



**To Develop the Jacob K. Javits Convention Center
REQUEST FOR PROPOSALS**

Release Date: July 18, 2023

The following is a list of responses to questions submitted by prospective respondents to CCDC’s Site K Development RFP. A copy of the RFP is available at:

<https://esd.ny.gov/doing-business-ny/requests-proposals/develop-jacob-k-javits-convention-center-site-k-rfp>

ESD makes no warranties or representations about the accuracy of the provided documents. Respondents are advised to conduct their own due diligence regarding site conditions.

| No. | Question | Answer |
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| 1 | <p>For the purposes of this RFP, Proposals with Rental Units may assume a residential tax exemption that mirrors the terms of the expired Affordable New York program.”</p> <p>Since we will follow the rules of Affordable New York, are we to understand that since this will likely be over 300 units, and is south of 96th street, that prevailing wage during construction would apply?</p> | <p>Proposals should be fully compliant to all expired Affordable New York requirements.</p> |
| 2 | <p>Page 19 of the RFP notes that up to 20 selection points can be earned if an MWBE Developer holds “at least 40% of the managing ownership interest” in the project. Can you please clarify whether a respondent would receive full selection points as long as the M/WBE co-developer receives at least 40% of a promote and development fees but the equity investor in the deal (ie the LP equity capital) is not a M/WBE. Said differently, would full selection points be earned if an M/WBE developer has a 40% economic interest in the “general partner” but a “limited partner”, who is not a M/WBE, is investing ~90% of the total project equity and owns its proportionate share of project, subject to the GP’s fees and promote?</p> | <p>Proposals that require outside equity sources should describe how economic benefits would be distributed in enough detail for ESD to gain an understanding of how much of the project’s economic benefits Respondents anticipate would accrue to managing members.</p> <p>In the partnership structure chart or diagram, please make clear how anticipated economic benefits would accrue to the partnership structure.</p> <p>Please note, a key priority of this RFP is MWBE participation.</p> |



| No. | Question | Answer |
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| 3 | Page 8 of the RFP states that “Commercial office uses are not permitted.” Provided it does not impair the feasibility, how will ESD evaluate mixed use proposals that includes 12 FAR residential plus a hotel component in order to maximize density, and in turn enhance the economic impact and the financial offer to ESD? | Respondents should refer to the Selection Criteria of the RFP, which provides guidance on scoring weight. |
| 4 | Does ESD expect the PILOT to count as “public funds” for the purposes of triggering a prevailing wage requirement pursuant to 224-A of Article 8 Chapter 31 of the Laws of NY State? | For purposes of RFP submission, proposals should be fully compliant with all expired Affordable New York requirements. Prevailing wage may be required by the time of construction loan closing, consistent with the provisions of 224-A of Article 8 Chapter 31 of the Laws of NY State Article 8. |
| 5 | Are developers expected to comply with the wage requirements pursuant to the Affordable New York program (421a-16)? | Proposals should be fully compliant to all expired Affordable New York requirements. |
| 6 | Will ESD require construction loan closing simultaneous with the ground lease execution? Or, will ESD allow a developer to secure financing after the ground lease is signed and construction is underway? | Construction loan closing and ground lease execution will be simultaneous. |
| 7 | Can you provide a list of attendees from the site visit, yesterday? | Yes, please see Addendum #2 for Site Tour attendees. |

| No. | Question | Answer |
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| 8 | Page 7, Section III, A.: Is there a requirement to provide ventilation for the Amtrak cut on Site K? or is that taken care of by others? | <p>The Amtrak Ventilation requirements would vary depending on the proposed site K development.</p> <p>The proposals must include code compliant ventilation as part of the proposed development plan and shall seek Amtrak approval for such design & construction.</p> |
| 9 | Page 7, Section III, A.: Please describe the nature of the Javits Ventilation Shaft (intake/Exhaust/other?). | <p>The Javits Center’s ventilation shaft is primarily for life safety systems exhaust generated from a post purge fire alarm / smoke exhaust system. Within the exhaust tunnel, mechanical booster fans are installed that assist with air & smoke exhaust when activated. In addition, the tunnel has been used for rigging MEP equipment in and out of the Javits Center’s ground level.</p> |
| 10 | Page 10, Section III, C.: The Site K easement drawing appears to include the sidewalk along the site’s eastern perimeter. Is the sidewalk included in the property? | <p>Please refer to Addendum #11 for the Area Survey.</p> |
| 11 | Please describe the entitlement and disposition process including timeline. | <p>Projects should assume environmental review, GPP, and corresponding hearings, and approvals. Please see RFP Section VIII. Disposition Process.</p> <p>Proposals should include a schedule for these milestones, as described in the RFP Section V. Required Proposal Contents, D. Development Schedule.</p> |

| No. | Question | Answer |
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| 12 | <p>Please detail which portions of Affordable New York will not apply, if applicable?</p> <ol style="list-style-type: none"> 1. Will more than 300 units trigger prevailing wage requirements? 2. If so, will the comptroller, certified payroll, and wage audit process be the same? 3. Will there be a \$3,000 per unit fee paid to the state? 4. Is the destabilization, tax benefit eligibility and leasing process the same? | <p>Proposals should be fully compliant to all expired Affordable New York requirements.</p> |
| 13 | <p>Are there any restrictions in work hours over the Amtrak?</p> | <p>Subject to Amtrak’s review and approval, Amtrak will closely monitor the construction of the project. This will require the execution of at least two agreements; (i) a design phase agreement to allow Amtrak to review and approve of the design plans, and (ii) a construction phase force account agreement covering Amtrak's services and the cost of construction and/or protection services. Following these agreements, Amtrak will determine any restrictions in work hours.</p> |
| 14 | <p>Which part of GPP remain applicable if the building otherwise complies with HY zoning?</p> <p>Do they intend that the waiver that were granted under the GPP remain valid or are they assuming the waivers would be specifically related to proposal made by the applicant?</p> | <p>ESD anticipates modifications to the GPP will be necessary to effectuate the project.</p> |
| 15 | <p>Is there a geotechnical report or property survey available for the site?</p> | <p>No.</p> |

| No. | Question | Answer |
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| 16 | Can you provide more details on the size of the Javits ventilation equipment and Amtrak easement on Block 707? | See Addendum #5 for MTA Site K Vent Building Drawings. See Addendum #11 for area survey. |
| 17 | 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. |
| 18 | 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. |
| 19 | Please clarify the methodology under which the M/WBE 40% of managing ownership interest is measured. Does the requirement mean that to receive full credit, the M/WBE partner must have ownership interest reflecting the overall economic return of the GP entity? | See answer to Question 2 . |

| No. | Question | Answer |
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| 20 | A number of hotel operators have expressed interest in providing meeting facilities at a headquarters-type convention hotel. Would ancillary conference and meeting space at a hotel use be viewed as a complementary and accretive to Javits? | Respondents should refer to the Development Objectives and Program described in the RFP Section IV. A and B. |
| 21 | Does the modified GPP for Javits adopted in 2016 and completed in 2021 include all uses contemplated by the Javits original expansion plan? Are there uses still required to make Javits even more competitive with its peers? | ESD anticipates modifications to the GPP will be required to effectuate this project. Respondents should refer to the Development Objectives and Program described in the RFP Section IV. A and B. |
| 22 | What will the respondent team be responsible for with respect to Amtrak and MTA approvals, and will ESD act as a liaison to assist with these approvals? | The Designated Developer will be responsible for all aspects with respect to Amtrak and MTA approvals |
| 23 | Regarding the MTA Retaining Wall Easement, please confirm that entire Easement areas can be constructed on without additional restriction provided the new abutting foundation wall is designed to support the load of West 36th Street or 11th Avenue? | See Addendum #5 for MTA drawings. |
| 24 | Regarding the MTA Ventilation Shaft easement, has the Ventilation Shaft structure or its foundations been designed with residual capacity for future construction around or above it? | See Addendum #5 for MTA drawings. |
| 25 | Regarding the Amtrak Easement, is the existing ground plane slab over the Amtrak Easement required to be retained as part of the easement or can this be demolished and replaced as long as the development maintains minimum clearance compliant with the easement, and construction plans are approved by Amtrak? | This could potentially be possible; however, this would need to be engineered and coordinated with all parties. Negotiations will be the responsibility of the Designated Developer. |

| No. | Question | Answer |
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| 26 | Regarding the Amtrak Easement, are there specific/special construction off hours associated with this easement that differ from other Amtrak conditions? | See answer to Question 13 . |
| 27 | Given the tight timeframe and access restrictions to do a full onsite investigation by Respondent's consultants, will there be a due diligence period for the selected Developer to investigate easement restrictions and unknown site conditions? | During the entitlements process which is expected to last 9-18 months, the Designated Developer will be granted access to perform due diligence. The site will be conveyed Where is-As is. |
| 28 | Concerning the MTA ventilation fan plant building intake/discharge towards 11th Ave, please confirm during emergency mode of operation that the fan plant may exhaust hot smoke to ambient depending on their mode of operation? | See Addendum #5 for MTA drawings. |
| 29 | Please confirm that the heat rejection equipment on the MTA fan plant building roof are dry coolers and not cooling towers? | See Addendum #5 for MTA drawings. |
| 30 | Please provide the design capacity and maximum discharge air temperature data of the dry coolers? | See Addendum #5 for MTA drawings. |
| 31 | Please confirm if vertical extension of existing Javits Component/Shaft is permissible and will as built or design drawings be provided to understand the impact on systems due to shaft extension and termination? | Yes, see Addendum #5 for drawings. |



| No. | Question | Answer |
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| 32 | The portal condition for Empire Line is currently at the intersection of W 36th St. and Hudson Blvd W; would Amtrak require additional tunnel ventilation system to be housed within the development or are the existing ventilation systems for the Empire Line from 10th Ave to W36th St. and Hudson Blvd W sufficient? | Amtrak Engineering will make this determination with review of project plans. |
| 33 | Please confirm that any demolition of the existing elevated street level platform construction over the site & Amtrak line should be assumed as part of the proposal, and that no planned full or partial demo is planned prior. | Yes, confirmed. This site will be conveyed is Where is-As is. |
| 34 | The RFP Reference Dwgs include the Amtrak Empire Line Survey, which clearly indicates a Construction Easement line on the east side of the track. It is assumed that the Construction Limit Line on the west side of the track is coincident with the Permanent Easement through the site. Please confirm. | Please see Addendum #11 for area survey. |
| 35 | The RFP clearly states the requirements of the easement for the existing MTA Ventilation Shaft, and that development around and above the shaft is not precluded. Considering the size and magnitude of the proposed new development, in conjunction with the complexities of building over the existing Amtrak line, is there a scenario where the new development can be coordinated to derive support from the MTA shaft building via structural reinforcing, or local penetration, or partial rebuild, such that structural support for the new development can encroach further into the NW corner of the site. | This could potentially be possible; however, this would need to be engineered and coordinated with all parties. Negotiations will be the responsibility of the Designated Developer. |

| No. | Question | Answer |
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| 36 | What land basis should we assume for the 421a equivalent PILOT? | Should the Proposed Project meet all Affordable New York requirements, Respondents should assume corresponding benefits and include a land acquisition value that reflects those terms. |
| 37 | What sort of PILOT should we assume for commercial / retail use? ICAP? | Should the Proposed Project meet the requirements of non-residential abatements using ICAP, Respondents should assume corresponding benefits. |
| 38 | <p>Commercial office is expressly forbidden but are there restrictions around accessory office use? Ex. Supporting office for big box retail or life science.</p> <p>Please clarify restrictions on which commercial uses/use groups (pg 8) are prohibited? E.g. is co-working allowed?</p> | Accessory uses are permitted. Co-working offices, considered part of Use Group 6, Subgroup B of the New York City Zoning Resolution, are not a permitted use for responses to this Request for Proposals. |
| 39 | Any additional excluded uses? | No. |
| 40 | Are there any financing or capitalization restrictions? | Respondents should contemplate economically viable projects. |
| 41 | Can you confirm our understanding of the transaction structure to be 1) an upfront payment and separately 2) a series of annual payments? i.e., not one offer with both an upfront payment and annual installment payments. | Please refer to the RFP Section IV. C. Transaction Structure. |
| 42 | Are there height restrictions on the site? | Proposals should comply with the Special Hudson Yards Zoning District. If any modifications are proposed to the underlying zoning, a detailed explanation for the need for these modifications should be provided. |



| No. | Question | Answer |
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| 43 | Are there ground level /street wall restrictions? Are there street level use restrictions? | See answer to Question 42. |
| 44 | Will the development be subject to parking restrictions? | See answer to Question 42. |
| 45 | Will the state consider a master lease for accessory convention use for Javits Center? | No proposals should assume involvement from the Javits Convention Center. |
| 46 | Will any incentives be provided for building sustainability? | ESD will not provide any additional economic incentives beyond what is available from other sources. Refer to the RFP Scoring Criteria for score weighting. |
| 47 | What are the estimated costs of ESD fees the designated developer must pay for the duration of the project? Any cap/sunset on the developer paid ESD fees? | Please see RFP Section IV. D. Cost Letter and Imprest Account for information on ESD fees. |
| 48 | Given the environmental concerns at the site, will the site be eligible for liability protection/brownfield incentives? | Upon designation, the Selected Developer should consult with the State Department of Environmental Conservation for eligibility. |
| 49 | Can you articulate the public approval process? Will this go through a GPP process? | ESD anticipates modifications to the GPP will be necessary to effectuate the project. Please refer to RFP Section VIII. for information on the public approvals process. |
| 50 | If a hotel use is planned, will it be subject to the City’s hotel special permit process? | ESD anticipates modifications to the GPP, including certain zoning overrides, will be necessary to effectuate the project, including a hotel use. Development of a hotel will be subject to all applicable State law, including but not limited to Public Authorities Law § 2879-b. |

| No. | Question | Answer |
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| 51 | Are community facility uses, like a school, permitted? | Yes. |
| 52 | Is there a minimum average sitewide wage for construction labor? | See answer to Question 4. |
| 53 | Has MTA indicated a willingness to allow construction over the MTA ventilation shaft? If so, please indicate any approved methods for construction over the vent shaft previewed with MTA e.g. cantilever/foundation piles along the perimeter. | This could potentially be possible; however, this would need to be engineered and coordinated with all parties. Negotiations will be the responsibility of the Designated Developer. |
| 54 | Will ESD assist in brokering conversations with Amtrak & MTA to ensure a smooth review and approval process? | ESD will assist in facilitating amongst agencies. |
| 55 | Have there been any conversations between ESD and Amtrak regarding the construction of the Project? If so, has Amtrak shown support? | Amtrak is aware of ESD's and CCDC's intent to develop the site. |
| 56 | Are there any concerns, stipulations, requirements, from the Javits Center other than their existing vent shaft? (i.e. use, building positioning, entrances, etc.) | Yes, maintenance of operations plans for construction phases that may have the potential of interrupting the Javits events schedule must be closely coordinated and approved in advance including construction mobilization, construction demobilization, delivery of materials and equipment. In addition, egress, traffic, and site safety plans must be closely coordinated with the Javits Center when construction work occurs beyond the site K property lines. |



| No. | Question | Answer |
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| 57 | Is the access road walked during the tour of the Site (within the Amtrak easement under the 11thAve. viaduct) available for construction use / loading of equipment to the Site? | This roadway within the site is controlled by Amtrak, and use would need to be negotiated with them. |
| 58 | Is the selection committee interested in teams including alternative development scenarios that contemplate affordability with a low-income housing tax credit execution? | No, please see RFP for Development Objectives. |
| 59 | Please confirm that the expired Affordable New York Program is a program that the Respondent should include when detailing which tax exemption programs the Project would be eligible for. | If applicable to your proposal, it should be fully compliant with the requirements and subject to the corresponding benefits of the expired Affordable New York Program. |
| 60 | Please confirm if a potential Article 11 tax exemption is a program that the Respondent should include when detailing which tax exemption programs the Project would be eligible for. | No. |
| 61 | Please confirm if Respondents should assume that the area median income levels committed to in the regulatory agreement with HCR should be based on income levels at (1) the time of construction closing, or (2) the time of construction completion when the Project is delivering units. | Respondents should assume (1) the time of construction closing. However, for the purposes of underwriting, please assume current rents and incomes. |
| 62 | What is the purpose of the gabion walls along the east side of the property? When and why were they installed? | The gabion walls were installed during the Hudson yards and Boulevard construction project for erosion control and structural support. See Addendum #6 for west gabion wall drawing C-151 and photos. |

| No. | Question | Answer |
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| 63 | Will drawings or as-builts be provided for the existing supported platform/plaza? | Yes, please see Addendum #8, #9, and #10 for the original as-builts for the site and subsequent post MTA proposed platform restoration project for reference only. The designated developer is fully responsible for conducting their own due diligence. |
| 64 | Are there any additional planned improvements to roads surrounding the Site that ESD is aware of? | ESD is not aware of any additional planned improvements. |
| 65 | Has the Site undergone any environmental clean-up projects in relation to the findings in the provided reports? | <p>We have no records of any necessary environmental cleanup projects for the site. Please refer to Appendix A (6) for a supplemental investigation report for the East Sliver properties.</p> <p>Environmental and geotechnical studies must be part of the developer’s due diligence.</p> |
| 66 | Is there a Geotech report detailing the existing soil conditions available for the Site? | No geotechnical reports are available. A 2017 survey can be found in the Appendices. |
| 67 | Do the sidewalks require widening? | With respect to sidewalk widenings, proposals should follow the specifications in the Special Hudson Yards Zoning District. |
| 68 | Are there existing drawings on the Javits ventilation structure? | Yes, the ventilation structure was constructed by the MTA. Please refer to MTA Site K Vent Building Drawings in Addendum #5. |
| 69 | Please indicate any access or egress pathways to ventilation structures that must be maintained during construction/integrated into the site safety plan. | This will be determined in coordination with MTA following developer designation. |



| No. | Question | Answer |
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| 70 | Is there a maintenance schedule or specific equipment clearances that needs to be coordinated with construction logistics? | This will be determined in coordination with MTA following developer designation. |
| 71 | Per the Special Hudson Yards Zoning District, it appears that 12 FAR Residential, or even 24 total FAR may not be as of right, so it is assumed that to achieve this density per the RFP, a modification would be required through a ULURP or other NYC or State of NY mechanism? What is the process? | ESD anticipates modifications to the GPP will be necessary to effectuate the project. |
| 72 | For MTA Vent Easement, can Respondent build right up to the existing wall? | This would have to be designed and coordinated with the MTA. Please refer to the easement agreements in Appendix C. |
| 73 | Are there any restrictions specific to this Site regarding the distance of operable windows from the ventilation shafts? | Proposals must be compliant with all applicable codes and laws. |
| 74 | Are the MTA retaining wall easements for the roadway? | Please refer to the easement agreements in Appendix C. |
| 75 | Are there any restrictions on penetrating the retaining walls for utilities? | Please refer to the easement agreements in Appendix C. |
| 76 | Do the retaining wall easements prohibit anything from being constructed within the easement including foundations? | Please refer to the easement agreements in Appendix C. |
| 77 | Will MTA require access to the easement area post-construction? | Please refer to the easement agreements in Appendix C. |
| 78 | Will the as-built drawings of the MTA Vent Shaft building be made available? If so, when? | Please refer to the MTA Site K Vent Building Drawings in Addendum #5. |

| No. | Question | Answer |
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| 79 | How many levels below grade is the MTA Vent Shaft building? | Please refer to the MTA Site K Vent Building Drawings in Addendum #5. |
| 80 | Is the MTA Vent Shaft building pulling in outside air from any of the louver locations or is it only ventilation? | Please see answer to Question 9 . |
| 81 | Are there any restrictions on the future Project's building ventilation as it relates to the distance to the MTA ventilation (or potential intake) louvers? | Please refer to the easement agreements in Appendix C. |
| 82 | Will Respondent be able to make architectural improvements to the MTA Vent structure that do not impede the vent airflow? | Please refer to the easement agreements in Appendix C. |
| 83 | Does Amtrak have any further restrictions on the property other than the easement? | Amtrak's easement reflects its real estate restrictions. Other operational restrictions will be reviewed by Amtrak's Engineering department when full project plans are available for their review. |
| 84 | Will the Amtrak be amenable to operating without the covered platform above for any period of time before or during construction? | Amtrak's Engineering department will determine this when full project plans are available for their review with an executed Design Phase Agreement. |
| 85 | What are the Amtrak operational requirements, such as permissible track-outage duration, during construction until new platform is erected over tracks? | Amtrak's Engineering department will determine this when full project plans are available for their review with an executed Design Phase Agreement. |
| 86 | Are there drawings that can be provided detailing how the Amtrak rail is foundationally supported? | Drawings may be available from Amtrak, however Amtrak will determine this once the plans for the development exist and the selected developer makes a formal request. |



| No. | Question | Answer |
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| 87 | Are there any specific Amtrak requirements for overhead protection during demolition and construction beyond current NYC code? | Amtrak’s Engineering department will determine this when full project plans are available for their review with an executed Design Phase Agreement. |
| 88 | What are the restrictions for the construction easement adjacent to Amtrak? | Please refer to the easement agreements in Appendix C. |
| 89 | Can new foundation/column elements be located within this zone if access widths can be accommodated? | Please refer to the easement agreements in Appendix C. |
| 90 | Does Amtrak require access to this space from the Site or is it accessed from its train line? | Currently, it is accessed from the train line, but Engineering may require access from Site upon review of project plans. See Addendum #7 for the Amtrak Property Lines Diagram. |
| 91 | Does this region require the same overhead protection as the rails? | Please refer to the easement agreements in Appendix C. |
| 92 | Is ESD aware of any planned work that Amtrak will be conducting on this rail line? | ESD is not aware of any planned work. |
| 93 | Is ESD aware of any limitations on construction imposed by Amtrak? | Limitations on construction will be negotiated by Amtrak and the Designated Developer. |
| 94 | Is there currently any Amtrak equipment or infrastructure outside of the easement? | Not to ESD’s knowledge. |
| 95 | Is there currently any Amtrak equipment or infrastructure attached or hung from the above plaza structure? | No. |



| No. | Question | Answer |
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| 96 | Can the Amtrak easement be modified? | This could potentially be possible; however, this would need to be engineered and coordinated with all parties. Negotiations will be the responsibility of the Designated Developer. |