

## Request for Proposals to Purchase and Redevelop the Former Beacon Correctional Facility (“RFP”)

### Addendum #4

Release Date: October 31, 2018

- 1) As described on p. 8 of the RFP, approximately 20 acres west of the Site are owned by DOCCS and are believed to contain scattered unmarked graves. ESD is currently exploring the viability of offering some or all of this land for development, and will revise the RFP in a future addendum should this land be available.

A map outlining this additional acreage is shown below.



- 2) The last paragraph on page 13 of the RFP has been removed and replaced with:

“Proposals should not assume that potable water from the Fishkill Correctional Facility will be available for any development on the Site. Respondents will need to establish new water supply connections with either the City of Beacon or the Town of Fishkill.”

- 3) **RFP Inquiries:** The following table is a list of responses to questions submitted by prospective respondents (“Respondents”) to the Request for Proposals to Purchase and Redevelop the Former Beacon Correctional Facility. A copy of the RFP is available at: <https://esd.ny.gov/doing-business-ny/requests-proposals/beacon-correctional-facility>. In compiling the questions submitted by Respondents, ESD has combined similar questions or paraphrased questions and provided one response 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 via the link listed under “Appendix” on p. 40 of the RFP.

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## Beacon Correctional Facility RFP Responses to Questions

No.	Question	Answer
<b>1)</b>	Is the road referenced in the RFP as "Tunnel Road" currently used? Will DOCCS allow access to the portion of Back Farm Road leading from the Site to Tunnel Road?	<p>Tunnel Road and the Underpass running below I-84 are not currently used or maintained. This road and underpass originally served to transport goods and supplies for the hospital and have never been open to the public.</p> <p>In the event that Tunnel Road is approved for use by a Designated Developer of the Site, DOCCS will allow the use of the portion of Back Farm Road leading from the western boundary of the site to the intersection with Tunnel Road. This portion of Back Farm Road is highlighted in yellow on a revised Appendix F, which has been posted to the Shared Drive.</p> <p>Respondents are reminded that as per p. 12 of the RFP, use of Tunnel Road and the Underpass would require significant engineering, real property and security analysis and are subject to approvals by both NYSDOT and DOCCS. As such, Respondents may not make a Proposal contingent on the use of Tunnel Road and the Underpass.</p> <p>Please see p. 12 of the RFP for more information.</p>
<b>2)</b>	Would ESD pay a broker's fee in selling the Site?	The Designated Developer is solely responsible for any brokerage commissions. ESD has not engaged or dealt with any broker in connection with the Site and will not pay any brokerage commissions.
<b>3)</b>	Does ESD have a price in mind?	Respondent may offer a Purchase Price of any amount. Respondents should be aware that under the New York State Public Authorities Accountability Act, ESD is generally required to dispose of property at no less than fair market value.
<b>4)</b>	Does the State have plans to close the Fishkill Correctional Facility and sell the Fishkill Correctional Facility site?	The State does not have plans to close or sell the Fishkill Correctional Facility.

No.	Question	Answer
5)	How will the \$6M million in grant funding through the State and Municipal Facilities Program available for the Site be given to the successful Respondent?	<p>The State and Municipalities Facility Program grant of up to \$6 million available for the Beacon redevelopment project will be paid out by New York State on a reimbursement basis after expenses have been incurred. Therefore, to receive the State and Municipalities Facility Program funding, grantees must provide sufficient documentation to verify eligibility of expenditures and proof that expenses have been incurred.</p> <p>Additional questions regarding the State and Municipalities Facilities Program Grants can be directed to the New York State Grants Hotline at (518) 257-3177 or <a href="mailto:grants@DASNY.org">grants@DASNY.org</a>. Respondents may also refer to <a href="https://dasny.org/Finance/GrantAdministration.aspx">https://dasny.org/Finance/GrantAdministration.aspx</a> for more information.</p>
6)	Does DOCCS have any expectation of using land east of the site running along I-84, i.e., is there any plan to expand the prison for example - where a proposed use of the Beacon site might be impacted by an expanded DOCCS use?	DOCCS does not have any known or current plans to expand the Fishkill Correctional Facility.
7)	Is there a definition of the Fishkill Correctional Facility "secure perimeter?"	The secure perimeter of the Fishkill Correctional Facility includes the facility perimeter fences and the adjacent lands. The portion of Back Farm Road outside the Beacon Correctional Facility site boundaries as defined in Appendix A of the RFP, Old Farm Road, and Strack Drive and the areas they access are also considered part of the secure perimeter and are not accessible to the public.

No.	Question	Answer
8)	Does access through the Site extending to the cemetery east of the Site need to be maintained and kept open?	<p>As shown on p. 6 of Appendix A (Site Survey), an access easement is to be retained by DOCCS for the driveway leading westward from the Site. This single-lane driveway is for the sole use of access to an active cemetery located southwest of the Site situated next to private land and the Beacon High School. This driveway does not connect to any public roads and terminates directly across from Matteawan Road.</p> <p>Please see revised Appendix B uploaded to the Shared Drive to see the location of the easement to access the cemetery and p. 88 of Appendix M for an aerial view of the driveway and cemetery.</p>
9)	Does ESD or DOCCS have an estimate of asbestos remediation costs for the Site?	ESD and DOCCS have not performed any studies estimating asbestos remediation costs. As discussed on p. 13 of the RFP, Respondents are advised that asbestos remediation costs are an eligible capital purpose to receive SAM funding.
10)	Are any hazardous materials located on the Site?	<p>Phase I and Phase II Environmental Site Assessments are included as Appendix G &amp; H to the RFP. While the Phase I and II studies identified some historical spilled materials, the findings of the Phase II assessment concluded that no further environmental remediation or mitigation actions were necessary for the Site.</p> <p>In addition, Appendix Q has been uploaded to the Shared Drive detailing the soil conditions and topography for the Site and surrounding areas.</p>
11)	Is the Opportunity Zone program the same as the EB-5 program?	The federal Opportunity Zone program is distinct from the EB-5 program. The Opportunity Zone program was established by Congress in December 2017 by the Tax Cut and Jobs Act and provides tax incentives in exchange for investments in federally designated opportunity zones. ESD encourages Respondents to refer to p. 16 of the RFP for more information about this beneficial program.

No.	Question	Answer
12)	Do any of the buildings on the Site have to be preserved?	None of the buildings on the Site have to be preserved. However, as described on p. 15 of the RFP, two buildings on the Site (the two-story brick dormitory and kitchen building and the hexagon-shaped administrative building located at the Site entrance) have architectural character, and adaptive reuse of these buildings is encouraged if viable.
13)	Can you clarify ESD's preference for Proposals in which residential uses are not the majority use of the Site?	In issuing the Beacon Correctional Facility RFP, ESD is looking to focus on proposals related to economic development through the creation of jobs and the advancement of economic growth initiatives. Because of the Site's strong attributes, such as proximity to major transit points, visibility from Interstate 84 and access to a highly educated labor pool, the Site offers a unique and advantageous opportunity for commercial or mixed-use development. ESD encourages Respondents to review the Development Objectives listed on p. 17 of the RFP, which were reviewed by the local advisory group consisting of representatives from the State Senate, State Assembly, Dutchess County and the administrations of the City of Beacon and the Town of Fishkill.

No.	Question	Answer
14)	How is the 2018 RFP different than the previous RFP and RFEI? Were there any lessons learned that developers can take into account?	<p>ESD used the feedback obtained from the 2014 RFP and the 2017 RFEI to inform the current RFP. Feedback from potential Respondents and the local advisory group included requests for more information on site conditions, zoning review and road access. As part of its due diligence for the current RFP, ESD compiled numerous reports and studies on site conditions and site closure reports and have included them as appendices to this RFP. ESD also confirmed the use of Prospect Street leading to Matteawan Road from the east as an accessway approved by DOCCS for public use to access the Site and provided more information about Tunnel Road.</p> <p>ESD also met with the local advisory group and facilitated an agreement between the City of Beacon and the Town of Fishkill for joint zoning and environmental review processes so that the Designated Developer need only go through one process for zoning and SEQR reviews (please see p. 13/Footnote 5 of the RFP for the City and Town resolutions.)</p> <p>Other differences in the current RFP include information about the Opportunity Zone program and more information about the local economy and demographics. Respondents are encouraged to review these Site strengths as well as other information about the Site contained in the RFP in formulating their proposals.</p>
15)	What kind of responses did ESD get for the RFEI?	ESD received a wide variety of proposals including proposals for mixed-use developments, veterans and senior housing, business and technology incubators, and workforce development training facilities.

No.	Question	Answer
16)	What is the rest of the RFP process and are there opportunities for public input? When will ESD select a Designated Developer?	<p>ESD will review all Proposals carefully and conduct due diligence including interviews with all Respondents. At this time, ESD is unable to provide a timeline on the selection of a Designated Developer.</p> <p>After the selection of a Designated Developer, the SEQRA review will be led by the City of Beacon and the Town of Fishkill with ESD as an involved agency. If a Draft Environmental Impact Statement (“DEIS”) is required for the project, the lead agency will hold a public scoping session on the draft scope for the DEIS as well as a public hearing on the DEIS during both of which the public will have an opportunity to provide input. ESD will also coordinate the Urban Development Corporation Act (UDC Act) public process and hold a public hearing on the General Project Plan.</p>
17)	Does ESD have preferred firms for firms providing professional services to developers responding to the RFP?	<p>ESD does not have preferred firms for professional services provided to potential Respondents. However, as discussed on p. 38 of the RFP, ESD strongly encourages Respondents to consider the use of New York State businesses. In addition, Respondents are reminded that they are required to demonstrate good faith efforts to achieve the applicable MWBE and SDVOB participation goals set forth on pp. 32 and 35 of the RFP. Respondents may search for MWBE firms at <a href="https://ny.newnycontracts.com">https://ny.newnycontracts.com</a> and SDVOB firms at <a href="http://ogs.ny.gov/Core/SDVOBA.asp">http://ogs.ny.gov/Core/SDVOBA.asp</a>.</p>
18)	How many employees did the Beacon Correctional Facility employ?	When fully operational, the Beacon Correctional Facility employed 100 to 200 employees.
19)	Where was the kitchen located when the Site was in use as a prison?	The kitchen and dining room facilities were located in Building #60 (Inmate Housing #3), a picture of which can be found in Figure 2 on p. 5 of the RFP.
20)	Was the Site ever used for agricultural uses?	The Site was originally used as a farming colony for the Matteawan State Hospital first located at the Site.

No.	Question	Answer
21)	Do any of the buildings have basements?	Buildings 6, 7, 50 and 60 as indicated on Figure 3 on p. 6 of the RFP have basements.
22)	Is the Staff House (Building 48) included in the RFP disposition and can we see inside?	Building 48 is included in the RFP disposition, but is not open for viewing due to the structural instability of this building.
23)	When were all of the buildings on the Site built?	The buildings were built at various points ranging from the 1930s to the 1980s.
24)	Can you clarify the joint zoning and environmental review process mentioned on pp. 12-13 of the RFP?	As discussed on pp. 12-13 of the RFP, the City of Beacon and the Town of Fishkill are both expecting to rezone the Site to achieve the Development Objectives of the RFP. In anticipation of a rezoning of the Site, the two municipalities have committed through resolutions adopted by the City and Town (see Footnote 5 on p. 13 of the RFP) to a coordinated, joint land use development, zoning and environmental review process so that the Designated Developer will be able to go through a single process for the approval of its project.
25)	Would aviation uses on the Site be allowed?	Any proposed aviation use is subject to approval by DOCCS, City of Beacon, Town of Fishkill, Dutchess County, and the Federal Aviation Administration. In addition, any proposed aviation use will be evaluated in the SEQRA environmental review for environmental impacts.
26)	Can you explain why the selected developer for the 2014 RFP pulled its proposal?	The 2014 proposal did not garner sufficient local support to move forward.
27)	Would DOCCS consider an arrangement to allow non-building uses on the land adjacent to the Beacon Correctional Facility?	Use of the land within the Fishkill Correctional Facility secure perimeter for any use (with the possible exception of the use of Tunnel Road) will not be permitted by DOCCS due to security concerns with the active Fishkill Correctional Facility.
28)	Is there a map available showing where the water & sewer service to the site were cut off?	Please see (viewer) pp. 74-75 of the Decommissioning Report included as Appendix I to the RFP.



No.	Question	Answer
29)	Will the selected project go through a General Project Plan?	The selected Project for the Beacon Correctional Facility will be memorialized in a General Project Plan administered by ESD. Please see p. 18 of the RFP for more information.

*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 [BeaconCF@esd.ny.gov](mailto:BeaconCF@esd.ny.gov). In order to receive an update when a new addendum is posted to the ESD website, please email [BeaconCF@esd.ny.gov](mailto:BeaconCF@esd.ny.gov). If you have already emailed this account, you will be notified of future updates.*