents provided include some conflicting information about the size of the existing building:

- The table within the RFP provides areas per floor which add up to 120,388GSF, or 103, 878GSF with rooftop mechanical and basement areas excluded,
- The letter from CB4 lists the total as 101,500GSF.
- The numbers in the RFP table appear to match with those in the floor plans in Appendix A, however Appendix A states the overall total as 107, 854GSF.
- When we look into each floorplate in more detail, both floor 6 and 7 have the 6th floor annex on their drawings, while the table notes that there is no 7th floor of the annex. However, the areas are not different enough to be excluding the 6th floor annex from the 7th floor total.

Can clarification be provided regarding these conflicting figures?

A: Refer to the original architectural drawings 20-00A, Appendix H, through 20-09, found in Appendix I, the Historic Structures Report, for more accurate dimensions and layout. Per these drawings, the annex is only at the 6th floor with a roof above. Additionally, refer to dimensions on these same original architectural drawings for square footage calculations.

9. Can access to higher resolution scans of the historic construction documents be provided?

A: See new Appendices I and J.

10. Is it anticipated that the property will need to go through the ULURP process?

A: No.

11. Can the project apply for 15/15 funding instead of ESSHI funds?

A: Please see answer to Question 21.

12. When will the RFQ for the Short Term Residence Program be issued?

A: OMH is issuing an RFP for the Short Term Residence Program by the end of 2023 or early 2024.

13. Are there any required "green" certifications?

A: None required, however, incorporation of sustainable and resilient building practices is part of the scoring criteria.

14. Please confirm the project is eligible for 4% tax credits. Please confirm this project qualifies the developer to as-of right tax credits, independent of other bonding/financing sources?

A: The project is eligible for 4% LIHTC and tax-exempt bond financing, but other financing proposals will also be considered. Applicants should propose a single financing plan and include one Pro-Forma as part of the submission.

15. How does OPRHP involve itself in the development process? Will they assign us a project manager, do they have scheduled site visits/inspections, is there already a designated contact to reach out to regarding questions on this project?

A: OPRHP will be involved in reviewing and providing comments on the proposed project during the environmental review process under SEQRA as well as on design plans and other materials that may be required during the development process. An OPRHP contact will be designated once the consultation process under Section 14.09 of the New York State Historic Preservation Act is initiated during the environmental review process.

16. Besides the terracotta fixtures, are there any distinct building features similar to it that are important to include in the restoration process?

A: Yes, see the "Historic Structures Report Seamen's House Y.M.C.A.," Appendix I, dated June 21, 2016, for a description of the character-defining features of the building. Please note that the Historic Structures Report was prepared in connection with the project under the prior cancelled RFP, which proposed adaptive use of the West section and demolition of the East section and its replacement with a new section. However, Respondents may propose to preserve both sections of the building.

17. What specific repairs are being done to address the unsafe site conditions, and how long will these repairs continue throughout the RFP process?

A: Please see answer to question 48.

18. What is the current tax exemption program the property utilizes? Can the new use of the building still allow us to qualify for this program?

A: Currently, the property is State-owned, and thus exempt from taxes. The redevelopment process contemplates disposition of the property from State ownership, and therefore will not be eligible for the current exemption. Other exemptions may apply.

19. When will the ESD general project plan be provided?

- A: The selected development team will work with ESD to craft the necessary GPP to effectuate the project.
20. What qualifies as equal and proportionate distribution of units? Can supportive units take up an entire floor if they are mixed in with other types of units elsewhere?
- A: To the greatest extent possible, supportive units and units of varied levels of affordability should be equally and proportionally distributed through the project with respect to location, size, and access to amenities. Supportive units should not be isolated to specific floors or areas.
21. The RFP states that the ESSHI program is the preferred subsidy to be utilized for this proposal. Would other programs be considered, such as the New York City 15/15 Supportive Housing Program?
- A: Proposals are discouraged from assuming service funding from New York City unless for a clear and justifiable programmatic reason as explained in the Project Description.
22. The floor plan drawings provided note that the existing structure is an 8 story building with a basement, however the Certificate of Occupancy from 1951 notes it's a eight story building with partial cellar. Please confirm if the boiler/mechanical room at the lowest level should be considered a basement or cellar.
- A: The boiler/mechanical room at the lowest level should follow the Certificate of Occupancy designation and be considered a cellar. Also, refer to drawing 20-010 in the original construction drawing set included in the Historic Structures Report, Appendix I, for cellar depth and curb level.
23. Does the SHPO eligibility apply to the main building and annex or to the main building only?
- A: Both the main building (West section) and annex (East section) are eligible for listing in the New York State and National Registers of Historic Places. See OPRHP's Building Structure Inventory Form, Appendix J, dated September 1989.
24. Are there additional floor plan sets available for this site?
- A: Please see Appendices I and J.
25. Are the floor area square footages indicated in the RFP accurate?
- A: Please see answer to Question 8.
26. Is there an elevator pit for the main building elevators in the unexcavated area?
- A: Please refer to the original construction drawing 20-00A: Plan of Cellar & Trenches, Appendix H, for the elevator pit location.
27. Are there façade elevation drawings of the building for reference? The elevation drawings provided only showed relative floor elevations.
- A: Please see Appendices I and J.
28. Please confirm that the ownership of the property by the Developer will start simultaneous with a LIHTC/Financial Closing.
- A: Yes.
29. Developer pays ESD's "out of pocket costs and expenses incurred in connection with the project and site disposition."

- a. Can you confirm what costs are included in this, is it primarily administration/legal staff in relation to the transaction?
- b. And confirm that it excludes ongoing maintenance of the property by ESD prior to closing by the Developer?

A: Yes, these are the primary costs to in incurred. It does exclude ongoing maintenance prior to conveyance.

30. With the RFP we have to give ESD a \$500K check which is only deposited if we are selected - Please confirm that the \$500K check capitalizes the payments to ESD for their costs (capped at \$1MM.)

A: No. The check required at submission will be deposited, only if the Respondent is selected as the Designated Developer, into an ESD Imprest account for the Designated Developer. (If a Respondent is not selected as the Designated Developer, the check will be returned to the Respondent.) ESD will draw on the Imprest Account to pay costs related to the Project. ESD's administrative fee, paid at Closing, will be equal to the cost of direct and actual staff time on the project from the time of conditional designation until conveyance, and is capped at one million dollars (\$1,000,000).

31. "Range of incomes" is listed as a scoring criteria - will a team get more points for a wider range of incomes (i.e. including high AMI units in addition to low AMI units) or for maximizing affordability?

A: A variety of income targets will be considered. Income ranges should be responsive to community and city needs and conditions. Reasoning for proposed income targets should be explained in the Project Description. Per the SHOP term sheet, projects that target at least 10% of income-restricted units to households with incomes of up to 30% may be more competitive. Additionally, there are other funding sources, such as the Middle-Income Housing Program (MIHP), that can be accessed depending on levels of affordability proposed.

32. Are there structural drawings for the building you can share?

A: Please see pages 331-341 of the Historic Structures Report, Appendix I.

33. What are the conditions of the elevators being that we weren't allowed to ride them? Do any go to the roof?

A: When the facility was decommissioned, DOCCS terminated its elevator service contract (annual inspections). The elevator is out of service as the annual inspections have not been completed. The inspection will need to happen in order to put the elevator back in service. The elevators do not go to the roof.

34. Are there any reports by preservationists that describe the historic significance of the building and why it could be eligible on the NYS and National Register for Historic Places?

A: See OPRHP's Building Structure Inventory Form, Appendix J, dated September 1989 and "Historic Structures Report Seamen's House Y.M.C.A.," Appendix I, dated June 21, 2016.

35. Are there any Local Law 11 reports available the building?

A: Please see answer to question 48.

36. Are there any HazMat reports available for the building?

A: There is no comprehensive hazardous materials report available for the building.

37. We observed numerous probe locations along the walk through. Can you please provide the reports for these?

A: See answer to question 36.

38. Should we assume HCR or HPD Design Guidelines?

A: Proposals should assume HCR Design Guidelines as well as HCR Sustainability Guidelines.

39. Should we be assuming the SHOP/SHLP 50/50 subsidy split?

A: Proposals should not include capital funding from New York City.

40. How do you envision the transitional housing condominium conveyance? Will OMH fund the purchase of this condo by a qualified non-profit? If so, can purchase proceeds of the condominium be assumed as a funding source for this RFP?

A: Proposals should assume the service provider will purchase the condo with funding provided by OMH, and that the purchase price can be used as a permanent source. Proposals should identify sources for the construction of the white box condominium. OMH financing will also be used for the interior buildout and related costs.

41. If a non-profit with experience building and operating OMH-funded transitional housing facilities is part of the RFP response team, can the RFP response include a fully built-out transitional housing condo? Could the non-profit developer be considered as the condominium's ultimate non-profit operator?

A: No. The OMH capital and operating authority will be as the result of a later RFP by OMH. Further, the debt service for the permanent financing for the interior buildout project is to be paid as additional operating funding so blending this with financing on the larger project does not work.

42. Is there an architectural survey available and/or an elevation certificate for the lot showing lowest floor elevations as it pertains to flood zone analysis?

A: We do not have an architectural survey or elevation certificate showing the lowest floor elevations as it pertains to flood zone analysis. However, the FEMA Flood Hazard Map locates the Project in Flood Zone AE and the NYC Flood Hazard Mapper indicates a Base Flood Elevation of 11'-0" NAVD 88.

43. The Phase 1 Environmental report provided indicates that asbestos was not identified as an environmental concern. Was asbestos testing done for the site and are results available?

A: No asbestos reports are currently available.

44. Section E of the RFP mentions restorative and rehabilitation measures to the building's façade and that historically significant elements are to be reviewed by "OPRHP" and "NPS". No specific mention is made to whether there are historically significant interior elements and if they would need to be restored or reviewed by the same organizations.

A: As described in the "Historic Structures Report Seamen's House Y.M.C.A.," Appendix I, there are character-defining features in both the exterior and interior of the building. OPRHP will need to be consulted regarding the treatment of these character-defining features. NPS review will only be needed if federal historic preservation tax credits will be pursued for the project.

45. From prior project iterations or other interactions, is there any documentation of what SHPO, OPRHP or NPS would consider historically relevant at this building's interior?

- A: See OPRHP's Building Structure Inventory Form, Appendix J, dated September 1989 and "Historic Structures Report Seamen's House Y.M.C.A.," Appendix I, dated June 21, 2016.
46. Do any portions of the 6-story Annex, both exterior and interior have any significant historical value?
- A: Both the main building (West section) and annex (East section) are eligible for listing in the New York State and National Registers of Historic Places. Character-defining features of the exterior and interior of the building are described in the "Historic Structures Report Seamen's House Y.M.C.A.," Appendix I, dated June 21, 2016.
47. Would full demolition of the Annex building be permissible to create a larger building with aligned floor elevations with the existing 8 story portion.
- A: Proposals that include demolition of the annex building may be made, if necessary to ensure the feasibility of the proposed redevelopment plan. Respondents should keep in mind that RFP scoring includes incorporation of historic building elements, and ultimately decisions regarding historic preservation will be made in consultation with SHPO.
48. Has there been any FISP reports conducted, or local law 11 work performed on the building? Can they be made available, if so?
- A: Please see the façade report, Appendix L, documenting UNSAFE/SWARMP conditions and repairs made were applicable. A project is ongoing to address any remaining façade hazards. The repair work is anticipated to be done during the 2024 and 2025 construction seasons.
49. Can minimum room sizes for affordable and supportive units utilize HPD minimum room sizes as an alternative to HCR requirements?
- A: No, proposals should adhere to HCR Design Guidelines
50. Programmatically, is there a particular mix of bedrooms preferred?
- A: The bedroom mix should be responsive to community and city needs and site conditions.
51. Are there any existing easements that exist on the property?
- A: Yes, there is a Telephone Easement, Notices of Appropriation, and an Unrecorded Easement Agreement, as described in the attached Title Report, Appendix K.
52. Are there structural drawings available?
- A: Please see answer to Question 32.
53. The RFP calls for 5,000-6,000sf of transient housing monitored by OMH. However, the program description and support spaces indicate that this square foot would be insufficient. Is this number inclusive of all spaces for the transient use? Additionally, how many bedrooms are required/desired?
- A: The provided size of the housing program is a preliminary estimate that needs to be confirmed by an Architect once a housing Provider is selected. The program should have 15 single bedrooms, community space and sufficient office and circulation space to operate the program.
54. Can images and an inventory of historic elements that were removed and are in storage be provided?
- A: Please see Appendix M.

55. Can the NAVD 88 datum elevation for the first floor be provided? Or confirm the existing drawings are to the Manhattan Borough Datum.

A: Unfortunately, we don't have the NAVD 88 datum elevation for the first floor, but the existing sidewalk elevation is NAVD 88 +7.3'-7.9'. Additionally, we can't confirm the existing drawings are to the Manhattan Borough Datum.

56. Is there any geotechnical report or future documents from the previous design team that can be provided?

A: None are available.

57. For the current operating budget and previous 3 years of audited financials, does ESD want to see operating budgets and audited financials for each of the corporate entities that form a respondent's team?

A: Yes.

58. Will teams that include MWBEs be scored more favorably? If so, can these MWBEs be certified by NYC or do they need to be certified by the State?

A: ESD's Office of Contractor and Supplier Diversity will score the Diversity Practices Questionnaire (Appendix G). Up to 10 points will be awarded based upon the contents of the Diversity Practices Questionnaire submitted by each Respondent to the RFP.

59. Is it sufficient to have only one team member fill out these documents or does every member of the team need to fill them out?

A: Yes, it is sufficient to designate one team member to complete the forms.

60. Is the MWBE Utilization plan required for the submission on 12/13?

A: Yes.

61. Are the forms linked on page 38 required for the submission on 12/13?

A: No, the required OCSD forms for proposal submission are located on page 28. Form OCSD-1, 2, and OCSD-4.

62. Is the SDVOB Utilization plan on page 39 required for the submission on 12/13?

A: Yes.

63. Regarding the above RFP requirement, as this will be an owner controlled by a Not-For-Profit, is it possible this deposit discussed in Section D of the RFP (page 17) can be waived and the costs incurred by ESD, up to the amount specified in the RFP, can be reimbursed at construction closing?

A: The deposit will not be waived. However, the initial deposit (Cost Letter Check) has been reduced from \$500,000 to \$200,000. The Respondent selected as the Designated Developer will also be required to submit an additional check in the amount of \$300,000 to bring the total amount of the Imprest Account to \$500,000.

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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. The signed Cost Letter shall be accompanied by the Respondent's check in the amount of \$200,000 ("Cost Letter Check") payable to "NYS Urban Development Corporation d/b/a Empire State Development". The Cost Letter Check will not be deposited initially. If the Respondent is selected as the Designated Developer to enter negotiations with ESD, the Cost Letter Check will be deposited into an ESD Imprest account ("Imprest Account) for the Designated Developer. The Respondent selected as the Designated Developer will also be required to submit an additional check in the amount of \$300,000 ("Cost Letter Check") payable to "NYS Urban Development Corporation d/b/a Empire State Development" to bring the total amount of the Imprest Account to \$500,000. If a Respondent is not selected as the Designated Developer, the Cost Letter Check will be returned to the Respondent. ESD will draw on the Imprest Account to pay costs related to the Project. The Cost Letter provides that 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 \$100,000. Following Closing, any amount remaining in the Imprest Account and not required to pay outstanding costs will be returned to the Designated Developer.

64. The Proposal Submission Instructions in Section IX state that the team's response should include a subfolder for the Administrative Proposal and a subfolder for the Technical Proposal (page 29). However, the Required Proposal Components in Section V do not reference an Administrative Proposal (there is only reference to a Technical Proposal on page 19). Could clarify which of the Required Proposal Components constitute the Technical Proposal and which constitute the Administrative Proposal?

A. For the Administrative Proposal, please include all of the requested forms under, "Section XI, Procurement Requirements," (starting with "Conflicts of Interest," and ending with the "W-9" form.