



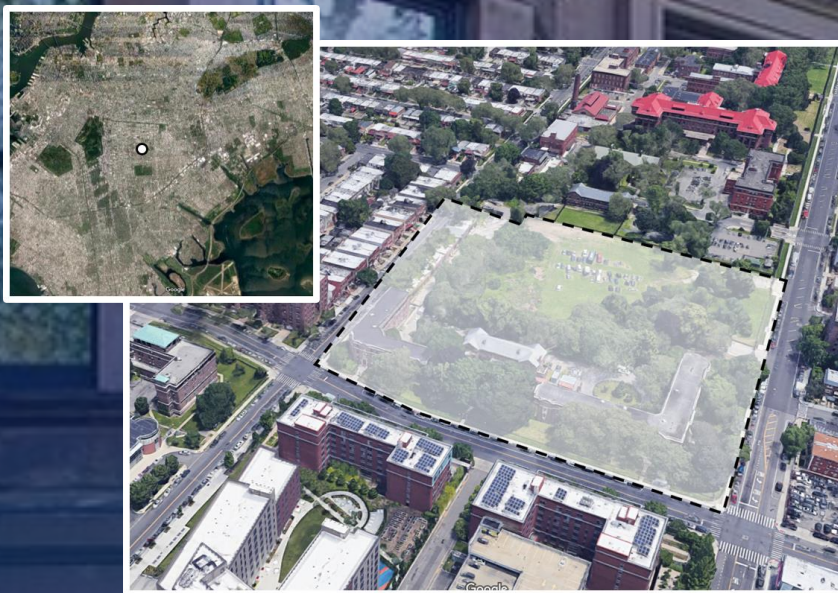
Empire State
Development



Homes and
Community Renewal

REQUEST FOR PROPOSALS

TO PURCHASE AND REDEVELOP A PORTION OF THE KINGSBORO PSYCHIATRIC CENTER EAST FLATBUSH, BROOKLYN, NY



 **Vital Brooklyn**

ISSUED: August 7, 2020

IMPORTANT NOTICE: A restricted period under the Procurement Lobbying Law is currently in effect for this Procurement and it will remain in effect until conditional Designation. Respondents are prohibited from contact related to this procurement with any New York State employee other than the designated contacts listed below (refer to: Section XI – Letter K).

Designated Contacts for the procurement:

Primary Contact: Ralph Volcy

Secondary Contact: John Discolo

All contacts/inquiries shall be made by email to the following address: KPCRFP@esd.ny.gov

PROPOSAL DUE DATE AND TIME:

On or before 2:00 PM EST on November 6, 2020



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I. INTRODUCTION

New York State Urban Development Corporation, d/b/a Empire State Development (“ESD”), in collaboration with New York State Homes and Community Renewal (“HCR”), is seeking proposals (“Proposals”) from responsive and responsible parties for the purchase and redevelopment of the westernmost portion of the Kingsboro Psychiatric Center campus in East Flatbush, Brooklyn (the “Project”). The total available developable land is approximately 7.2 acres or 313,000 square feet (the “Site”).

ESD and HCR invite qualified parties to submit Proposals for a high-quality, mixed-use, wellness-oriented development with affordable housing, including a set-aside of permanent supportive housing units (“Supportive Units”), and shelter beds for the homeless. A portion of the Supportive Units will be reserved for households where at least one individual has a serious mental illness and will receive support and services funded or provided by the New York State Office of Mental Health (“OMH”) (the “OMH Supportive Units”). Situated on a large lot among Central Brooklyn’s largest health institutions, the Project offers a unique opportunity for creative and thoughtful development.

Each party that submits a Proposal to this Request for Proposals (“RFP”) is referred to herein as a “Respondent.” A Respondent who is conditionally designated through this RFP process is referred to herein as a “Designated Developer.”

This RFP is being issued as part of New York State’s **Vital Brooklyn** initiative. In March 2017, Governor Andrew Cuomo announced the “Vital Brooklyn” comprehensive community development initiative to address social, economic, and chronic disease health disparities in Central Brooklyn, one of the most underserved areas in New York State. It has been estimated that approximately 10% of an individual’s health can be attributed to the clinical care received, while the balance is a function of social and economic factors, personal choice, health behaviors, and environmental factors. These nonclinical social determinants are critically important to the health of the communities of Central Brooklyn, which have measurably higher rates of obesity, diabetes, and high blood pressure, limited access to healthy foods and opportunities for physical activity, high rates of violence and crime, wide economic disparities from unemployment, high poverty levels, inadequate access to quality healthcare and mental health services, and high emergency department utilization.¹

Vital Brooklyn will create a stronger, more sustainable Central Brooklyn by leveraging New York State programs and resources to improve the well-being of New Yorkers in Central Brooklyn through the initiative’s eight integrated areas of investment:

1. Open Space and Recreation
2. Healthy Food
3. Comprehensive Education & Youth Development
4. Economic Development & Job Creation

¹ Please also refer to https://www.northwell.edu/sites/northwell/files/20830-Brooklyn-Healthcare-Transformation-Study_0.pdf which was commissioned by the New York State Department of Health and provides background research conducted for Vital Brooklyn.



5. Community-Based Violence Prevention
6. Community-Based Healthcare
7. Affordable Housing
8. Resiliency

Community Advisory Councils convened across Central Brooklyn helped to shape the State's first \$700 million in capital commitments under Vital Brooklyn. In partnership with community stakeholders and with the support of local Assembly Members, the State will continue to implement a package of long-term investments valued at over \$2 billion.

More information on Vital Brooklyn can be found at <https://www.ny.gov/programs/transforming-central-brooklyn>.



II. RFP TIMELINE

The following are significant dates under the RFP process:

<u>Milestone</u>	<u>Timeline</u>
1. RFP Release Date	August 7, 2020
2. Site Tour	Week of August 31, 2020
3. Deadline for Submission of Questions	September 21, 2020 by 2:00 PM EST
4. Deadline for ESD/HCR Responses to Questions	October 5, 2020
5. Submission of Proposals	November 6, 2020 by 2:00 PM EST
6. Interviews	TBD
7. Anticipated Designation Date	TBD



III. SITE CONTEXT AND DESCRIPTION

A. Description, Surrounding Area, and Transit Access



Figure 1 - Site

The Site (part of Brooklyn Block 4833, Lot 1) is located at the western end of a superblock that includes the Kingsboro Psychiatric Center (“KPC”) in the East Flatbush section of Brooklyn (see Figure 1). The Site is bordered by Winthrop Street to the north, Clarkson Avenue to the south, Albany Avenue to the west, and a metal perimeter fence to the east. North and south of the Site are vibrant residential neighborhoods of mostly attached and semi-detached homes. A handful of multifamily buildings are also nearby. The Site is situated among one of the largest concentrations of healthcare infrastructure in Brooklyn. Kingsbrook Jewish Hospital is a few blocks northeast, and both Kings County and SUNY Downstate hospitals are a short distance to the west. These are in addition to the Kingsboro Psychiatric Center, which abuts to the east. The Site is located in Brooklyn Community District 9, along with neighborhoods such as Prospect Lefferts Gardens and Crown Heights. The Site also borders Community District 17 (East Flatbush), which is markedly less dense.



The first building of what eventually became known as the Kingsboro Psychiatric Center campus opened in the mid-1850s to treat patients with mental illness. The building (later known as Building Ten) occupied a portion of the Site, and today the remnants of its horseshoe-shaped front drive recall the location of the original main entrance (see **Appendix C** for a map of Building Ten’s former footprint). The need for more patient capacity led to new buildings on the original campus and eastward expansion toward Utica Avenue during the following century. Two of the Site’s surviving structures, Buildings Seven and Eight, opened in 1932 as staff residences. Building Twelve, a garage, opened in the same year. Building Six, another staff residence, opened in the following year. Another garage, Building 32, opened in 1937 amidst a flurry of Works Progress Administration construction throughout the campus. The Site’s garages are currently used for OMH storage, and the New York City Department of Homeless Services (“DHS”) has utilized Buildings Six and Eight as homeless shelters since 1996.

Two of these original buildings have become obsolete. Building Seven has no active uses due to safety concerns, and Building Ten was demolished in 2000. In the years since, the State has used the space opened up by the demolition to store surplus vehicles awaiting auction by the NYS Office of General Services.

Kings County was the owner and operator of the Site when it opened in the nineteenth century. The County consolidated with several others to form the unified City of New York (“the City”) in 1898, and the City conveyed the campus (then known as the Long Island State Hospital at Flatbush) to the State sixteen years later. The Site’s conveyance carried the condition that the property continue to be used for “State Hospital purposes”, and the City still retains a reverter right to the property should those uses cease. It is anticipated that the reverter would be extinguished prior to or simultaneous with conveyance to the Designated Developer.

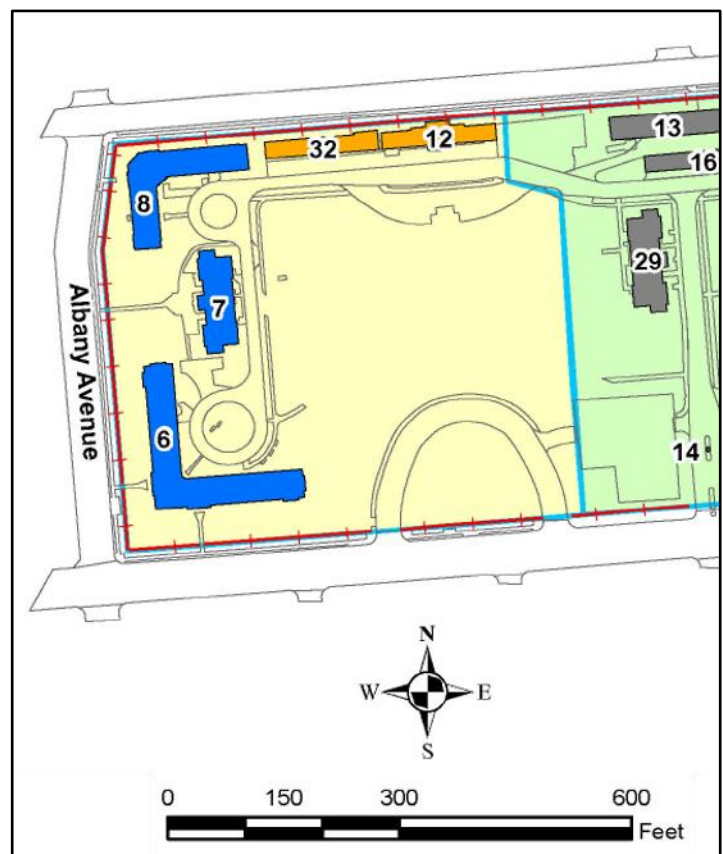


Figure 2: Current Site Map with Building Labels

At conveyance, DHS and the Designated Developer will execute a license agreement that will allow ongoing operations at the two shelters to continue without interruption in Buildings Six and Eight until new replacement shelter facilities are placed in service (see the next section on **Homeless Shelter Replacement**).

The Site is served by New York City Transit’s #2 and #5 subway lines at the Winthrop Street Station, which is about a ten-minute walk from the Site, and by MTA’s B12 and B46 bus lines.



B. Homeless Shelter Replacement

The Site is currently home to two single-adult men's shelters. The larger of the two is Kingsboro Star, a 221-bed shelter run by the New York City Department of Homeless Services ("DHS") in Building Six. It is a general single-adult men's shelter with beds in an open floor layout. The smaller facility, Kingsboro MICA, is a 143-bed single-adult men's shelter for individuals with mental health needs. The Salvation Army currently runs Kingsboro MICA in Building Eight. Both facilities operate under a permit (the "Permit") from the Dormitory Authority of the State of New York ("DASNY"), to which the City is a party acting by and through DHS.

Proposals must include replacement of the Site's 364 existing shelter beds within two newly-built shelters. The new shelters must each serve single-adult men and provide at least 164 beds (though neither may exceed a bed count of 200). Across both shelters, a minimum of 143 beds must serve single-adult men with mental health needs. The two new shelters must be physically separated and compliant with the New York State [Office of Temporary and Disability Assistance \("OTDA"\) and the Social Services Law Part 491 requirements](#) for single-adult shelter facilities. The shelters may be stand-alone buildings or part of mixed-use buildings. They must also comply with the DHS Draft Term Sheet in **Appendix F**, the DHS Accessibility Requirements (**Appendix G**), and the DHS Signage Package (**Appendix H**). Proposals must include the delivery of a shelter within both the first and second buildings completed as part of the Project. Additionally, the Project's phasing must ensure that each existing shelter building operates without interruption until a replacement shelter is ready to open. Furthermore, the Designated Developer should seek to minimize impacts to aggregate shelter capacity on the Site as replacements occur. HCR and ESD will enforce the foregoing requirements through documents executed with the Designated Developer at conveyance and recorded against the Site.

The Permit governs DHS' operations at the Site and was executed between the City and DASNY in 1996. The City currently pays an annual occupancy fee to DASNY and utility charges to OMH. At the time of Site conveyance, the Designated Developer and DHS will enter into a license agreement similar to the Permit, and the license agreement will remain in effect until the Project's new shelters are placed in service. The license agreement will also provide for DHS continuing to make utility payments to OMH equivalent to those it currently makes under the Permit, until such time as all OMH-provided utilities are disconnected.

The owner of each new shelter to be completed as part of the Project must be a nonprofit Housing Development Fund Corporation ("HDFC") housing cooperative incorporated under Article XI of the New York State Private Housing Finance Law and the Business Corporation Law and be eligible to receive a complete tax exemption under Real Property Tax Law § 420-a by the time the construction loan for the shelter is replaced by a permanent mortgage. (For joint ventures with for profit entities, the HDFC must be the sole owner by conversion from construction financing to permanent financing.) Owners must agree to a minimum 60-year restriction limiting the use of the facility to shelter or other nonprofit uses as approved by the City. To be awarded a shelter contract, the Respondent team (as hereinafter defined) must include a not-for-profit shelter provider and submit to the [NYC Department of Social Services/DHS Open-Ended Request for Proposals](#) at least 12 months prior to the projected conveyance date.

C. Open Space

Investing in new open space and recreational opportunities is a pillar of the Vital Brooklyn initiative. The Site presents a rare opportunity to bring more open space to East Flatbush. Proposals must include a signature publicly-



accessible open space (the “Open Space”) of at least one acre in size—preferably fronting Clarkson Avenue. Paths for pedestrians, cyclists, etc. primarily purposed for circulation within the Site and connectivity to the street grid will not count toward’s the Open Space’s minimum size requirement.

The Designated Developer will be responsible for the ongoing maintenance of the Open Space, and each Proposal’s maintenance and operations budget should include ongoing landscaping and maintenance costs for the Open Space. Funding for Open Space maintenance and operation should be borne by the Project’s components according to a formula to be detailed in **Section V: Required Proposal Contents** under **Part G: Financial Information**. The Open Space must be completed by the time the Project’s final residential building is placed in service. HCR will escrow a portion of any developer fee until the date at which the Open Space reaches substantial completion in the sole judgement of ESD and HCR.

D. Street Grid Extension

The Kingsboro Psychiatric campus forms a contiguous superblock bordered by Utica and Albany Avenues to the East and West, Winthrop Street to the north, and Clarkson Avenue to the south. The superblock bisects several streets, with several other streets reaching their northern endpoint at Clarkson Avenue.

The campus currently limits north-south vehicular and pedestrian circulation. ESD and HCR encourage Respondents to consider a northward extension of East 42nd Street and/or East 43rd Street through the Site using mapped streets, pedestrian walkways, bike paths, shared rights-of-way, or other suitable approaches. Respondents may also consider a pedestrian path or shared path to provide mid-block access to the interior of the Site from Albany Avenue.

E. Childcare and Workforce Training Center

Proposals should provide core and shell for a childcare center and workforce training facility to be run by the 1199SEIU United Healthcare Workers East. The combined facility may take up more than one level within a particular building on the Site, but the daycare must be located entirely on the ground floor. Respondents may direct additional questions about requirements for the facility to [tiffany.mcquire\[at\]1199funds.org](mailto:tiffany.mcquire[at]1199funds.org).

F. Zoning and Allowable Land Use

Currently, the Site is zoned R5, a general residential district that allows for, among other uses, three- and four-story attached homes, small multifamily buildings, non-profit residences for the elderly, nursing homes and health-related facilities.

Proposals for the Site are anticipated to deviate from as-of-right zoning to utilize the Site more fully. Respondents should anticipate that ESD will override City zoning through a General Project Plan (“GPP”) to realize the Project pursuant to the goals outlined in this RFP. Accordingly, Proposals must include a list of specific zoning overrides necessary to

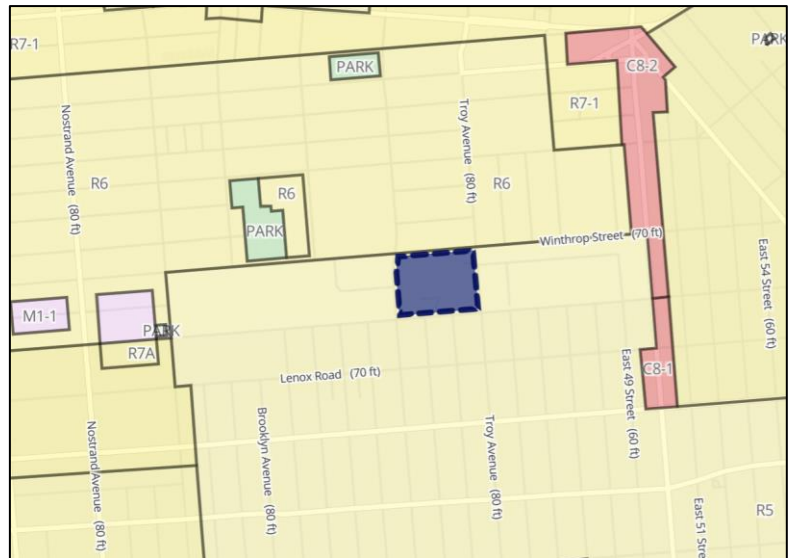


Figure 3 – Zoning

implement the proposed program. Proposed site plans should assume that the entire Site generates a maximum Floor Area Ratio (“FAR”) equivalency of 3.0. Building heights should range between 6-8 stories, although more height may be considered if it supports a superior design and site plan while being cost-effective. Building heights and densities should consider the surrounding neighborhood context, and Proposals should incorporate variations in building form and façades to ensure a vibrant and varied streetscape along the Albany, Winthrop, and Clarkson frontages.

As part of the design submission, Respondents should include a narrative describing how their Proposals will seek to minimize shadow impacts on the Kingsboro Psychiatric Center's active patient care areas, including all outdoor recreation spaces and clinical buildings going as far west as Building 29 (see **Appendix K**).

G. Utilities

The Site has access to gas service from National Grid, electric service from Con Edison, and water service from the NYC Department of Environmental Protection. A map showing the current status of utility lines is attached in **Appendix B**. A survey of the Site in **Appendix D** provides further detail.

The Designated Developer will have to establish its own connections to the services mentioned above. As explained in the **Homeless Shelter Replacement** section, there must be no interruption in shelter operations between conveyance and the date(s) on which the new shelters will be placed in service. Buildings Six and Eight currently receive heating via connection to the active steam plant on the Kingsboro Psychiatric Center campus east of the Site. As part of the Project, the Designated Developer must ensure that Buildings Six and Eight obtain any temporary utility arrangements needed to maintain the current service level. All Proposals must include a feasible plan to eliminate the need for OMH provision of steam to any part of the Site, including the homeless shelters, as soon as is practicable after conveyance. Such plan can include the provision of temporary boilers. DHS would continue to pay for any use of OMH-provided steam post-conveyance. OMH shall have no responsibility for



maintenance of the existing steam line on the Site post-conveyance; the Designated Developer will be solely and fully responsible for maintaining and repairing the steam line on the Site.

H. Environmental Conditions

The Designated Developer will be responsible for conducting all due diligence investigations and remediation, including but not limited to environmental site assessments, including sampling and testing of the soil, sediments and ground water. No representation or warranty is made nor shall be given by ESD, HCR, DASNY, the State or any other entity as to any environmental condition at or under the Site, which is offered “AS IS” and “WHERE IS”. The term “environmental condition” as used herein includes but is not limited to any hazardous and/or toxic substance as defined in any State or Federal law, rule or regulation, solid waste, petroleum and/or petroleum by-products, endangered species of fauna or flora, archeological feature or artifact or any other matter or site condition which may affect the development of the Site.

I. Building Code Requirements

Any development on the Site will be subject to the New York City Construction Codes, including the General Administrative Provisions, Building Code, Plumbing Code, Mechanical Code, Fuel Gas Code, and Energy Conservation Code.

J. Ownership and Taxes

The Site is currently owned by the People of the State of New York acting through DASNY and is operated by OMH and is thus currently exempt from property taxes. After conveyance, the Site will be subject to New York City real property taxes and charges. Property tax exemptions may be available for eligible Projects or Project components. For details of NYC tax exemption programs, Respondents should consult relevant statutes and rules. Proposals should indicate which tax exemption program(s), if any, Respondents plan to utilize. It is the Designated Developer’s responsibility to apply for and meet the requirements of any specific tax benefit program(s).

More information on NYC property taxes and the NYC Department of Finance can be found at www.nyc.gov/dof.

IV. DEVELOPMENT REQUIREMENTS

A. Development Objectives

The primary development objectives for the Project are to provide affordable and supportive housing in partnership with OMH and HCR, to replace existing homeless shelters, and to improve wellness and economic opportunities in the neighborhood as part of the Vital Brooklyn initiative. ESD and HCR are thus seeking Proposals for a high-quality, mixed-use development that meets the following goals (“Development Objectives”):



- Redevelop the western portion of the Kingsboro Psychiatric Center campus into a new mixed-use development with amenities that benefit the surrounding community including:
 - Extremely low-, very low-, low-, and moderate-income rental housing
 - Homeownership opportunities
 - Single-adult mens homeless shelters
 - Supportive housing
 - Ground floor retail and commercial spaces
 - Public health & wellness-oriented amenities
 - For residents: gyms/exercise spaces, access to rooftops, terraces, etc.
 - For the public: the Open Space, other communal recreational spaces and walking/biking paths, cultural space, and community facility space
- Incorporate sustainable and green building practices
- Ensure meaningful participation by Minority-Owned Business Enterprises (“MBE”), Women-Owned Business Enterprises (“WBE”) and Service-Disabled Veteran-Owned-Business (“SDVOB”)²

B. Development Program

Respondents must also include the following in the development program of any Proposal:

- Residential components
 - Affordable rental housing units, 35% of which must be Supportive Units as described in the Introduction. The OMH Supportive Units must account for 100 of the Supportive Units. The remaining Supportive Units may be drawn from other supportive population groups, including those outlined in the Assembly District 43 community priorities found in **Appendix E**.
 - Homeownership units created in accordance with the HCR homeownership term sheet (see **Appendix L**), accounting for approximately 10% of the residential units created through the Project.
- One or more office spaces for a supportive services provider(s) for the Supportive Units. The provider(s) will be selected by the Designated Developer under consultation with the Empire State Supportive Housing Initiative (“ESSHI”) working group.
- Two new shelter spaces as described in the **Homeless Shelter Replacement** section
- A facility for the 1199SEIU United Healthcare Workers East

² For more information on MBE, WBE and SDVOB requirements, please see **Section XI: PROCUREMENT REQUIREMENTS**



- Active ground floor uses that are financially feasible, responsive to tenant mix, and enhance the current inventory in the neighborhood
- A pedestrian-friendly circulation plan that better connects the Site to the surrounding neighborhood, with consideration of the adjacent street grid
- Contextual building massing and thoughtful architectural techniques to ensure a vibrant and engaged streetscape along the Albany, Winthrop, and Clarkson frontages.

The Development Objectives and program will be effectuated through an ESD GPP for the Site and a restrictive declaration ensuring compliance therewith.

Preferred Proposals will have a master plan phased over a reasonable timeframe.

C. Transaction Structure & Approvals

It should be presumed that no part of Kingsboro Psychiatric Center that will remain in State ownership and jurisdiction post-conveyance, including all roadways and parking lots, will be included as part of any Proposal. This includes, but is not limited to, easements or other agreements for ingress/egress or construction staging.

The Designated Developer must acquire fee title to the entire Site (by quitclaim deed), subject to a restrictive declaration requiring development of the Site to conform to the GPP and all governmental approvals listed in the paragraph below. It is intended that the Site would be conveyed to the Designated Developer at financial closing, and that the Designated Developer would hold title during development of the Site.

As noted below in **Section VIII: Conveyance Process**, in order to implement the Project and convey the Site, ESD and DASNY, with the cooperation of the Designated Developer, must comply with legal and regulatory requirements including but not limited to: (i) the New York State Environmental Quality Review Act and its implementing regulations (“SEQRA”); (ii) Section 14.09 of the New York State Historic Preservation Act, to the extent applicable; (iii) Public Authorities Law; (iv) State Finance Law; (v) the New York State Urban Development Corporation Act (the “UDC Act”); (vi) the Facilities Development Corporation Act (“FDCA”); (vii) Section 72-h of the New York General Municipal Law; and (viii) any actions required to insure that the conveyance is consistent with all loan agreements, financing agreements, and bond resolutions relating to or affected by the conveyance, and that the conveyance does not impair the tax exempt status of outstanding obligations issued to finance or refinance any previous design, construction, acquisition, reconstruction, rehabilitation or improvement of the Site. Such compliance must be completed before conveyance of the Site to the Designated Developer for the Project. ESD may also consult with or otherwise involve other State entities as necessary, including DASNY, OMH and HCR, to review the RFP and select the Designated Developer. The sale of the Site is subject to approval of the ESD Directors, the Commissioner of the Office of General Services, the Public Authorities Control Board (“PACB”), the Comptroller of the State of New York, and the New York State Attorney General, and certain other consents and approvals required by the FDCA.



Please also note that that the Designated Developer must enter into agreements with ESD that will require the Designated Developer to pay, from the date of its conditional designation:

- ESD’s ongoing out-of-pocket costs and expenses incurred in connection with the Project and Site conveyance to the Designated Developer, including but not limited to costs and expenses of environmental consultants and legal counsel (see also **Cost Letter and Imprest Account** below); and
- ESD’s administrative fee at closing equal to the cost of direct and actual staff time on the project from the time of conditional designation until conveyance, capped at one million dollars (\$1,000,000).

Respondent’s financial offer for the Site should assume that the Site, including the land and any and all improvements, buildings and infrastructure, utilities, trade fixtures, machinery and equipment, and any personal property at the Site, will be conveyed “AS IS” and “WHERE IS” without any representation, warranty, or guaranty as to quantity, quality, title, character, condition, size, or kind or that the same is in condition or fit to be used for the Designated Developer’s purpose.

D. Cost Letter and Imprest Account

Respondents must provide as part of their Proposal a signed letter agreement (the “Cost Letter” or “Cost Agreement”) in the form provided in **Appendix I**, 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 that the Respondent is selected as the Designated Developer. The signed Cost Letter shall be accompanied by the Respondent’s check in the amount of \$500,000 (“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 into negotiations with ESD, the Cost Letter Check will be deposited into an ESD imprest account (“Imprest Account”) for the Designated Developer. 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 in order 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 \$250,000. The Cost Letter Checks will be returned to each non-designated Respondent when it is determined that the Respondent is no longer under consideration.

V. REQUIRED PROPOSAL CONTENTS

The following must be submitted with all Proposals responding to this RFP. ESD reserves the right, in its sole discretion, to reject any Proposal that is deemed incomplete or nonresponsive to the RFP requirements. ESD also reserves the right, in its sole discretion, to reject any and all Proposals, and to proceed (or not proceed) with the development of the Site without completing this RFP process.

In evaluating the capabilities of the Respondents, ESD may utilize any and all information available (including information not provided by the Respondent). Proposals should clearly and concisely state the



unique capabilities, experience, and advantages of the Respondent and demonstrate the Respondent's capability to satisfy the requirements and objectives set forth in this RFP. ESD further reserves the right to ask additional written or oral clarifying questions to all Respondents or to a subset of Respondents.

In addition to the forms required as described in **Section XI: Procurement Requirements**, each complete Proposal must contain the following elements:

A. Respondent Description and Qualifications

Each Respondent must demonstrate sufficient financial resources and professional ability to develop the Site in a manner consistent with its Proposal. In order to be considered a "Qualifying Organization," Respondents, firms, or joint ventures of firms ("Respondent Teams") must demonstrate collectively significant experience, expertise and capacity in:

- Developing and operating mixed-use projects that incorporate affordable housing, supportive housing, community space (preferably with public health and wellness-oriented amenities), and commercial space;
- Developing and operating homeless shelters; and
- Investing equity in substantial or ground-up real estate development projects.

Each Respondent must provide examples of at least two (2) completed similar projects in the last ten years for which the Respondent acted as a developer and/or principal operator of buildings incorporating affordable and supportive housing, community space and commercial space. Each Respondent Team must have at least one member with experience operating a single-adult men's homeless shelter of a comparable scale to those required by this RFP. HCR and ESD would also prefer that a not-for-profit hold an ownership interest and primary operating role in each building that includes supportive units.

ESD reserves the right to determine whether a Respondent satisfies these requirements based on the experience of the Respondent Team's constituent members. Entities that do not meet the above eligibility criteria (e.g. construction contractors, facility managers and operators, providers of design, engineering, surveying, and specialty construction or maintenance services; and/or lenders or other capital providers, legal or financial advisors, or other providers of professional services) may participate in a submission as part of a Respondent Team that includes a "Qualifying Organization" as defined above.

Each proposal must also include a description of the Respondent Team including:

- Intended form and structure of the team, including a detailed explanation of any proposed partnership or joint venture. A chart or diagram of such partnership structure must be included. In addition, the following requirements should be addressed:



- Experience developing and managing affordable and supportive housing: Respondent Team members should describe their previous experience as principal developer and/or operator of large developments incorporating affordable and/or supportive housing.
 - Experience building and operating homeless shelters: Respondent Team members should describe their previous experience as principal developer and/or operator of homeless shelters, preferably those targeted for single adult men.
 - Experience developing and operating community facilities: Respondents should describe their previous experience acting as principal developer and/or operator of community facilities, preferably with public health and wellness-oriented amenities, that were part of a mixed-use development or stand-alone projects.
 - Experience developing commercial/retail spaces: Respondents should describe their previous experience as principal developer and manager of large developments incorporating commercial and/or retail space leased to third parties.
 - Other experience that makes the Respondent Team uniquely suited to plan, develop and manage a large-scale, mixed-use Project.
- Name, address, phone number and email of each member of the Respondent Team. Respondents must also provide their Federal Employer Identification Number (EIN) and identify a primary contact person.
 - Current operating budget and previous three (3) years of audited financials, including, if available, copies of the interim financial statement for each quarter since the last fiscal year for which audited statements are provided. In addition, any details that describe the financial strength of the Respondent Team members should be provided, including but not limited to:
 - details of any material events that may affect the entity's financial standing since the last annual or interim financial statements provided;
 - details of any credit rating; and
 - details of any bankruptcy, insolvency, company creditor arrangement or other insolvency litigation in the last three fiscal years.
 - Summaries of comparable projects completed by members of the Respondent Team. For each project, the following information is requested:
 - Name of Respondent



- Project Name
 - Completion Date
 - Project Description
 - Location
 - Current Status of Project
 - Total Development Cost
 - Reference Name, Email Address, Telephone
 - Relevance to RFP
-
- Documentation addressing whether any participating member of the Respondent Team has been involved in any litigation or legal dispute against the State or any agency, department, authority or subdivision of the State or any litigation or legal dispute regarding a real estate venture during the past five years.
 - Description of any prior RFPs for which Respondent Team members were selected but which did not result in a successfully developed project.
 - Any additional documentation or information evidencing the strength of the Respondent Team and its ability to complete the Project.
 - All required procurement forms identified in **Section XI: Procurement Requirements** of this RFP.

Please note the following entities and individuals are precluded from responding to this RFP and from participating as part of any Respondent Team, unless otherwise authorized by ESD:

- Any consultant firm that has provided professional services to ESD or HCR in connection with this RFP or the Vital Brooklyn initiative;
- Any entity that is a parent, affiliate, or subsidiary of any of the foregoing entities, or that is under common ownership, control or management with any of the foregoing entities; and
- Any employee or former employee of any of the foregoing entities who was involved with the RFP or Vital Brooklyn initiative while serving as an employee of such entity.

Notwithstanding the foregoing, if ESD determines in its sole discretion that there is no conflict, or that adequate safeguards are in place to prevent the conflict from occurring, or that all of the work provided by such firm, entity or, employee has been made publicly available by ESD, then ESD may provide written authorization that such firm, entity or employee may respond to the RFP or participate on a Respondent Team.



B. Project Description

The Project description should include a detailed narrative describing all relevant aspects of the Project and timing of phasing. The description should address:

- Proposed development program and use, including the specific mix of affordable and supportive housing proposed, and a description of how the Project will advance the Development Objectives set forth in this RFP;
- Type, height, bulk and size (gross and net square footages) of each component of the development program;
- A list of potential tenants and any letters of interest and/or intent from potential tenants, including any proposed community facilities, other community amenities or nonprofit spaces, and commercial retail;
- Total Development Cost;
- Estimated number of direct and indirect permanent and construction jobs to be created by the Project; and
- A detailed plan on how Respondent would meet a 30% MWBE goal and a 6% SDVOB goal for the Project.

C. Site Plan and Architectural Design

Each Respondent must include:

- A summary of the proposed building program for the Project with gross and net square footages for each use;
- At a minimum, a set of concept sketches of the proposed Project and a set of schematic renderings of the proposed Project showing the principal elevations and massing, floor plans for each use, streetscape and landscape plans³, entry feature and signage;
- A diagram(s) showing:
 - hierarchy of private, semi-private, and public spaces throughout the Site
 - vehicular and pedestrian circulation within the Site, including how pedestrian and/or shared streets would enhance visibility/usability of the Open Space; and
 - vehicular and pedestrian ingress and egress access points for the Site;
- A description of the proposed exterior materials and other relevant specifications;
- A description of design features proposed for the Project, including Active Design, Universal Design, etc.; and

³ Respondents should make best efforts to replace the Site's existing old-growth trees, particularly in the Open Space.



- A description of sustainable features that will be incorporated into the Project during construction and operation.

D. Parking Plan

Respondents should explain how the Site's parking plan accommodates the intended uses and follows the New York City Zoning Resolution. Proposals must include justification for the inclusion of any parking in excess of what the Zoning Resolution requires. Apartment residents must pay prevailing market rates for any off-street parking spaces, and public subsidies will not be available to cover the cost of off-street parking construction.

E. Land Use Analysis

Respondents must submit a preliminary land use analysis showing all square footage calculations, zoning equivalencies, proposed uses, and proposed parking. Respondents must identify all desired zoning overrides and any required permits and authorizations to effectuate the Project.

F. Development Timeframe and Phasing

Respondents must submit a development timeline, identifying the estimated length of time to reach key milestones, including: commencement and completion of design; financing; commencement and completion of construction; tenant lease-up; homeless shelter replacement; and operational stabilization for each component of the development program. Any contingencies that may affect this timeframe should be identified.

G. Financial Information

Respondents must submit both financing templates attached as appendices to this RFP. Respondents must also submit a Financing Narrative that clearly explains the financing structure of the Project and explicitly identifies proposed subsidy/financing programs. If the Financing Proposal includes competitive financing sources, the Financing Narrative should explain the feasibility of obtaining the proposed sources and/or describe the Respondent's history of successfully applying for the proposed sources. Proposals should also include a market study including listings comparable to the project's non-residential elements, comparable rental listings, and comparable multifamily unit sales. Each set of comparables should include at least three properties and be within a mile of the Site.

Proposals must comply with all terms of any governmental subsidy program utilized. Submissions for the financing templates and Financing Narrative should also conform to the following requirements:

- Proposals must comply with all terms of the HCR subsidy program utilized. Please refer to <https://hcr.ny.gov/multifamily> for HCR's Affordable Rental Housing Term Sheet & Financing Guide and for program term sheets.
- Proposals must also comply with the DHS Term Sheet. Please refer to **Appendix F: DHS Draft Term Sheet** and see the **Homeless Shelter Replacement** Section for more details.



- This RFP will allow the use of The Senior Housing Program Term Sheet. Respondents may refer to the term sheet for program guidelines, but the Per Residential Unit Maximum Award for this RFP will be “Up to \$150,000 per senior housing unit with a household income limit of up to 60% AMI.” If senior housing funds are leveraged from the City of New York, the Per Residential Unit Maximum Award will be limited to, “up to \$75,000 per senior housing unit with a household income limit of up to 60% AMI.” The total subsidy received from HCR via this term sheet should not exceed the total subsidy contributed by the City. The financing term sheets may be amended from time to time and the terms of the most recent term sheet shall take precedence.
- Proposals must include at least one financing scenario that does not include competitive financing sources from Federal, State or City governments, including, but not limited to, HCR or HPD 9% Low Income Housing Tax Credits. Please note: As-of-right 4% tax credits and local subsidy will not be considered competitive financing sources.
- Proposals providing affordable housing for a mix of incomes with the least amount of subsidy will be rated favorably.
- Funding for maintenance of the Open Space should be included in the Project’s operating expenses. These expenses should be apportioned to the Project’s components according to each’s percentage of the Project’s expected gross income. The DHS shelters, however, should not bear any cost related to the Open Space.
- As part of the Vital Brooklyn initiative goals of high-quality jobs, through the competitive evaluation process, ESD and HCR will give preference to proposals that include union labor for residential building service employees and a robust local hiring plan.
- In addition to the affordability requirements described throughout this RFP, any subsidy programs that are utilized will determine any additional affordability requirements, as applicable.
- Specific information about the superintendent’s unit(s) must be included, as applicable. If the superintendent’s unit is not located on-site, a letter explaining alternative provisions for on-site janitorial services that satisfy the requirements of the Housing Maintenance Code and Multiple Dwelling Law must be included.
- Units must remain in the rent stabilization system in accordance with the terms of the regulatory agreement, but in no case less than thirty (30) years. The Developer may propose a strategy to extend the affordability period for an additional number of years. Submissions must explain any future financial and other resources needed from the State to extend affordability beyond the regulatory period and indicate how the Submission budgets for future capital needs.

H. Demolition Plan

If Respondents plan to demolish any existing structures on the Site, they must provide an overview of the estimated demolition schedule, budget and funding sources. Respondents should include this information in the Financial Information submission.



I. Purchase Price

It is anticipated that the Site will be conveyed at fair market value based on appraisals that will take into account both the proposed mix of uses and the zoning overrides. For the purpose of the RFP, Respondents should use \$40 per buildable square foot as the purchase price.

J. Local Hiring Plan

Respondents should include a narrative as part of the Proposal describing their commitment to local hiring, including an explanation of how the Project will create jobs for local residents and a summary of which community organizations Respondents will partner with in order to maximize local hiring.



VI. SELECTION CRITERIA

ESD shall establish a selection committee to evaluate Proposals. When evaluating Proposals, the following selection criteria will be considered in accordance with the accompanying weightings and used to calculate an overall Proposal score.

Proposals may be reviewed by ESD, HCR and other State officials.

Criteria		Weighting
Development Concept and Program	<ul style="list-style-type: none">• Creativity and feasibility of proposed development concept's site plan, building designs and mix of uses; and conformity to the Development Objectives• Successful mix of affordable and supportive housing, ground-floor commercial, homeless shelter space, retail and/or community facility space, and public health and wellness-oriented amenities, including open space• Incorporation of sustainable building elements and operational practices• Construction plan that facilitates seamless transition to new shelter facilities and provides for the efficient delivery and ongoing operation and maintenance of high-quality buildings and open space	30%
Respondent Qualifications	<ul style="list-style-type: none">• Experience, financial capabilities and qualifications of the Respondent Team in developing, financing, leasing, operating and managing projects of similar size and/or with similar combinations of uses	25%
Financial Feasibility and Economic Benefits	<ul style="list-style-type: none">• Financial feasibility of the Project; competitiveness of proposed financial terms to New York State• Range of incomes and household sizes served by Project; contribution to the economic diversity and overall economic strength of the community	25%
Benefits to Surrounding Community	<ul style="list-style-type: none">• Responsiveness to community priorities articulated by the Vital Brooklyn Community Advisory Council (see Appendix E)• Other direct benefits to surrounding community, including but not limited to economic impact, job creation, and job training and/or workforce development opportunities	15%
MWBE and SDVOB Participation	HCR will award up to 5% to Respondent Teams that include certified Minority or Women-owned Business Enterprises (MWBEs) as defined in section three hundred ten of the New York State Executive Law or Service-Disabled Veteran-owned Business Enterprises ("SDVOBs") as defined in section three hundred sixty-nine-h of the New York State Executive Law	5%



In order to be awarded points pursuant to the MWBE and SDVOB Participation Criterion, the Respondent Team must (1) include an MWBE or SDVOB and (2) be registered with the NYS Department of State as an entity authorized to conduct business in New York State. Respondent Teams including MWBEs must be listed in the directory of New York State-certified MWBEs (“MWBE Directory”) as of the closing of the period for responses to this RFP. The MWBE Directory is available at: <https://ny.newnycontracts.com/>. Respondent Teams including SDVOBs must be listed in the directory of New York State-certified SDVOBs (“SDVOB Directory”) as of the closing of the period for responses to this RFP. The SDVOB Directory is available <http://www.ogs.ny.gov/Core/SDVOBA.asp>.

ESD reserves the right to conduct interviews with or pose questions in writing to individual Respondents in order to clarify the content of Respondents’ Proposals and to ensure a full and complete understanding of each Proposal. ESD shall undertake to pursue uniformity in the questions it asks Respondents to the extent practicable, but ESD may ask different or additional questions to different Respondents in the context of any individual interview or in writing. ESD reserves the option to hold oral interviews as part of the selection process; Respondents who are invited for an interview will receive additional instructions upon their invitation.

ESD anticipates that a single Respondent Team will be conditionally designated based upon the selection committee’s determination of the best Proposal for ESD, HCR and the State.

VII. DEVELOPER DUE DILIGENCE

Respondents should assume that the Site, including the land and any and all improvements, buildings and infrastructure, utilities, trade fixtures, machinery and equipment, and personal property situated at the Site, will be conveyed “AS IS” and “WHERE IS” without representation, warranty, or guaranty as to quantity, quality, title, character, condition, size, or kind, or that the same is in condition or fit to be used for the Respondent’s purpose.

ESD will post information regarding the RFP on the RFP website at: <http://www.esd.ny.gov/CorporateInformation/RFPs.html>. Respondents are encouraged to check for updates. Prospective Respondents should notify ESD of their interest as soon as possible in order to ensure that they receive all updates associated with this RFP by sending an email to KPCRFP@esd.ny.gov.

Respondents must rely solely on their own independent research and investigations for all matters, including, costs, title, survey, development, financing, construction, and remediation, and should not rely exclusively 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.



VIII. CONVEYANCE PROCESS

The following is a summary description of the conveyance process. After a review of the Proposals, ESD intends to conditionally designate one Respondent or Respondent Team as the Designated Developer. In implementing the Project, including the conveyance process, ESD intends to:

1. conduct a SEQRA-compliant environmental review of the Project, including any applicable consultation with the State Historic Preservation Office;
2. prepare, in accordance with the UDC Act and in consultation with the Designated Developer, a draft GPP for the Project that reflects the Designated Developer's Proposal;
3. assist DASNY and OMH, as necessary, in obtaining appraisals, consents, and approvals; and provide such notices as may be required to convey the Site to ESD at a fair value established in accordance with and pursuant to the Community Reinvestment Act (Unconsolidated Laws §4405 (13));
4. present to ESD Directors the GPP, essential transaction contract terms, any required Public Authorities Law findings, and any other applicable statutory or regulatory requirements, for adoption prior to a public hearing;
5. give prior notice of and conduct a public hearing in order to receive comments on the GPP and essential contract terms (including required SEQRA analyses);
6. review such comments and, if necessary, either affirm or modify the GPP to be presented to ESD Directors to authorize the proposed transaction;
7. present the Project to the PACB for its approval;
8. prepare, in consultation with the Designated Developer, and record in the *City Register*, a restrictive declaration (the "Declaration") regarding the Project's conformance to the GPP, including the affordable housing components; and
9. obtain title to the Site from DASNY and deliver to the Designated Developer, at closing, a quitclaim deed without covenants for the Site that is subject to the Declaration.

This process typically takes up to twenty-four (24) months from the commencement of the environmental review, depending upon the complexity of the Project.

As outlined in **Section IV: Development Requirements**, ESD will establish an Imprest Account that will be funded by the Designated Developer and used by ESD and its designated agents to pay costs incurred in connection with the Project (including the costs and expenses of environmental consultants and legal counsel). The Imprest Account shall be initially funded at the time of conditional designation in the amount of five hundred thousand dollars (\$500,000) by cashing the Cost Agreement Check; thereafter, in accordance with the Cost Agreement, the Designated Developer shall, promptly after notice from ESD, fully replenish the Imprest Account in the amount of \$500,000 each time the balance of the Imprest Account falls below \$250,000. Upon conveyance, any amount remaining in the Imprest Account and not required to pay outstanding costs will be returned to the Designated Developer.



Conveyance of the Site to the Designated Developer will be subject to the following:

- Receipt of all public approvals required for conveyance and development of the Site.
- Delivery of all documents, as determined by ESD and HCR, necessary to complete the conveyance process within a time period specified by ESD and HCR.
- Upon the conveyance of the Site(s), the Designated Developer shall obtain a bona fide construction loan and provide evidence to HCR of sources of capital sufficient to complete the development of the Site(s) in accordance with the approved Project.
- [Upon conveyance of the site the Designated Developer will deliver an enforcement note and mortgage in an amount equal to the appraised value of the land, which may be payable at maturity.]

IX. PROPOSAL SUBMISSION INSTRUCTIONS

A. Proposal Submission

Seven (7) hard copies and one (1) electronic copy (in the form of a USB flash drive) of the Proposal identified as “**Kingsboro Psychiatric Center RFP**” must be received by ESD by **November 6, 2020 at 2:00 PM** at the following address:

Empire State Development
633 Third Avenue, 35th Floor
New York, NY 10017
Attn: Ralph Volcy
Re: Kingsboro Psychiatric Center RFP

It is the responsibility of each Respondent to ensure timely submission of its Proposal. Proposals received after the scheduled date and time cannot be accepted.

A Respondent accepts all provisions of this RFP by submitting a Proposal and is responsible for the accuracy of its submission.

B. RFP Inquiries

ESD will accept written questions via email from prospective Respondents regarding the RFP. Respondents may submit questions to: KPCRFP@esd.ny.gov.

Written questions must include the requestor’s name, e-mail address and the Respondent represented, and must be received by **September 21, 2020 at 2:00 PM**. Responses to all timely and appropriate questions will be posted on ESD’s website on **October 5, 2020** at: <http://esd.ny.gov/CorporateInformation/RFPs.html>.

If a Respondent discovers any ambiguity, conflict, discrepancy, omission or other error in this RFP,



notification should be sent immediately via e-mail to KPCRFP@esd.ny.gov requesting written clarification or modification. Should ESD find it necessary, an addendum or modification to this RFP will be posted on the ESD website at: <http://esd.ny.gov/CorporateInformation/RFPs.html>.

Other than emails to the designated email account for the RFP at KPCRFP@esd.ny.gov, no contact regarding this RFP with ESD Directors, staff or consultants, or any other governmental entity (except for a member of the State Legislature or State legislative staff), is allowed during the procurement period of this RFP. Any such contact by a Respondent will be grounds for disqualification.

C. Site Tour

ESD plans to offer tours of the Site the week of **August 31, 2020**. Respondents are not required to attend but must email KPCRFP@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. Due to security and logistics reasons, ESD asks that no more than three people per Respondent Team attend the Site tour. Due to uncertainty around social distancing protocols, tour sizes may be capped.

ESD reserves the right to modify the RFP schedule at its discretion. Notification of changes in connection with this RFP will be made available to all interested parties by e-mail and via ESD's website: <http://www.esd.ny.gov/CorporateInformation/RFPs.html>.

X. GENERAL PROVISIONS

A. Statement of Limitations

All Proposals, and any relationship between the State and Respondents arising from or connected or related to this RFP, are subject to the following specific limitations and representations, as well as the terms contained elsewhere in this RFP.

1. By responding to this RFP, Respondents are deemed to accept and agree to this Statement of Limitations. By submitting a response to this RFP, each Respondent acknowledges and accepts ESD's rights as set forth in the RFP, including this Statement of Limitations.
2. The issuance of this RFP and the submission of a Proposal by any firm or the acceptance of such Proposal by ESD does not obligate ESD in any manner whatsoever with regard to development of the Site. ESD will only incur such obligations upon execution of a formal contract by ESD and the Designated Developer.
3. ESD reserves the right to: (i) amend, modify, or withdraw this RFP; (ii) revise any requirements of this RFP; (iii) require supplemental statements or information from any Respondent; (iv) accept or reject any or all Proposals; (v) extend the deadline for submission of Proposals; (vi) negotiate or hold discussions with any Respondent and correct deficient Proposals that do not completely conform to the instructions contained herein; and (vii) cancel, in whole or part, this



RFP, for any reason or for no reason. ESD may exercise the foregoing rights at any time without notice and without liability to any Respondent or any other party for its expenses incurred in the preparation of Proposals or otherwise. Proposals are the sole cost and expense of each Respondent.

4. All information submitted in response to this RFP, including accompanying documents, is subject to the Freedom of Information Law (FOIL) found in Article 6 of the N.Y. Public Officer Law. FOIL provides that certain records are exempt from disclosure, including those that contain (1) trade secrets, (2) information that, if disclosed, would cause substantial injury to the competitive position of Respondent, or (3) critical infrastructure information. Respondents should identify portions of their Proposals and accompanying documents they believe fall under these exemptions by submitting their Proposals in both redacted and un-redacted form. Records may be redacted to protect only the portions of documents that fall within a FOIL exemption. An entire document may not be withheld if only a portion of the document is exempt from disclosure. Along with the redacted version, Respondents may provide a detailed justification for the portions of their Proposal they believe fall into the exemptions discussed above. Blanket assertions that information is a trade secret, confidential, or proprietary are insufficient to justify withholding information under FOIL. The identified information will be reviewed, and a determination will be made as to whether the information is exempt from disclosure under FOIL. The State's determination may be appealed pursuant to POL §89(5)(c). Please note that if Respondents do not submit a redacted version, their Proposals may be released in un-redacted form if requested under FOIL.
5. ESD reserves the right, in its sole discretion, without liability, to utilize any or all Proposals, including late responses, in its planning efforts. ESD reserves the right to retain and use all the materials and information, and the ideas, suggestions therein, submitted in response to this RFP (collectively, the "Response Information") for any purpose. Each Respondent must grant an unconditional and perpetual license without charge to ESD to use any copyright or other legally protected rights in and to the Response Information. By submitting a Proposal, each Respondent waives any and all claims against ESD and the State relating to the retention or use of the Response Information.
6. This RFP shall not be construed in any manner to implement any of the actions contemplated herein, nor to serve as the basis for any claim whatsoever for reimbursement of costs for efforts expended in preparing a Proposal. ESD will not be responsible for any costs incurred by Respondents related to preparing and submitting a Proposal in response to this RFP, attending oral presentations, or for any other associated costs.
7. To the best of ESD's knowledge, the information provided herein is accurate. Respondents should undertake appropriate investigation in preparation of Proposals.
8. Should ESD determine that negotiations with a selected Respondent will not result in an executable contract, ESD may begin negotiations with a different Respondent without again requesting Proposals.



B. Required Approvals

The awarded contract, if any, may be subject to review and approval by the Office of the State Comptroller (“OSC”) pursuant to Public Authorities Law §2879-a and the regulations issued thereunder. Such OSC review and approval may be required of contracts with a value in excess of one million dollars, or modifications to contracts that result in an aggregate value in excess of one million dollars, where such contracts are paid in whole or in part with monies appropriated by the State, or were awarded on a basis other than a competitive procurement (as that term is defined in the law and regulations). If the awarded contract is subject to OSC review and approval, the contract shall not be valid and enforceable, nor shall ESD have any liability of any kind arising from or in connection with the contract, unless and until OSC approval has been received.

C. Performance

The Designated Developer’s performance will be assessed by ESD according to the achievement of its contractual obligations in a timely and professional manner, as set forth in the GPP, the Declaration and other conveyance documents. ESD will utilize progress reports and periodic meetings to ensure that the Project is carried out on a timely basis.

D. Designated Developer Staffing

Staff assigned to work on this Project shall be subject to approval by ESD. It is highly desirable that staff assigned to work on this Project continue to work on this Project until completion. The Designated Developer should notify ESD of any proposed changes in staff immediately. ESD has an absolute right and discretion to approve or disapprove any proposed changes in staff. The Designated Developer specifically represents and agrees that its members, officers, employees, agents, servants, consultants, shareholders, and subcontractors have and shall possess the experience, knowledge, and character necessary to qualify them individually for the particular duties performed hereunder.

The Designated Developer agrees not to subcontract any of its services, unless indicated in its Proposal, without the prior written approval of ESD. Approval shall not be unreasonably withheld upon receipt of written request to subcontract. All members of the Designated Developer, including subcontractors, who work on the Project must possess the necessary qualifications, training, licenses, and permits as may be required, and shall be legally entitled to work in Project’s jurisdiction. All persons, corporations, or other legal entities that work on the Project must comply with all applicable Federal and State laws concerning employment in the United States.

XI. PROCUREMENT REQUIREMENTS

A. Procurement Forms

Required procurement forms, available via the links in the sections below, must be executed and included with the Proposal in the order listed below:

- A. State Finance Law Sections 139-j and 139-k forms
- B. New York State Vendor Responsibility Questionnaire For-Profit Business Entity
- C. Iran Divestment Act Statement
- D. Non-Discrimination and Contractor & Diversity Requirements



- E. Encouraging the Use of NYS Businesses in Contract Performance Form
- F. Certification Under State Tax Law Section 5-a
- G. Project Sunlight (for review only—no separate form requirement)
- H. Insurance Requirements

B. Conflict of Interests

Respondent must attest it has read, understood and will comply with the provisions at: <https://esd.ny.gov/sites/default/files/Conflict-of-Interest-Attestation-June-2019.pdf>. ESD has the right to disqualify any Respondent to this RFP or terminate any contract entered into as a result of this RFP should ESD determine that the Respondent has violated any of these requirements.

- 1. Gifts and Offers of Employment:** Respondent has not and shall not during this procurement and during the negotiation of any contract resulting from this RFP, offer to any employee, member or director of ESD or HCR, any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the offer was intended to influence said employee, member or director, or could reasonably be expected to influence said employee, member or director, in the performance of the official duty of said employee, member or director or was intended as a reward for any official action on the part of said employee, member or director. Respondent may not make any offers of employment or discuss the possibility of such offers with any employee, member or director of ESD or HCR who is involved in this RFP and/or resulting negotiation within at least 30 days from the time that the employee's involvement in this matter closed.
- 2. Disclosure of Potential Conflicts:** Respondent shall disclose any existing or contemplated relationship with any other person or entity, including relationships with any member, shareholders of 5% or more, parent, subsidiary, or affiliated firm, which would constitute an actual or potential conflict of interest or appearance of impropriety, relating to other clients/customers/employers of the Respondent or former officers and employees of ESD or HCR, in connection with your rendering services enumerated in this RFP. If a conflict does or might exist, Respondent must describe how it would eliminate or prevent it.
- 3. Disclosure of Ethics Investigations:** Respondent must disclose whether it, or any of its members, shareholders of 5% or more, parents, affiliates, or subsidiaries, have been the subject of any ongoing investigation or disciplinary action by the New York State Commission on Public Integrity or its predecessor State entities (collectively, "Commission"), and if so, a description must be included indicating how any matter before the Commission was resolved or whether it remains unresolved.

C. State Finance Law Sections 139-j and 139-k forms

State Finance Law Sections 139-j and 139-k (collectively, the "Procurement Requirements") apply to this RFP. These Procurement Requirements: (1) govern permissible communications between potential Respondents and ESD or other involved governmental entities with respect to this RFP; (2) provide for increased disclosure in the public procurement process through identification of persons or organizations whose function is to influence procurement contracts, public works agreements and real property transactions; and (3) establish sanctions for knowing and willful violations of the provisions of the



Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this RFP. Compliance with the Procurement Requirements requires that all communications regarding this RFP, from the time of its issuance through final award and execution of any resulting contract (the “Restricted Period”), be conducted only with the Designated Contacts listed on page 1 of this RFP; the completion by Respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding and Agreement pursuant to State Finance Law (each form is accessible at the Required Forms for Vendors link at the ESD web site under “RFPs”); and periodic updating of such forms during the term of any contract resulting from this RFP.

Respondents must submit the Offerer Disclosure of Prior Non-Responsibility Determinations, and the Offerer’s Affirmation of Understanding and Agreement pursuant to State Finance Law as part of their submittal. Copies of these forms are available at:

http://www.empire.state.ny.us/CorporateInformation/Data/RFPs/RequiredForms/SF_Law139_JK.pdf.

Procurement Requirements also require ESD and HCR staff to obtain and report certain information when contacted by Respondents during the Restricted Period, make a determination of the responsibility of Respondents and make all such information publicly available in accordance with applicable law. If a Respondent is found to have knowingly and willfully violated the State Finance Law provisions, that Respondent and its subsidiaries, related or successor entities will be determined to be a non-responsible Respondent and will not be awarded any contract issued pursuant to this RFP. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract.

This is not a complete presentation of the provisions of the Procurement Requirements. A copy of State Finance Law Sections 139-j and 139-k can be found at:

http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/PermissibleContactsPolicy_Jan2007.pdf.

All potential Respondents are solely responsible for full compliance with Procurement Requirements. All members of a Respondent Team, including consultants, must complete the forms required above.

D. Vendor Responsibility

All Respondents to this RFP must be “responsible,” which in this context means that they must have the requisite financial ability, organizational capacity and legal authority to carry out their obligations under this RFP, and in addition must demonstrate that both they and their principals have and will maintain the level of integrity needed to contract with New York State entities such as ESD. Further, each Respondent must show satisfactory performance of all prior government contracts. Accordingly, the contract to be entered into between ESD and the Designated Developer, if any, shall include clauses providing that the Designated Developer remain “responsible” throughout the term of any contract, that ESD may suspend the contract if information is discovered that calls into question the responsibility of the contracting party,



and that ESD may terminate the contract based on a determination that the contracting party is non-responsible. On request, model language to this effect will be provided to any Respondent to this RFP.

To assist in the determination of responsibility, ESD requires that all Respondents to this RFP register in the State's Vendor Responsibility System ("Vend-Rep System"). The Vend-Rep System allows business entities to enter and maintain their Vendor Responsibility Questionnaire information in a secure, centralized database. New York State Procurement Law requires that State agencies award contracts only to responsible vendors. Respondents are to file the required Vendor Responsibility Questionnaire online via the Vend-Rep System or may choose to complete and submit a paper questionnaire. Respondents should include a copy of their Vend-Rep submission receipt or paper questionnaire in their Proposals.

To enroll in and use the Vend-Rep System, Respondents should consult the System Instructions available at www.osc.state.ny.us/vendrep or go directly to the Vend-Rep system online at <https://portal.osc.state.ny.us>. For direct Vend-Rep System user assistance, the Office of the State Comptroller's Help Desk may be reached at (866) 370-4672 or (518) 408-4672 or by email at helpdesk@osc.state.ny.us.

Respondents opting to file a paper questionnaire can obtain the appropriate questionnaire from the Vend-Rep website (http://www.osc.state.ny.us/vendrep/forms_vendor.htm) and execute accordingly pertaining to the company's trade industry. Per the Vend-Rep website, Respondents are to "Select the questionnaire which best matches the business type (either For-Profit or Not-For-Profit) and business activity (Construction or Other)." For ESD RFPs concerning the purchase and redevelopment of real estate, it is most common for a Respondent to complete the form as a "Non-Construction" company unless the Respondent is primarily a construction firm.

E. Iran Divestment Act

Every Proposal made to ESD pursuant to a competitive solicitation must contain the following statement, signed by the Respondent on company letterhead and affirmed as true under penalty of perjury:

"By submission of this bid, each Respondent and each person signing on behalf of any Respondent certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each Respondent is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law."

The list in question is maintained by the Office of General Services. For further information and to view this list please go to: <http://www.ogs.ny.gov/about/regs/ida.asp>

F. Executive Order 177

In accordance with New York State Executive Order 177, all Respondents must certify that they are in compliance with the New York State Human Rights Law which prohibits discrimination and harassment based on a protected class, and which requires reasonable accommodation for persons with disability or pregnancy related conditions.



The required certification for can be found at: <https://esd.ny.gov/sites/default/files/EO-177-Certification.pdf> and must be signed and included in all Proposals.

G. New York State Human Rights Law

Pursuant to Article 15 of the Executive Law (the “Human Rights Law”), all other State and Federal statutory and constitutional non-discrimination provisions, Respondents may not discriminate against any employee or applicant for employment because of race, creed (religion), color, sex, national origin, sexual orientation, military status, age, disability, predisposing genetic characteristic, marital status or domestic violence victim status, and shall also follow the requirements of the Human Rights Law with regard to non-discrimination on the basis of prior criminal conviction and prior arrest.

In accordance with New York State Executive Order 177, all Respondents must certify that they are in compliance with the New York State Human Rights Law, which prohibits discrimination and harassment based on a protected class and requires reasonable accommodation for persons with disabilities and pregnant women. The required certification can be found at: <https://esd.ny.gov/sites/default/files/EO-177-Certification.pdf> and must be signed and included in all Proposals.

H. Diversity Requirements and Non-Discrimination

Business Participation Opportunities for Minority- and Women-owned Business Enterprises (MWBEs)

[New York State Executive Law Article 15-A](#) and [Parts 140-145 of Title 5 of the New York Codes, Rules and Regulations](#) requires State agencies to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of State projects.

For this Project, ESD has established an overall goal of **30%** MWBE participation: **15%** for New York State-certified Minority-owned Business Enterprise (“MBE”) participation and **15%** for New York State-certified Women-owned Business Enterprise (“WBE”) participation (based on the current availability of MBEs and WBEs). The Designated Developer must document its good faith efforts to provide meaningful participation by MWBEs in the completion of the Project. The directory of NYS-certified MWBEs can be viewed at <https://ny.newnycontracts.com>. For guidance on how ESD will evaluate the Designated Developer’s “good faith efforts,” refer to [5 NYCRR § 142.8](#).

Each Respondent understands that only sums paid to MWBEs for the performance of a “commercially useful function,” as that term is defined in [5 NYCRR § 140.1](#), may be applied



towards the achievement of the applicable MWBE participation goal. For any contract where an MWBE performing a commercially useful function serves as a “[supplier](#),” as identified in the commodity codes of their NYS MWBE certification profile, only sixty (60) percent of the total value of the contract will be counted towards the MWBE goal. For any contract where an MWBE performing a commercially useful function serves as a “[broker](#),” as identified in the commodity codes of their NYS MWBE certification profile, only the monetary value for fees, or the markup percentage, charged by the MWBE will be counted towards the MWBE goal. Utilization credit may not be reported under any circumstances for work performed by an NYS-certified MWBE for which that MWBE is not coded to perform.

In accordance with [5 NYCRR § 142.13](#), each Respondent further acknowledges that if it is found to have willfully and intentionally failed to comply with the MWBE participation goals set forth in the General Project Plan and other conveyance documents resulting from this RFP, such finding constitutes a default, and ESD may impose liquidated damages.

By submitting a Proposal, each Respondent agrees that if selected as the Designated Developer, it will demonstrate its good faith efforts to achieve the applicable MWBE participation goals by submitting evidence thereof through the New York State Contract System (“NYSCS”), which can be viewed at <https://ny.newnycontracts.com>; provided, however, that the Respondent may arrange to provide such evidence via a non-electronic method by contacting the Office of Contractor and Supplier Diversity (“OCSD”) at OCSD@esd.ny.gov.

The Respondent must submit an MWBE Utilization Plan on Form OCSD-4 (see link below) as part of its Proposal. ESD may disqualify a Respondent as being non-responsive for failure to submit an MWBE Utilization Plan. By signing the MWBE Utilization Plan, each Respondent acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, loss of eligibility to respond to future RFPs.

Once a Designated Developer is selected, any modifications or changes to an accepted MWBE Utilization Plan through Project completion must be reported on a revised MWBE Utilization Plan and submitted to ESD for review and approval. ESD will review the revised MWBE Utilization Plan and advise the Designated Developer of ESD acceptance or issue a notice of deficiency within 30 days of receipt.

If a notice of deficiency is issued, the Designated Developer will be required to respond to the notice of deficiency within seven (7) business days of receipt by submitting to OCSD at OCSD@esd.ny.gov a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD will notify the Designated Developer and direct it to submit, within five (5) business days, a request for a partial or total waiver of MWBE participation goals. Failure to file the waiver form in a timely manner may be grounds for default.



The Designated Developer will be required to attempt to utilize, in good faith, any MBE or WBE identified within its MWBE Utilization Plan to complete the Project. The Designated Developer will be required to submit a monthly MWBE Contractor Compliance & Payment Report to ESD by the 10th day following the end of each month until Project completion, documenting the progress made toward achievement of the MWBE goals. The Designated Developer may request a partial or total waiver of established goal requirements up until Project completion.

Equal Employment Opportunity Requirements

By submitting a Proposal in response to this RFP, each Respondent agrees with all of the terms and conditions in [SCHEDULE B - PARTICIPATION BY MINORITY- AND WOMEN-OWNED BUSINESS ENTERPRISES: REQUIREMENTS AND PROCEDURES](https://esd.ny.gov/sites/default/files/SCHEDULE%20B.pdf) located online at <https://esd.ny.gov/sites/default/files/SCHEDULE%20B.pdf>. Each Respondent is required to ensure that it, and any entities with which it contracts or partners to work on this Project, undertake or continue programs to ensure that minority group members and women are afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status. For these purposes, equal opportunity shall apply in the areas of recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, and rates of pay or other forms of compensation. This requirement does not apply to: (i) work, goods, or services unrelated to this Project; or (ii) employment outside New York State.

The Respondent is required to submit a Minority- and Women-owned Business Enterprise and Equal Employment Opportunity Policy Statement (Form OCSD-1, see link below) to ESD with its Proposal.

If a Respondent is selected as the Designated Developer for this Project, it must submit a Workforce Utilization Report (Form OCSD-3, see link below) and shall require any entities with which it contracts or partners on this Project to submit a Workforce Utilization Report, in such format as shall be required by ESD on a monthly basis through Project completion.

Pursuant to [Executive Order #162](#), the Designated Developer will also be required to report the gross wages paid to each of their employees for the work performed by such employees on the Project, utilizing the Workforce Utilization Report, on a quarterly basis.

The required forms referenced above can be found at the following web addresses:

Required with Proposal:

Form OCSD-1: <https://esd.ny.gov/sites/default/files/OCSD-1-Policy-Statement.pdf>

Form OCSD-4: <https://esd.ny.gov/sites/default/files/OCSD-4%20Utilization%20Plan.pdf>



Required if selected as the Designated Developer:

Form OCSD-2: <https://esd.ny.gov/sites/default/files/OCSD-2-Staffing-Plan.pdf>

Form OCSD-3: <https://esd.ny.gov/sites/default/files/OCSD-3-Workforce-Utilization-Report.xlsx>

Form OCSD-5: <https://esd.ny.gov/sites/default/files/OCSD-5-Waiver-Request-Form.pdf>

Form OCSD-6: <https://esd.ny.gov/sites/default/files/OCSD-6%20-%20Contractor%20Compliance%20Payment%20Report.pdf>

In the event that the above links are unavailable or inactive, the forms may also be requested from OCSD at OCSD@esd.ny.gov.

Business Participation Opportunities for Service-Disabled Veteran-Owned Businesses (SDVOBs)

[Article 17-B of the New York State Executive Law](#) provides for meaningful participation in State projects by New York State-certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”), to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of ESD projects.

In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in New York State, Respondents are expected to consider SDVOBs in the completion of this Project. Such participation may be as contractors or suppliers, as protégés, or in other partnering or supporting roles.

For this Project, ESD has established an overall goal of **6%** for SDVOB participation, based on the current availability of qualified SDVOBs. For purposes of providing meaningful participation by SDVOBs, each Respondent should reference the directory of New York State-certified SDVOBs found at <https://online.ogs.ny.gov/SDVOB/search>. Questions regarding compliance with SDVOB participation goals should be directed to the Designated Contacts. If selected as the Designated Developer, the Respondent is encouraged to contact the Office of General Services’ Division of Service-Disabled Veterans’ Business Development at 518-474-2015 or VeteransDevelopment@ogs.ny.gov to discuss additional methods of maximizing participation by SDVOBs in the Project.

In accordance with [9 NYCRR § 252.2\(i\)](#), the Respondent is required to submit a completed SDVOB Utilization Plan on Form OCSD-4 (see link above) as part of its Proposal. ESD may disqualify any Respondent’s Proposal as being non-responsive if the Respondent fails to submit an SDVOB Utilization Plan. By submitting a Proposal, each Respondent agrees that if selected as the Designated Developer, it will demonstrate good faith efforts to provide meaningful participation by SDVOBs in the Project.



The Utilization Plan shall list the SDVOBs that the Respondent intends to use on the Project, a description of the work that the Respondent intends the SDVOB to perform to complete the Project, and the estimated dollar amounts to be paid to an SDVOB or, if not known, an estimate of the percentage of total project cost the SDVOB will perform. By signing the Utilization Plan, each Respondent acknowledges that making false representations or providing information that shows a lack of good faith as part of, or in conjunction with, the submission of a Utilization Plan is prohibited by law and may result in penalties including, but not limited to, loss of eligibility to respond to future RFPs.

If selected as the Designated Developer, the Respondent certifies that it will follow the submitted SDVOB Utilization Plan for the performance of SDVOBs in the Project pursuant to the prescribed SDVOB contract goals set forth above. The Respondent further agrees that a failure to use SDVOBs as agreed in the Utilization Plan may constitute a default and result in penalties including, but not limited to, loss of eligibility to respond to future RFPs.

If a Respondent is selected as the Designated Developer, it must report and submit any modifications or changes to its approved SDVOB Utilization Plan in a revised SDVOB Utilization Plan. ESD will review the revised SDVOB Utilization Plan and advise the Designated Developer of ESD acceptance or issue a notice of deficiency within twenty (20) days of receipt.

If a notice of deficiency is issued, the Designated Developer agrees that it will respond to the notice of deficiency within seven (7) business days of receipt, by submitting to ESD a written remedy in response to the notice of deficiency. If the written remedy that is submitted is not timely or is found by ESD to be inadequate, ESD will notify the Designated Developer and direct it to submit within five (5) business days of notification by ESD, a request for a partial or total waiver of SDVOB participation goals on Form OCSD-5 (see above). Failure to file the waiver form in a timely manner may be grounds for default.

Prior to submission of a request for a partial or total waiver, the Designated Developer will speak to ESD for guidance. In accordance with [9 NYCRR § 252.2\(m\)](#), a Designated Developer that is able to document good faith efforts to meet the goal requirements, as set forth below, may submit a request for a partial or total waiver on Form OCSD-5 (see above), accompanied by supporting documentation. If a request for waiver is submitted with the Designated Developer's SDVOB Utilization Plan and is not accepted by ESD at that time, the provisions of the clauses below will apply. If the documentation included with the Designated Developer's waiver request is complete, ESD will evaluate the request and issue a written notice of acceptance or denial within twenty (20) days of receipt. The Designated Developer may request a partial or total waiver of established goal requirements up until Project completion.

If ESD, upon review of the SDVOB Utilization Plan and Monthly SDVOB Compliance Report (Form OCSD-6, see link above), determines that the Designated Developer is failing or refusing to comply with the approved SDVOB goals and no waiver has been issued in regard to such non-compliance,



SD may issue a notice of deficiency. The Designated Developer must respond to the notice of deficiency within seven (7) business days of receipt. Such response may include a request for partial or total waiver of SDVOB contract goals, which must be made in writing to ESD.

In accordance with [9 NYCRR § 252.2\(n\)](#), the Designated Developer must document its good faith efforts toward utilizing SDVOBs on the Project. Evidence of required good faith efforts shall include, but not be limited to, the following:

- A. Copies of solicitations to SDVOBs and any responses thereto
- B. Explanation of the specific reasons each SDVOB that responded to any solicitations by the Designated Developer or any entities with which it contracts or partners to work on this Project, was not selected
- C. Dates of any meetings attended by Designated Developer with NYS-certified SDVOBs that ESD determined were capable of fulfilling the SDVOB goals set in the approved Utilization Plan
- D. Information describing the specific steps undertaken to reasonably structure the Project's scope of work for the purpose of contracting with, or obtaining supplies from, NYS-certified SDVOBs
- E. Any other documentation demonstrating good faith efforts to comply with established SDVOB goals

In accordance with [9 NYCRR § 252.2\(q\)](#), the Designated Developer is required through Project completion to report Monthly SDVOB Contractor Compliance to ESD for the preceding month's activity, documenting progress made towards achieving the SDVOB goals. This information must be submitted directly on the [New York State Contract System](#) or via Form OCSD-6 (see link above), and should be completed by the Designated Developer and submitted to ESD at OCSD@esd.ny.gov by the 10th day of each month for the preceding month's activity, through Project completion.

In accordance with [9 NYCRR § 252.2\(s\)](#), any Designated Developer found to have willfully and intentionally failed to comply with the SDVOB participation goals may be in default and subject to damages as set forth therein.

I. Encouraging the Use of NYS Businesses

New York State businesses strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, Respondents to this RFP are strongly encouraged and expected to consider New York State businesses for the Project. In order for ESD to assess the use of New York State businesses in each Proposal, ESD requests that each



Respondent complete the Encouraging Use of New York State Businesses in Contract Performance form, accessible here:

<http://esd.ny.gov/CorporateInformation/Data/ENCOURAGINGUSEOFNEWYORKSTATEBUSINESSESINCONTRACTPERFORMANCE.pdf>.

J. Certification under State Tax Law Section 5-a

Any Project resulting from this RFP is subject to the requirements of State Tax Law Section 5-a (“STL 5-a”). STL 5-a prohibits ESD from approving any contract with any entity if that entity or any of its affiliates, subcontractors or affiliates of any subcontractor makes sales within New York State of tangible personal property or taxable services having a value over \$300,000 and is not registered for sales and compensating use tax purposes. To comply with STL 5-a, all Respondents to this RFP must include in their Proposals a properly completed Form ST-220-CA (http://www.tax.ny.gov/pdf/current_forms/st/st220ca_fill_in.pdf), or an affidavit (http://esd.ny.gov/CorporateInformation/Data/RFPs/RequiredForms/STL_5A_Affidavit.pdf) that the Respondent is not required to be registered with the State Department of Taxation and Finance. Also, in accordance with the requirements of STL 5-a, any contract resulting from this RFP will require periodic updating of the certifications contained in Form ST-220-CA. Proposals that do not include a properly completed ST-220-CA will be considered incomplete and non-responsive and will not be considered for conditional designation. Only the Respondent completes Form ST 220-CA, but Schedule A to Form ST 220-CA requires detailed information from any subconsultants, such as tax ID number, etc., if applicable. Moreover, if applicable, certificates of authority must be attached by Respondent and any subconsultants.

K. Project Sunlight

This RFP is subject to the Public Integrity Reform Act of 2011. Under the Public Integrity Reform Act of 2011, “appearances” (broadly defined and including any substantive interaction that is meant to have an impact on the decision-making process of a State entity) before a public benefit corporation such as ESD by a person (also broadly defined) for the purposes of procuring a State contract (as contemplated in this RFP) must be reported by ESD to a database maintained by the State Office of General Services that is available to members of the public. If in doubt as to the applicability of Project Sunlight, Respondents and their advisors should consult the Laws of 2011, Ch. 399 for guidance.

L. Insurance Requirements

The Designated Developer will be required to indemnify and hold harmless ESD, HCR and the State of New York and to provide appropriate insurance coverage as determined by ESD and HCR once the structure of the transaction with the Designated Developer has been finalized.

ESD, HCR and the State of New York must be named as additional insureds on a primary and non-contributory basis on certain policies. All policies should include a waiver of subrogation in favor of ESD, HCR and the State of New York.



Any agreements among ESD, HCR and the Designated Developer will include appropriate insurance and indemnification requirements.

M. W-9 Form

Each Respondent must submit a completed W-9 form (<https://www.irs.gov/pub/irs-pdf/fw9.pdf>) with its Proposal.

XII. APPENDICES

Below is a list of appendices attached to and made a part of this RFP:

Appendix A: Aerial Site Map

Appendix B: Utility Map

Appendix C: Map from 1994 with Building Ten Footprint

Appendix D: Survey from 2007

Appendix E: 43rd Assembly District Community Advisory Council Development Priorities

Appendix F: DHS Draft Term sheet

Appendix G: DHS Accessibility Requirements

Appendix H: DHS Signage/Wayfinding Package

Appendix I: Cost Agreement Letter

Appendix J: Vital Brooklyn RFP Rental Underwriting Template

Appendix K: OMH Outdoor Recreation Space Map

Appendix L: HCR Homeownership Term Sheet

Appendix M: HCR Homeownership Underwriting Template