



Request for Proposals for Site 5 World Trade Center (“RFP”)

Addendum #3

Release Date: August 16, 2019

Please see below for additional items relating to the Site 5 World Trade Center RFP. A copy of the RFP is available [here](#). All capitalized terms used below and not otherwise defined in this addendum will have the meanings set forth in the RFP.

1) **Additional Site 5 World Trade Center RFP Site Visit Attendees**

The attendee list for the July 22, 2019 Site 5 Information Session and Site Visit posted in Addendum 2 ([link](#)) has been updated to reflect an additional attendee.

2) **Additional Site 5 Documents:** As outlined in the below responses to RFP Inquiries, additional supporting documents for Site 5 are being made available as part of this addendum. These documents include:

- *World Trade Center Commercial Design Guidelines (“CDGs”)* (see **Appendix G** on the [Shared Drive](#)) and Agreement between City of New York and The Port Authority for administration of CDGs ([link](#))
- *130 Liberty Street Deconstruction Plan Documents (“Demolition File”)* ([link](#))
- *WTC Lot 1 Block 54 Survey (“Survey”)* (see **Appendix H** on the [Shared Drive](#))
- Ground level drawing from the *WTC Master Plan Version 11*, dated October 10, 2013 (see **Appendix I** on the [Shared Drive](#))
- New York State Department of Environmental Conservation (NYSDEC) Spill Reports (see **Appendix J** on the [Shared Drive](#))
- Liberty Park Plan (see **Appendix K** on the [Shared Drive](#))
- Updated “Schedule B” for MWBE Participation (see **Appendix L** on the [Shared Drive](#))

Respondents are also advised that a [link](#) to the *The World Trade Center Memorial and Redevelopment Plan Final Generic Environmental Impact Statement (“FGEIS”)*, Record of Decision and Findings Statement can be found in footnote 3 on page 8 of the [RFP](#).



- 3) The following is a partial list of responses to questions submitted to LMDC and PANYNJ for the Site 5 World Trade Center RFP. Responses to the remaining questions will be posted by Monday, August 19, 2019.

Please note that some questions have been paraphrased or combined with other similar questions. In addition, all capitalized terms used below and not otherwise defined in this addendum will have the meanings set forth in the RFP.

Site 5 RFP Responses to Questions

No.	Question	Response
1)	Are there Section 3 requirements because of the past use of HUD funds?	LMDC is awaiting a final determination from HUD on this question and will provide further detail in a future addendum.
2)	Can the community outreach plan requirement in the RFP be fulfilled through meetings with community groups and historical societies?	<p>The Community Outreach Plan that Respondents must submit with their Proposals as described on page 18 of the RFP may include engagement with local community groups, historical societies and other community stakeholders.</p> <p>For background on Community Board 1’s (CB 1) 2019 priorities, Respondents may consult the Manhattan CB 1 District Needs & Budget Priorities available on the CB 1 website (link).</p>
3)	If MWBE or SDVOB certification is pending at the time of submission of a Proposal, will we be able to get credit for the Selection Criterion for the RFP MWBE and SDVOB participation goals?	<p>MWBE and SDVOB certification is not a Selection Criterion; Respondents’ answers to the Diversity Practices Questionnaire will determine the points awarded in the selection process.</p> <p>Members of the Designated Development Team must be certified by project closing in order to receive credit towards the MWBE and SDVOB participation goals outlined in the RFP.</p>
4)	Can Diversity Practices Selection Criterion points be awarded partially?	Yes, points for the Diversity Practices Selection Criterion may be awarded in any amount ranging from 0 – 10% based on the Respondent’s responses to the Diversity Practices Questionnaire (see page 14 of the RFP).



No.	Question	Response
5)	Does New York City MWBE certification qualify for either the RFP Selection Criterion or RFP MWBE participation goal?	MWBE certification with the City of New York does not qualify for the RFP Selection Criterion or MWBE participation goal. To qualify for the RFP Diversity Practices Selection Criterion or MWBE participation goal, businesses must be MWBE-certified with either New York State or the PANYNJ.
6)	What is the process to become MWBE-certified with NY State or PANYNJ?	Instructions for MWBE certification with New York State are available on the ESD website (link). Instructions for MWBE certification with PANYNJ are available on the PANYNJ website (link - click "Apply for Certification").
7)	What is the process to become SDVOB-certified with NY State?	Instructions for SDVOB certification with New York State are available on the New York State Office of General Services website (link).
8)	How can we find MWBE and/or SDVOB firms?	Respondents are encouraged to consult the New York State MWBE Directory of Certified Firms, (link), PANYNJ MWBE Directory of Certified Firms (link), and the New York State SDVOB Directory of Certified Firms (link) for lists of MWBE- and SDVOB-certified firms.
9)	What are the next steps after the RFP submission deadline?	After the submission deadline, LMDC and PANYNJ will evaluate all Proposals and perform due diligence, which may involve asking additional questions and requesting additional information from Respondents. LMDC and PANYNJ may also interview Respondents in connection with their Proposals. Based on the Selection Committee's evaluation of the Proposals in accordance with the Selection Criteria, a Respondent will be selected as the Designated Developer, pending approval by the LMDC and PANYNJ Boards, and all other required approvals as detailed in the RFP.



No.	Question	Response
10)	What is the timeline for selection of an RFP winner?	The timeline to select a Designated Developer will vary depending on how many Proposals are received. Respondents should note that both LMDC and PANYNJ are committed to moving the RFP selection process forward as quickly as possible.
11)	Do you have an estimated construction cost for the project?	The construction costs for any development on Site 5 will be determined by the Designated Developer and will depend on the proposed development program for the Site.
12)	Do you have an anticipated construction start date for the project?	The construction start date will depend on the selected Proposal's development program and whether the proposed Project will require a GPP modification. It is expected that construction will commence immediately following public approvals and property disposition.
13)	Is there a list of interested firms - either Prime or Sub - that we can obtain to express our interest, by either signing up as an interested (subconsultant) firm or by seeking out interested Prime firms? And do you have a list of those who downloaded the RFP?	A list of firms that attended the July 22, 2019 Information Session was posted on August 1, 2019 as part of Addendum 2 (link) to the RFP. A list of individuals or firms that have downloaded the RFP is not available.
14)	Is the presentation shown at the Information Session available online?	The presentation shown at the July 22, 2019 Information Session was posted on August 1, 2019 as part of Addendum 2 (link) to the RFP.



No.	Question	Response
15)	Are there design requirements for development on Site 5?	<p>A <i>commercial development</i> must be consistent with the GPP, which requires that any commercial development on Site 5 substantially conform with the CDGs for that site (see page 12). As such, Respondents who propose a commercial development should look to the CDGs for guidelines on design elements and for orientation to the overall context of the World Trade Center campus.</p> <p>The CDGs are administered through an agreement (link) between PANYNJ and the City (“CDG Agreement”). Through this agreement, Respondents may request variances from the CDGs so long as they do not trigger a GPP modification. Such variances will be reviewed by PANYNJ and the City as described in Article V of the CDG Agreement. Respondents who propose a commercial development that varies from the CDGs should identify all such variances in their Proposals.</p> <p>Respondents who propose a <i>mixed-use residential development</i> may deviate from the CDGs. Mixed-use or residential development will require modification of the GPP, and, as part of that process, variances to the CDGs may also be requested. Respondents should also note though, that, even a mixed-use residential Proposal must include a minimum of 25-foot sidewalks along Greenwich, Albany and Washington Streets, as described on page 102 of the CDGs.</p> <p>Please note that in all cases, Proposals for any development on Site 5 must conform with the height and bulk restrictions listed on page 10 of the RFP.</p>



No.	Question	Response
16)	<p>Is there a comprehensive signage package? We would need a list of all ADA signage needs, lobby signage, and any exterior signage (identify signage, parking signage, etc). If not, can you please point us in the right direction as I am not seeing this in blue book?</p>	<p>Signage requirements for the Site can be found in the CDGs (Appendix G). Variances may be requested if necessary, however any variances requested for commercial development must maintain the proposed project's compliance with the GPP.</p> <p>In all cases, signage will be designed by the Designated Developer, and services for signage will be contracted by the Designated Developer.</p>
17)	<p>Is there a preference between commercial or mixed-use residential proposals?</p> <p>If price is equal, would a commercial proposal be preferred?</p> <p>If commercial, is there a preference for a ground lease proposal or purchase proposal?</p>	<p>As detailed on pages 10 and 15 of the RFP, Respondents may propose either a commercial or mixed-use residential development. LMDC and PANYNJ do not have a preference between a commercial or mixed-use residential Proposal and will evaluate all Proposals equally in accordance with the RFP Selection Criteria.</p> <p>As detailed on page 15 of the RFP, Respondents who propose a commercial development may submit either a Commercial Price or Commercial Ground Rent Offer, or both. LMDC and PANYNJ reserve the right to request Respondents submit revised Proposals under a different scenario than originally proposed, or additional scenarios.</p>
18)	<p>If a firm has previously worked on Site 5, is that firm precluded from being part of a team responding to the RFP?</p>	<p>Any firm or individual who has previously performed work or services in connection with Site 5 is not automatically precluded from responding to the RFP. Such firms or individuals should send a written description of their prior work on Site 5 to Site5RFP@esd.ny.gov. LMDC and PANYNJ will evaluate any submission as per the process described on page 21 of the RFP.</p>



No.	Question	Response
19)	Are there any past environmental reports for the WTC campus or Site 5 available online?	<p>The World Trade Center Memorial and Redevelopment Plan FGEIS, ROD and Findings Statement for the World Trade Center Memorial and Redevelopment Plan are available on the LMDC website link listed in footnote 3 on page 8 of the RFP (link).</p> <p>Files associated with the demolition of the building formerly located on the Site are available on the LMDC website (link).</p>
20)	Does the RFP parcel include the park run by the Downtown Alliance along Albany Street?	The RFP parcel <u>does</u> include the temporary plaza on Albany Street which is currently maintained by the Downtown Alliance. A survey of the RFP parcel has been uploaded to the Shared Drive as Appendix H .
21)	Will there be another site visit?	There are no plans for another site visit at this time. Should that change, information will be in a future addendum posted on the RFP website.
22)	Will the Site be delivered vacant?	The Site will be delivered vacant to the Designated Developer. As described on page 5 of the RFP, the current uses on the Site by the Port Authority Police Department and the Downtown Alliance will be discontinued prior to transferring the Site to the Designated Developer.
23)	Will LMDC or PANYNJ pay a broker's fee?	Neither LMDC nor PANYNJ has engaged or dealt with any broker(s) and will not pay any brokerage commissions in connection with the Site disposition.
24)	Where and how many curb cuts are allowed?	Please refer to the ground level drawing from the WTC Master Plan Version 11, dated October 10, 2013, which indicates curb cuts at crosswalks. This drawing has been uploaded to the Shared Drive as Appendix I . Respondents should propose the number of curb cuts desired and ensure plans conform with the CDGs.



No.	Question	Response
25)	In a ground lease structure, we assume the PA WTC Sustainable Design Guidelines apply and include an alternative path utilizing LEED as a means to achieve the GPP’s sustainability requirements - please confirm.	The LMDC FGEIS governs the development of Site 5 as a commercial office building. The WTC Sustainable Guidelines are incorporated as FGEIS- Appendix A, as well as in the GPP and CDGs (Chapter 8.)
26)	In a sale structure, we assume that a LEED standard is at the discretion of the new site owner - please confirm.	Per the criteria on page 13 of the RFP, sustainability practices will be evaluated regardless of the transaction structure. All Respondents should consider the LMDC FGEIS and the Sustainable Design Guidelines (“SDGs”) found in Chapter 8 of the CDGs in formulating their Proposals to comply with sustainability requirements. Respondents should note that achievement of LEED Gold is an acceptable alternative path to complying with sustainability requirements at the Site as per section 8.4 of the CDGs.
27)	Please clarify the definition of maximum height of 900 feet - is that measured to the last occupied floor or the top of the roof parapet?	The maximum height of 900 feet is measured to the top of the roof parapet from street level.
28)	What restrictions can we expect regarding Site 5 access during the construction process?	Construction security will be similar to that required for other WTC construction projects, including but not limited to: management of deliveries (screening will be required), personnel security (Secure Worker Access Consortium (SWAC) will be required), and site security (closed-circuit TV coverage, site access protocols, fencing designed to preclude incursion by non-authorized persons). Construction and site logistics will need to be coordinated more specifically in advance of construction commencing.



No.	Question	Response
29)	Will you provide documentation (facility information, material testing, etc.) for the backfill used for the cellar and sub-cellar during demolition of the former building?	<p>After demolition of the former 130 Liberty Street building, the Site was partially backfilled, predominantly with crushed concrete from the former building. This concrete did not include building contaminants, which had been removed and disposed of offsite at appropriately licensed facilities.</p> <p>For more information about the cellar and sub-cellar backfill of the former building, please refer to pages 32-33 and page 37/Exhibit 1 of “130 Liberty Street Contactor’s Implementation Plan for Decontamination and Deconstruction” included as part of the Demolition File (link).</p>
30)	Are records available for any onsite spills?	<p>According to NYSDEC records, five spills were reported at the Site between September and October 2001 and July 2004. Spill numbers for these are 0106533, 0106682, 0107299, 0107680 and 0403597. According to NYSDEC records, all spill cases on the Site have been closed.</p> <p>Some spills are briefly described on page 12 of Chapter 11 of the WTC FGEIS (link). In addition, NYSDEC Spill Reports have been uploaded as Appendix J to the Shared Drive.</p> <p>Further information about spills can be obtained by contacting NYSDEC.</p>



No.	Question	Response
31)	What would trigger further approvals required by SEQRA and NEPA environmental? (page 24 of RFP)	<p>For commercial Proposals that comply with the existing GPP, no further environmental review is anticipated.</p> <p>For commercial Proposals with a hotel and/or conference center, additional environmental review may be required.</p> <p>For mixed-use Proposals with residential, GPP modifications and additional environmental review will be required. The extent of the environmental review necessary would be determined based upon an analysis of the project.</p>
32)	We understand that the Site was excavated in 2011. What are the below-grade site conditions and uses today? Were all of the old Deutsche Bank building foundations removed?	<p>Portions of the previous 130 Liberty Street foundations remain today on the Site.</p> <p>For more information about the below-grade Site conditions at Site 5, please refer to pages 32-33 of the document “130 Liberty Street Contactor’s Implementation Plan for Decontamination and Deconstruction” included as part of the Demolition File (link).</p>
33)	<p>Appendix A & B include a metes and bounds description of Site 5, which we assume is an at-grade description. Please confirm that the same metes and bounds description applies for the below-grade and above-grade conditions.</p> <p>Do you have a CAD file for Site 5?</p>	<p>Yes. The metes and bounds are consistent above and below grade. Please see Appendix H on the Shared Drive for a Site survey.</p> <p>A CAD file for Site 5 is not available.</p>
34)	Are the utility connections referenced under “site infrastructure existing conditions” sufficient to service the proposed development or would modifications be required?	Respondents must independently verify any utility connections and capacities necessitated by their proposed development with the relevant utility providers.



No.	Question	Response
35)	Since the PA constructed the South Bathtub directly against the north edge of Site 5, please advise if there are any structural or Geotech restrictions when constructing the new building at this location - e.g. existing South Bathtub tiebacks, necessary lateral restraints during excavation, additional South Bathtub lateral forces, etc.	The lowest elevation of the South Bathtub structure is elevation 247.0 PA datum. During construction no loads should be transferred to PA structures. Existing rock anchors within the Site 5 parcel are below elevation 265 PA datum. Any planned construction impacts to rock anchors must be addressed.
36)	What are the sidewalk obstructions on the north sidewalk of Cedar Street adjacent to the site? Will they be removed?	These obstructions are a flood mitigation deployment and are removable.
37)	What is the distance from the Site 5 property line to the face of the Vehicular Screening Center (VSC)?	The northern boundary of the Site is adjacent to Liberty Park and the VSC infrastructure below Liberty Park. Please refer to the ground level drawing from the WTC Master Plan Version 11 (and metes and bounds of property survey available on the Shared Drive as Appendix H)
38)	Are there any public space or infrastructure improvement requirements?	There are no specified public space or infrastructure improvements (beyond any infrastructure improvements necessitated by site connections or construction permitting) required as part of the RFP disposition. Please refer to the GPP and Chapter 6 of the CDGs regarding public rights-of-way and streetscapes.
39)	Please outline the security performance criteria that the project must comply with either for a ground lease option or in a disposition ownership structure.	Under a fee sale, City of New York requirements will apply. Under a ground lease, WTC Threat and Risk Assessment and Security Performance Criteria apply. These documents will be made available to a shortlist of Respondents after approval by PA security personnel.



No.	Question	Response
40)	Since Site 5 is located outside of the Security WTC Campus and will not have any direct connections to the below grade complex, please confirm whether Site 5 can be excluded from the technology reporting (fire alarm and security) obligations, including first responder and radio communications to the site-wide PANYNJ security command center in either a lease or disposition ownership structure.	<p>Under a fee sale, City of New York first responder radio communication requirements would apply.</p> <p>Under a ground lease, PA first responder radio requirements would apply.</p> <p>No fire alarm reporting obligations to the WTC campus apply under either a ground lease or fee sale.</p>
41)	Are there any requirements Respondents must take into account due to the Site’s adjacency to the WTC Vehicular Security Center?	PA recommends Respondents secure the services of a security consultant as noted on page 11 of the RFP.
42)	Is there a list of approved security consultants to meet safety and security requirements? (page 11 of RFP)	There is no pre-approved list of security consultants.
43)	Please confirm that Site 5 will not be required to utilize or be subject to the protocols of the WTC Vehicular Screening Center.	PANYNJ will not require the Designated Developer to enroll in the Vehicle Security Center (VSC) or Trusted Access Program (TAP) but will expect appropriate security and screening to be provided for the Site.
44)	Are there any agreements or understandings with St. Nicholas Church with respect to access?	PANYNJ and LMDC anticipate that the Designated Developer will make appropriate agreements with the Greek Orthodox Archdiocese of America to coordinate access as necessary for construction of both Tower 5 and the St. Nicholas Church.
45)	What is the status of the completion of the St. Nicholas Greek Orthodox Church?	PANYNJ and LMDC have no information at this time about the timeline for completion of the St. Nicholas Greek Orthodox Church. Should additional information become available, PANYNJ and LMDC will post an additional addendum.



No.	Question	Response
46)	<p>Will an access agreement with Liberty Park be part of the disposition agreement?</p> <p>Is there an opportunity for direct access from the 2nd floor of Site 5 onto Liberty Park and if so what are the access or license terms/obligations with the PA to do so?</p> <p>Will 5WTC be permitted to connect directly to Liberty Park?</p>	<p>The Port Authority anticipates that an access and/or easement agreement would be required if a Respondent proposes direct access to Liberty Park, to the extent such access is consistent with current use and conditions.</p> <p>A plan of Liberty Park is now available on the Shared Drive as Appendix K.</p>
47)	<p>Other than providing DOB-required protections, will there be any monetary obligations for the Developer with respect to Liberty Park?</p>	<p>No monetary obligation is anticipated with respect to Liberty Park.</p>
48)	<p>Is a structural expansion joint required against the Liberty Park/VSC structure?</p>	<p>Yes, it is anticipated this will be required for the full length of the northern property line of Site 5.</p>
49)	<p>Please provide an existing condition plan (with elevations) and south elevation (.pdf and cad) of Liberty Park.</p>	<p>Please see Appendix K for final design elevations for the eastern portion of Liberty Park. The Designated Developer will have to verify elevations in the field as part of final design.</p> <p>A CAD file for Liberty Park is not available.</p>
50)	<p>Portions of the vent structures for Liberty Park appeared unfinished - will those be completed by the PA, and if so when?</p>	<p>The vent structures in Liberty Park are complete and in operation.</p>
51)	<p>What are the vent structures on the south side of the VSA/Liberty Park, immediately adjacent to the property line? Are they exhaust or intake?</p>	<p>There are separate vents for exhaust and intake.</p>



No.	Question	Response
52)	<p>Regarding the provision in the RFP that "designation of land sale or ground lease is at the sole discretion of LMDC and PANYNJ", at what point will this decision be made in the process and does the Designated Developer have the right to withdraw its application at this point?</p>	<p>Under a commercial development scenario, PANYNJ will have the sole discretion to execute a (i) contract of sale; (ii) contract to lease with a fully negotiated lease attached; or (iii) lease agreement with the Designated Developer as described on p. 24 of the RFP. The decision to move forward with a sale or lease of the Site will be made by PANYNJ prior to designation of the Designated Developer.</p> <p>As detailed on page 15 of the RFP, LMDC and PANYNJ reserve the right to request Respondents to submit revised Proposals under a different scenario than originally proposed, or additional scenarios.</p> <p>A Designated Developer has the right to withdraw its application at any point during the RFP process up to the point of execution of a contract of sale, contract to lease or lease agreement between the Designated Developer and LMDC or PANYNJ.</p>
53)	<p>Can the "construction period" be defined for the time the Site will be leased to Designated Developer prior to the land sale?</p>	<p>Generally, the "construction period" is defined as the period from the commencement of construction, as evidenced by a receipt of a construction permit, until a temporary certificate of occupancy or completion issued by the relevant permitting authority for building code has been obtained for each Project use.</p> <p>Specific dates, length of term and other conditions for the lease through construction will be defined in the lease to be negotiated among LMDC, PANYNJ and the Designated Developer.</p>



No.	Question	Response
54)	<p>Since the site is currently exempt from real estate taxes, will the transfer of title then occur after this construction period and will the Developer be exempt from real estate taxes during the construction period?</p>	<p>As described on page 15 of the RFP, in the event the Site is sold, the transfer of title will occur after the construction period at the post-construction closing. During the construction period, the Designated Developer will be exempt from real estate taxes, but if commercial, will be subject to PILOT with the City of New York as described on page 13 of the RFP.</p>
55)	<p>Will Site 5 benefit from any municipal incentives (e.g. Sales Tax Exemption, Commercial Rent Tax Abatement, NYPA Power)?</p> <p>Are any public financing opportunities available beyond affordable housing tax credits?</p>	<p>Site 5 is eligible to benefit from any as-of-right municipal, State or federal incentives or financing programs. As highlighted on page 16 of the RFP, “Respondents should include a brief summary that explains at a high level how Respondents would approach the financing of the Project, including reference to any expected incentives or tax credit programs. If a Proposal is contingent on receiving financing or incentives, the Respondent should include proposed terms for such financing in its Proposal.”</p>
56)	<p>What kind of lien will be provided to allow for a construction lender to finance the project during the lease period?</p>	<p>During the term of the lease, the Designated Developer shall have the right to encumber its leasehold interest in the Site by mortgage for the sole purpose of securing construction and permanent financing for construction of the Project, subject to institutional lender requirements of the Port Authority or LMDC and other terms and conditions to be negotiated. The Designated Developer shall have no right to encumber LMDC’s or the Port Authority’s fee simple absolute title or remainder or residual interest in the improvements.</p>



No.	Question	Response
57)	Other than those disclosed in the RFP, do any parties have any rights vis-à-vis the design, construction, use or operation of the building?	As noted in the RFP, LMDC owns the site in fee simple. Port Authority has an interest in the property pursuant to Memoranda of Understanding dated 2006 and 2019. LMDC and Port Authority are not aware of any other parties that have a property interest in the Site. The Designated Developer will be responsible for obtaining any additional governmental approvals needed to design, construct or operate the building.
58)	Consultation with the City of NY Department of City Planning and local Community Board are also mentioned - what is the anticipated timeframe for this process and can it be completed contemporaneously to the public process?	<p>The timeframe for consultation with NYC Department of City Planning (DCP) and the local Community Board varies from project to project. These consultations can be completed contemporaneously with the public approvals process.</p> <p>As described on p. 10 of the RFP, consultation with DCP and CB 1 is only required in the event that the selected Proposal requires a GPP modification.</p>
59)	Please provide additional detail regarding the approvals by the Commissioner of the Office of General Services, the Public Authorities Control Board, the Comptroller of the State of New York and the New York State Attorney General. At what point of the process are these approvals required, what is the typical approval timeframe, and can approvals proceed simultaneously? (page 24 of RFP)	Approvals by the Office of General Services, the Public Authorities Control Board, the Comptroller of the State of New York and the New York State Attorney General may be required in addition to approval by the LMDC and PANYNJ Boards of Directors. The timeframe for these approvals will vary based on the nature of the proposed development but are generally completed within 90 days of board approvals.
60)	In what instances would a GPP modification be denied?	Modification of the GPP is subject to public approvals and consultation with relevant parties as described on pages 10 and 15 of the RFP.
61)	Who has final approval rights in the GPP modification process?	The LMDC Board has the final approval rights in the GPP modification process.
62)	If the GPP is modified, would the same 800 key hotel restriction still apply?	Yes, the 800-key hotel restriction cannot be changed through a GPP modification.



No.	Question	Response
63)	Regarding the RFP requirement that the Designated Developer pay all fees for LMDC/PANYNJ, do LMDC and PANYNJ have a budget for the typical fees? (page 16 of RFP)	The amount of LMDC/PANYNJ’s out-of-pocket costs and expenses to be paid by the Designated Developer will depend on the Project selected. Throughout the public approvals and entitlements process, the Developer will be provided with regular updates on costs incurred in connection with disposition of the Site.
64)	Regarding the RFP requirement that the Designated Developer pay all fees for LMDC/PANYNJ, is there a maximum timeframe where this requirement will no longer need to be met?	While there is no maximum timeframe for the commitment of the Designated Developer to pay LMDC/PANYNJ’s costs in connection with the Project and disposition, the majority of the costs will be incurred during the public approvals and entitlements process before the commencement of construction.
65)	According to the RFP, one of the Community Benefits includes a “number of jobs created by the Project, including the estimated number of direct and indirect construction and permanent jobs”. When taking into consideration local employment, are there particular zip code(s) that LMDC and PANYNJ would consider part of the local community?	Local hiring is not a specified component of the “Project Program and Design and Community Benefits” Selection Criterion. Local hiring goals for this Project will be discussed later in the process.
66)	Within the “b. Residential or Mixed-Use Development” section of “III. Site Description, Zoning, and Context”, it states that the “Designated Developer will be required to enter into a regulatory agreement with the City’s Department of Housing and Development (“HPD”)” for any proposals that include a residential use. Will the involvement of HPD add additional compliance programs and reporting, currently not listed within the RFP (i.e. Section 3 Reporting, Prevailing Wage, etc.)?	Respondents should reference the Mandatory Inclusionary Housing provisions of the New York City Zoning Resolution for guidance. HPD’s involvement itself will not specifically trigger additional compliance programs.



No.	Question	Response
67)	The RFP states that MWBE Certificates from ESD or PANYNJ would be accepted for this project. Will the Designated Developer be expected to report to both LMDC and the PANYNJ on MWBE participation? If yes, will there be separate reporting formats that must be submitted to each individual agency?	The Designated Developer will only be expected to report to LMDC or PANYNJ (and not both) for MWBE participation. If the proposed Project is a commercial development, the Designated Developer will report to PANYNJ. If the proposed Project is a mixed-use residential development, the Designated Developer will report to LMDC or ESD.
68)	The “Non-Discrimination and Diversity Requirements” indicates that the “respondents are encouraged to utilize an assortment of NYS- and PANYNJ-certified MWBEs, in order to maximize firms in each ethnic and gender category”. Particularly for the MBE participation goal, is there a further breakdown in the participation goal for individual ethnic groups (i.e. 5% Hispanic)?	There are no specific targets or goals for individual ethnic groups, however the PANYNJ encourages "diversity within the diversity", meaning the expectation is that multiple groups will be represented in the Proposal.
69)	The “Equal Employment Opportunity Requirements” does not reflect a workforce participation goal; is there a participation goal set for minority and women workers for this project?	<p>The “Equal Employment Opportunity Requirements” section on page 32 of the RFP is part of the “Business Participation Opportunities for New York State-Certified Minority- and Women-Owned Business Enterprises (“MWBEs”)” section beginning on page 30 of the RFP.</p> <p>As described on page 31 of the RFP, “an overall goal of 30% for MWBE participation, 20% for New York State certified Minority-owned Business Enterprises (“MBE”) participation and 10% for New York State certified Women-owned Business Enterprises (“WBE”) participation” has been set for the RFP.</p> <p>Respondents are also advised that a corrected “Schedule B” with the correct MWBE goals has been uploaded to the Shared Drive as Appendix L. Appendix L replaces the Schedule B found in the link listed on page 32 of the RFP.</p>



No.	Question	Response
70)	If there is retail in the Project, can it be separately managed from Westfield, or are they the site-specific retailer?	The retail in Site 5 is separate and independent from Unibail-Rodamco-Westfield’s retail operation at the World Trade Center.
71)	After closing, are there any requirements and/or limitations on naming of the building?	Naming rights will be discussed during negotiations with Respondents.
72)	Since Site 5 is not located in the WTC bathtub, will Site 5 be exempt from any CAM or other operating expenses for the WTC campus?	CAM and other WTC campus operating expenses do not apply to Site 5.
73)	Are there any operational charges associated with the WTC (security or otherwise) after Developer closes on the land?	No operational charges associated with the existing WTC campus apply to Site 5.
74)	Please confirm that Site 5 will not receive any of the services associated with the World Trade Center site and therefore will not be subject to the sitewide common area maintenance charge(s).	Confirmed.
75)	What is the plan for flood mitigation?	As noted in the RFP, the Site is located within Flood Zones X and AE. The Designated Developer is responsible for protecting the Site and building in accordance with City of New York resiliency requirements. The Designated Developer will need to coordinate with PANYNJ regarding flood protection.

The foregoing is added to and made part of the RFP. Any questions regarding this addendum may be submitted to the designated contact account for this solicitation at Site5RFP@esd.ny.gov. In order to receive an update when a new addendum is posted to the ESD website, please email Site5RFP@esd.ny.gov. If you have already emailed this account, you are already subscribed to receive future RFP updates.