LOWER CONCOURSE NORTH
Request for Expressions of Interest

RELEASE DATE
Wednesday, July 13, 2016

INFORMATION SESSION
Monday, August 1, 2016

SUBMISSION DEADLINE
Tuesday, October 11, 2016
# Table of Contents

Executive Summary ........................................................................................................... 3
Site Context and History .................................................................................................... 6
Development Program ...................................................................................................... 20
Financing .......................................................................................................................... 22
Approval Process .............................................................................................................. 24
Proposal Requirements .................................................................................................... 25
Selection Criteria ............................................................................................................. 32
Disposition Process ......................................................................................................... 34
Due Diligence .................................................................................................................... 36
Appendix 1 – Proposal Contents ..................................................................................... 39
Appendix 2: Building and Open Space Requirements .................................................... 40
Appendix 3: Building and Site Plan Design Guidelines ................................................... 42
Appendix 4: Site Conditions ............................................................................................ 44
Appendix 5 – Emerging Developer Narrative Form ......................................................... 46
Appendix 6 – Management Experience ........................................................................... 48
Appendix 7 - Affordable Housing Requirements ............................................................. 50
Appendix 8 – Demographics ............................................................................................ 52
Appendix 9 – M\WBE Plan ............................................................................................... 55
Appendix 10 – HireNYC : Development Program ............................................................ 58
Appendix 11 – HireNYC : Permanent Program ................................................................. 61
Appendix 12 – Living Wage and Prevailing Wage Requirements ..................................... 67
Appendix 13 – Doing Business Data Form ...................................................................... 68
Appendix 14 – NYCEDC Statement of Agreement .......................................................... 69
Appendix 15 – Conditions, Terms and Limitations ......................................................... 70
In May 2014, Mayor de Blasio released Housing New York, A Five Borough, Ten-Year Plan ("Housing New York"). Housing New York establishes the goal of building or preserving 200,000 affordable units over ten years. Among the key strategies articulated in Housing New York is the goal of promoting mixed-use, mixed income communities anchored by affordable housing. Housing New York can be found at the following link:


New York City Economic Development Corporation ("NYCEDC") is pleased to release this Request for Expressions of Interest ("RFEI") on behalf of the City of New York (the "City"), and in partnership with the New York City Department of Housing Preservation and Development ("HPD"), to help realize the vision set forth in Housing New York.

Executive Summary

NYCEDC, in partnership with HPD, is pleased to release this request for expressions of interest ("RFEI") for the long-term lease and redevelopment of an approximately 158,000 square foot site along the Harlem River in the Bronx (the "Site", see Site Location map, below). The Site, referred to as Lower Concourse North, is located in the Lower Concourse section of the Bronx, across from the Bronx Terminal Market and adjacent to the 145th Street Bridge between Manhattan and the Bronx. The Site is currently vacant and represents a unique opportunity to create an iconic gateway for the southwest Bronx, connect residents to the Harlem River waterfront, support the growth of the Lower Concourse neighborhood, and contribute to the evolving Bronx skyline.

The Site is a key piece of the City's $194M plan to redevelop streets, create new open spaces, upgrade broadband connections and improve waterfront access in the Lower Concourse Neighborhood-in furtherance of the goal of creating a sustainable and resilient city as outlined in the report released by Mayor de Blasio in April 2015, One New York: The Plan for a Strong and Just City1 ("OneNYC"). The redevelopment of the Site, in combination with other City investments and initiatives, is expected to serve multiple OneNYC and neighborhood goals, including establishing connectivity along the Harlem River waterfront, extending the popular Mill Pond Park, and developing a strategic site along the Bronx shoreline.

The City envisions that RFEI responses will include a mixed-income affordable housing project that will include a commercial/community facility program and publically accessible open space (the "Project"), which will encourage pedestrian activity and neighborhood connectivity. Given the size of the Site, Respondents should propose a Project that redevelops the Site in two distinct phases (each referred to as a "sub-project"), taking into consideration market absorption of residential units. The phasing should result in two separate but cohesive sub-projects on the Site which are able to function independently.

NYCEDC is currently conducting the required environmental review and preparing an application for the Uniform Land Use Review Process ("ULURP") to rezone the Site to allow for high-density, mixed-use development.

Site Location

Borough: Bronx
Neighborhood: Lower Concourse
Block: 2356 and 2539
Community Board: 4

Please refer to survey map for precise metres & bound.
A competitive response to this RFEI must describe a plan to accomplish the following goals (the “Project Goals”):

a. Create a thriving mixed-use, mixed-income development that strengthens and revitalizes the urban context of the Site and that:
   i. Includes an affordable housing program consistent with Housing New York which contributes to the City’s goal of fostering economically diverse neighborhoods and affirmatively furthers fair housing; and
   ii. Contains commercial and community facility uses that respond to the needs of the community and provide needed services or neighborhood amenities;

b. Deliver on a comprehensive hiring and wage program that supports communities, helps create job opportunities, and generates employment opportunities for low-income persons, thereby enabling them to participate in New York City’s economic growth (see Proposal Requirements for HireNYC Program (Permanent and Development) and M/WBE Participation Proposal requirements);

c. Design the buildings and open space on the Site to encourage active street life, promote sustainability and energy efficiency, encourage thriving retail and creatively integrate the Project into the local context; and

d. Ensure the financial feasibility of the development, and its ability to meet project requirements.

This RFEI is not intended as a formal offering for the disposition of the Site. NYCEDC may elect to release a targeted Request for Proposals to selected Respondents of this RFEI and, potentially, other parties at a later time. Notwithstanding the foregoing, NYCEDC reserves its rights to select a Respondent(s) to develop the Site, each referred to herein as the “Developer” for a portion or all of the Site, on the basis of responses to this RFEI without any further process. Therefore, NYCEDC strongly encourages all parties interested in redeveloping all or portion(s) of the Site to submit Proposals in response to this RFEI. Respondents may consist of an individual development entity or a team of development entities.

In addition, the City and NYCEDC are committed to increasing the participation of emerging developers in City development projects. Responses including emerging development firms (“Emerging Developers”) within the development team are encouraged and will be given preference in selection.

Proposals are due on October 11, 2016 (“Submission Date”). The Respondent(s) selected to develop the Project is/are referred to herein as the “Developer(s).”

---

Please see “Selection Criteria” below for guidelines to assess whether a prospective Respondent would be considered an Emerging Developer.
Site Context and History

The Site is located in the Lower Concourse section of the Bronx, along the Harlem River. The Site is currently vacant, with one gantry remaining on the Site as a remnant of the Site’s industrial era. The Site was historically used for industrial purposes and was first developed in 1891, operating as a lumber operation and coal yard in the early 20th century. Portions of the Site were used as an Erie Railroad freight station including associated buildings, rail track, and coal yard until the 1980s. The Site is owned by the City of New York.

The Lower Concourse serves as an important gateway into the Bronx, one that is defined by significant assets such as transit links on the 2, 4, and 5 subway lines that provide quick access to Manhattan, the East 149th Street corridor that leads to Hostos College, Lincoln Hospital, and the Hub, and adjacency to Mill Pond Park. Additionally, the Site is next to the Major Deegan Expressway, which provides convenient access to various areas throughout the Bronx and easy access to Manhattan.

The Bronx Terminal Market Shopping Center is immediately northeast of the Site, across Exterior Street. The Shopping Center includes nearly one million square feet of retail space on the Site of a former wholesale fruit and vegetable market. Tenants include national retailers such as Best Buy, Target, Home Depot, and BJ’s Warehouse Club. To the North of the Shopping Center, Yankee Stadium and the surrounding parks provide an entertainment hub for the area and the region.

The 9-acre Mill Pond Park was completed in 2009 and includes tennis courts, a picnic and sand play area, an outdoor classroom, and an esplanade along the Harlem River. A fence separates the Site from the Park and the most immediately adjacent portion of the Park includes grills, walking paths, and other passive amenities. As further described below, the City anticipates expanding Mill Pond Park in parallel with the development of the Site.
To the east, East 149th Street includes a mix of smaller warehousing uses, residential with small ground-floor retail, and the institutional presence of Hostos Community College. At the hub of Grand Concourse and E. 149th St., the former U.S. Post Office building is currently under construction to be a retail market anchor and office space, drawing more visitors to the area. A new development consisting of affordable housing and a new hotel is currently under construction on the southeast corner of the E. 149th St. and Exterior Street intersection, across the street from the Site. In addition, 425 Grand Concourse (location of the former PS 31 school building), will be developed as a 241 unit affordable housing project. The *Recent Development* map below shows recent commercial and residential development in the Lower Concourse neighborhood.
Recent Development

Development Phase
- Proposed/Approved
- Under Construction
- Complete

Use Type
- C: Retail/Commercial/Office
- H: Hotel
- R: Residential

Site
Mill Pond Park Ext. & Shore Public Walkway

Please refer to survey map for precise metes & bounds.
Site Description

The Site is comprised of three parcels: Block 2356, Lot 2 (the majority of the Site); the demapped portion of former E. 150th St; and a portion of Block 2539, Lot 2 (outside the Mill Pond Park fence). The Site's only public street frontage is on Exterior Street. The Site is bounded by Mill Pond Park to the north, Exterior Street to the east (beneath the elevated Major Deegan Expressway), East 149th Street (not accessible to vehicular traffic) to the south, and the Harlem River to the west. East 149th Street feeds onto the 145th Street Bridge to Manhattan at the Site's southern boundary. The Oak Point Rail Link runs parallel to the western boundary of the Site on a viaduct located over the Harlem River.

Particular attention should be given to Site access. Support structures for the elevated Major Deegan Expressway land on a median separating northbound from southbound traffic on Exterior Street as well as on the Site itself. Given the existing site conditions listed in the “Development Controls” section, below, vehicular access to the Site will be at the former East 150th Street (please see Development Program section).
The Site: Looking to the North with the Harlem River along the Western edge of the Site

Major Deegan Expressway support structure on the Eastern edge of the Site
A geotechnical report, from an infrastructure study conducted by NYCEDC in 2015, (available in the Site File) stated that the Site’s bedrock is approximately 60 to 105 feet below the ground surface along the bulkhead. Additionally, the groundwater level is at an approximate depth of 3-6 feet. A Phase 1 environmental Site assessment was performed in 2012 and 2015 and identified potential contamination of the site (available in the Site File). Respondents should review flood zone and elevation requirements, including the FEMA Flood Hazard Maps. Section 64-00 (Special Regulations Applying in Flood Hazard Areas) of the Zoning Resolution may be used for guidance.

At the edge of the site along the Harlem River, there is a relieving platform which should not be used for site planning. This platform is approximately 15’ by 190’ and in poor condition. As the shore public walkway is developed, it will be removed by the City and replaced with a shoreline type that meets NYSDEC regulatory requirements (please see Development Program section).
Transportation

The Site is well located with convenient access to public transportation. The Site is roughly four blocks from the 149th Street-Grand Concourse station, which is served by the 2, 4, and 5 trains and provides access to other parts of the Bronx as well as the east and west sides of Manhattan. The 161st Street-Yankee Stadium Station, which is served by the 4, B, and D trains is located to the north of the Site. Travel times are approximately 25 minutes to Grand Central Station and 30 minutes to Pennsylvania Station, by subway.

The Metro-North Railroad station at Yankee Stadium provides service to Grand Central Terminal and Westchester County along the Hudson Line. The Bx13 Bus terminates at the Bronx Terminal Market shopping center and serves the Bronx, while the Bx19 runs along East 149th Street and serves both Manhattan as well as the Bronx. Vehicles can access the Site along Exterior Street while the Major Deegan Expressway provides access to other points within the metropolitan region via a convenient entrance to the north of the Site.
Zoning & Land Use Overview

The Site is currently zoned as an M2-1 manufacturing district with a small portion in a C4-4 district (for current zoning and land use, please see Zoning and Land Use maps, below). In 2009, the New York City Department of City Planning (“DCP”) completed a rezoning of the Lower Concourse neighborhood, generally south of E. 149th Street and between Morris Avenue and the Harlem River. The goals of the rezoning were to provide new opportunities for housing, encourage the reuse of underutilized industrial land and lofts, to retain and attract viable light industry, improve connections between surrounding neighborhoods, encourage grocery store access, and identify best practices for limiting conflicts between residential and industrial uses within mixed-use districts. The actions also included mapping a new park along the Harlem River at E. 144th Street and creating the Special Harlem River Waterfront District (for more detail, please see Special Harlem River Waterfront District map, below) with a specific Waterfront Access Plan. The Site presents an opportunity to further the goals of rezoning efforts and support the dynamic vision for this emerging neighborhood.

Proposed Zoning

In order to achieve faster, more efficient project delivery, NYCEDC is currently preparing the environmental review for a generic Environmental Impact Statement (“GEIS”) and preparing a ULURP application for the Site with the City as the applicant. Further details about the proposed zoning district and allowable massing may be found in Appendix 2 – Building and Open Space Requirements.

The GEIS will assume a development scenario, developed for analysis purposes only. The scenario would allow for maximum flexibility for the Site, with an emphasis on relatively dense residential uses and a range of community facility uses and retail uses. Respondents should not assume that the development scenario being analyzed in the GEIS is a preferred scenario, but rather a conservative estimation of the full range of possibilities for the Site.

Amongst other actions, the anticipated public approvals include a rezoning to an FAR of 4.6 and disposition of the Site, with an assumption of an R7 district with a C2-4 overlay with the Site mapped as a Mandatory Inclusionary Housing area. Respondents may propose alternative zoning options that assume the same 4.6 density, providing an explanation and analysis. The development scenario assumes the air rights from adjacent open space will be included in the development. Based on this zoning assumption, a maximum of 920,000 zoning square feet will be available for development on the Site.

It is contemplated that the proposed rezoning will create a Special District for the Site (the “Special District”) that will be a sub-district of the Special Harlem River Waterfront District (“SHRWD”) to the south of the Site, only including the Site. While the massing controls in the proposed Special District will provide for flexibility, Respondents should assume that if towers are included in Proposals, one tower may rise to a maximum of 400 feet, with a maximum of

3 Respondents should review the Department of City Planning website for more information about the MIH program. http://www1.nyc.gov/site/planning/plans/mih/mandatory-inclusionary-housing.page
There has not been any determination about which option is appropriate for the Site.
260 feet for a second tower (if any). The proposed zoning above and the existing SHRWD zoning should be used as guidelines. Building design should maximize daylight penetration to the area under the Major Deegan Expressway and minimize shadows on Mill Pond Park and the shore public walkway. Similarly, the proposed public approvals anticipate flexibility in parking requirements, to be determined in conjunction with the selected Developer and DCP.

It is understood that Proposals may require additional environmental analysis; however, it is preferred that Respondents minimize any additional analyses. Developer(s) will be required to fulfill mitigation measures identified in the CEQR analysis, including but not limited to additional assessments, construction mitigation measures, or any other measures identified in the final GEIS. NYCEDC anticipates scoping the GEIS in Fall 2016, and certifying into ULURP in early 2017. The Developer(s) will be responsible for compliance with all environmental quality reviews associated with the Project after the completion of the ULURP process.

Respondents should note that the relevant zoning information contained herein is intended for information purposes only, and should not be relied on or construed as official zoning data or analysis. In the planning and development of any Proposals for the Site, Respondents should consult the use regulation text set forth in the Zoning Resolution. Additional information on zoning may be found on the NYC Department of City Planning website at http://www.nyc.gov/html/dcp/html/subcats/zoning.shtml.
Current Zoning

Borough: Bronx
Block: 2356 and 2539
Zoning District: M2-1 / C4-4

Please refer to survey map for precise metes & bounds.

Source:
The New York City Planning Department
Zoning Map 6a
www.nyc.gov/planning

NYCEDC MGIS 06/14/2016
Development Program

NYCEDC and the City seek Proposals that meet community objectives and enhance the diversity and quality of life in the Lower Concourse neighborhood. Residential, commercial, and community facility development programs that meet existing and projected market needs, including affordability and accessibility, are a priority. These policy goals include providing mixed-use, mixed-income communities anchored by affordable housing (Housing New York) and community facilities and public spaces focused on health, education, childcare, active living, or arts and culture are of interest in the City’s goal of creating complete City neighborhoods. Respondents are also encouraged to attend the Community Engagement Session (further described in the Due Diligence section) to better understand and address the community’s needs and priorities within their Proposals.

Project Phasing

Given the size of the Site and the anticipated affordable housing program, NYCEDC and HPD expect the Site to be developed in two phases. Respondents should propose the Project as two sub-projects that may be constructed in two consecutive phases while maintaining the Site’s cohesiveness. Respondents must clearly illustrate how each sub-project would be able to operate independently. NYCEDC anticipates selection of a full two-phase project, but reserves the right to allow separate parties to complete portions of the Site independently.

Mixed Income Affordable Housing Program

In accordance with the goals of the Mayor’s affordable housing plan, proposals should include a substantial affordable housing component. Respondents should review the neighborhood’s demographic composition, housing stock, tenure profiles, and other characteristics of the community in which the Site is located and propose an affordability program that contributes to the neighborhood’s economic diversity and complies with NYC Housing Preservation and Development and NYC Housing Development Corporation term sheets.

Respondents are expected to minimize the use of any resources described in the Affordable Housing Financing section of this RFEI such as subsidy or exemption plans, while maximizing the affordable housing developed.

Mandatory inclusionary units should be provided on the Site and affordability options will be required by the City Council. Affordable non-inclusionary units must be affordable for the duration of the subsidy/exemption plan utilized. Preference will be given to Proposals that include a feasible plan for extended affordability.

It is recommended that Respondents review the Appendix 7 - Affordable Housing Requirements.

Neighborhood demographic data has been included as a point of information in Appendix 8 – Demographics. Respondents are encouraged to conduct research independently of what is provided and should note that more recent data may be available.
**Commercial and Community Facility Program**

Respondents should include a commercial and community facility program that responds to community needs, provides needed services or neighborhood amenities, and activates the Site’s street frontage. Respondents may propose office and/or retail space, and are encouraged to include uses which provide high-quality jobs.

**Public Open Space**

The Site is an important part of the Harlem River’s waterfront access system; the proposed site plan should reflect seamless integration with Mill Pond Park and the shoreline. General waterfront zoning and the proposed Special District sub-district will specify that the parcel adjacent to Mill Pond Park will be developed as open space (identified as Mill Pond Park Extension on the map included in Appendix 4, the “Mill Pond Extension”), connecting directly to the shore public walkway. NYCEDC has allocated funding to design and construct the shore public walkway along the waterfront and Mill Pond Extension. NYCEDC will design and construct this open space portion in coordination with the Developer(s). The shore public walkway and Mill Pond Park Extension will not be part of the lease; however the development rights will be available for the Project. The precise northern and eastern boundaries of the Site will be determined during the RFEI process.

NYCEDC will coordinate with the Developer to determine metes and bounds of the shore public walkway and Mill Pond Extension and ensure that the open space component of the project is built prior to or concurrently with the residential, commercial, and community facility portions of the Project. Dependent upon the selected Developer’s potential participation in the Brownfield Cleanup Program, the developer may be responsible for financing and completing the remediation of these areas before NYCEDC begins construction.

Additionally, the portion of the Site along Exterior Street (“Exterior Street Space”) should be designed as publicly accessible open space. Design principles for the Exterior Street Space are included in *Appendix 2 – Building and Open Space Requirements*.

**Public Open Space Maintenance**

While the City has agreed to fund, design and build the Shore Public Walkway and Mill Pond Extension, the selected Developer(s) will be expected to provide financial support for the maintenance of publicly accessible open space on the zoning lot, in accordance with waterfront zoning, including all structures within. The Mill Pond Extension is anticipated to include a new comfort station serving Mill Pond Park as well as additional barbecues, the most popular feature of the adjacent park. The City reserves the right to have the selected Developer(s) manage the maintenance of the open space directly. The selected Developer(s) will be expected to enter into an agreement with the Department of Parks and Recreation to provide financial support for the maintenance of the open spaces in perpetuity and in accordance with waterfront zoning, including all structures within. Respondents are encouraged to review the NYC Zoning Resolution §62-70: Maintenance and Operation Requirements for Waterfront Public Access Areas for further information on waterfront public access requirements.
Design Guidelines and Site Conditions

Due to the large scale of the project, Site size, and unique location along the waterfront and Major Deegan, NYCEDC has provided a set of design guidelines and identified several site conditions to support Respondent’s architectural designs and site planning.

Building and site planning design guidelines included in **Appendix 3 – Building and Site Plan Design Guidelines** focus on the following elements:

A. Building  
B. Waterfront Access & Mill Pond Park Extension  
C. Visual Corridors/Upland Connections

The Site presents a significant opportunity but is impacted by several existing site conditions that must be addressed in Proposals; these are detailed in **Appendix 4 – Site Conditions** and include the following:

A. Shore public walkway and Mill Pond Extension  
B. Relieving Platform  
C. Vehicular Access and Loading  
D. Fire Access  
E. Major Deegan Roadway and Easement

Financing

Affordable Housing Financing

Developers may use different lenders for construction and permanent financing. The Developer will be required to submit a term sheet and letter of intent from a lender indicating willingness to lend an amount for construction financing of the Project.

Respondents *may not rely* on Federal or State competitive funding sources such as New York State Housing and Community Renewal ("HCR") 9% Low Income Housing Tax Credits, State Low Income Housing Tax Credits, or NYS Housing Trust Fund subsidy. However, the Respondent’s proposed financing *may consider* Department of Housing Preservation & Development ("HPD")/New York City Housing Development Corporation ("HDC") subsidy and tax-exempt bond financing as potential funding sources.

Proposals that assume HPD subsidy must comply with all terms of the applicable HPD term sheet. Please refer to [http://www1.nyc.gov/Site/hpd/developers/term-sheets.page](http://www1.nyc.gov/Site/hpd/developers/term-sheets.page) for further information and program term sheets.

Proposals that assume HDC bond financing (and subsidy financing, if applicable) must comply with all terms of the applicable HDC term sheet. Please refer to [http://www.nychdc.com/pages/Termsheets.html](http://www.nychdc.com/pages/Termsheets.html) for further information and program term sheets.
Respondents are encouraged to minimize the use of any resources while maximizing the affordable housing developed with these resources.

**New Market Tax Credit**

The NMTC Program permits individual and corporate taxpayers to receive a credit against Federal income taxes in exchange for making qualified equity investments in Community Development Entities (“CDEs”). CDEs provide qualifying equity investments in projects and businesses in low-income communities. NYCEDC frequently connects projects in need of capital with CDEs that have NMTC allocation and are looking for eligible projects.

For more information regarding eligibility requirements and restrictions, as well as a complete listing of CDEs with an allocation of the tax credits that may be used in the financing of projects and businesses located in low-income areas of New York City, please visit: [http://www.cdfifund.gov/](http://www.cdfifund.gov/).

**Real Property Taxes**

The Site will be subject to New York City Real Property Taxes and charges.

The following as-of-right or discretionary tax exemptions may be available for eligible projects based on location, property use, and/or requirements for affordable housing: 420-c, 420-a, and Article XI (or similar abatements as may be available at the time of submission). HPD will ultimately determine the Project’s eligibility.

Respondents proposing significant commercial program are encouraged to consider the Industrial and Commercial Abatement Program (“ICAP”), which provides abatements for property taxes for periods of up to 25 years. To be eligible, industrial and commercial buildings must be built, modernized, expanded, or otherwise physically improved. ICAP replaced the Industrial Commercial Incentive Program (ICIP) which ended in 2008.

Respondents should indicate in the Proposal the tax exemption and abatement program(s) for which the Project will apply, if any. It is the responsibility of the Developer to apply for and meet the requirements of the specific tax benefit program(s). NYCEDC makes no representations or warranties as to the continued availability of these benefits or as to the Project’s eligibility to receive these benefits.

**Brownfield Cleanup Program**

A brownfield site is any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. The goal of the NYS Brownfield Cleanup Program (“BCP”) is to encourage private-sector cleanups of brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to greenfield development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of urban brownfields. Participants in the program...
receive a significant portion of their remediation costs back in the form of tax credits and a portion of development costs may be reimbursed, subject to a cap and dependent on remediation costs.

For more information about the BCP, visit http://www.dec.ny.gov/chemical/8450.html or contact Jane O’Connell at (718) 482-4599.

**New York City Brownfield Jumpstart**

The Brownfield Jumpstart program is run by the NYC Office of Environmental Remediation (“OER”). This program provides funding and services to enable enrollment of affordable housing and industrial projects in the BCP. OER provides grants up to $250,000 per project, with up to $125,000 for investigation and the balance to be used for cleanup and will also sponsor enrollment in the BCP. The grant provides funding for environmental remediation before the Brownfield tax credits become available.

For more information about the Brownfield Jumpstart Program, contact OER Director Daniel Walsh at dwalsh@cityhall.nyc.gov.

---

**Approval Process**

The disposition and the other actions associated with development of the Sites will be subject to, and may require, certain approvals including, but not limited to, the following:

**City Environmental Quality Review (“CEQR”)**

To fully meet the goals of the RFEI, the Site will require environmental review under CEQR. NYCEDC will conduct a GEIS for the Site with an assumed Reasonable Worst Case Development Scenario. It is assumed that the Developer may need to complete a Technical Memorandum (“Tech Memo”) after selection to align the proposed program with the FEIS approved under ULURP. An NYCEDC planner will assist the Developer and its consultants in complying with applicable environmental review procedures. The Developer should assume that they will be responsible for reimbursing NYCEDC for the costs incurred in the development of the GEIS.

**Uniform Land Use Review Procedure (“ULURP”)**

The lease and any other land use actions required for the Project are subject to the New York City Charter’s (Sections 197-c and 197-d) ULURP provisions. NYCEDC, on behalf of the City, will be submitting the ULURP application and managing the ULURP process. The Developer should assume that they will be responsible for reimbursing NYCEDC for the costs incurred in connection with the ULURP application process.

---

4 NYCEDC, in its sole discretion, may choose to conduct environmental due diligence and prepare the ULURP application.
**Business Terms Approval: City Charter Section 384(B)(4)**

City Charter Section 384(b)(4) provides the public an opportunity to review the business terms of the lease to the Developer. The Developer will be required to complete the 384(b)(4) process, which includes both Bronx Community Board 4 and Bronx Borough Board review, as well as Mayoral authorization.

In lieu of 384(b)(4) approval, NYCEDC and the City may determine that disposition will occur according to an alternative process.

**NYCEDC and New York City Land Development Corporation (“NYCLDC”) Board Approval**

The transaction will also be subject to review and approval by the NYCEDC Real Estate Committee, and the Board(s) of Directors of NYCEDC and, if applicable, the NYCLDC Board of Directors.

Compliance with the requirements of the Public Authorities Law is also required.

---

**Proposal Requirements**

NYCEDC has established a streamlined set of submission requirements. However, if the Developer(s) intend to pursue HPD funding subsidies or tax exemptions and abatement programs, HPD maintains the right to request additional due diligence documentation. In reviewing the below, please also refer to Appendix 1 – Proposal Contents for a list of tabs each proposal must contain.

**Project Description**

Each project description must include a detailed narrative of the proposal, including:

- Development plan:
  - Type and size of development for each of the two sub-projects;
- Phasing strategy:
  - Site and building plan;
    - Plans must demonstrate how each sub-project will function independently of the other;
  - Circulation and access plan, including fire access;
  - Zoning analysis;
    - Analysis must demonstrate how each phase satisfies individual zoning requirements; and
  - Detailed design, construction, and leasing timeline for each sub-project and the overall development.
- Proposed uses for each of the two sub-projects, including as follows:
  - All commercial and community facility spaces proposed, including estimated tenant and job information;
- All residential units by type and affordability (the income and rent levels contemplated and the duration of affordability);
- Breakdown and description of how the building will interface with the waterfront publicly accessible open space; and
- Parking (if proposed).

- Qualitative aspects of the development proposed, the distribution of uses, the commercial and community facility strategy, and any other relevant information.
  - Please describe how the Respondent’s proposed commercial and community facility program reflects and responds to the City’s goal of creating an environment that supports the Lower Concourse neighborhood; and
  - Please describe how the Respondent’s proposed affordable housing program reflects and responds to local needs and contributes to the City’s goal of fostering economically diverse neighborhoods.

**Respondent Description**

- Each Proposal must provide the following:
- Description of each member of the Respondent’s team specifically describing the member’s relationship to the proposal;
- If applicable, a statement indicating that Respondent identifies as an Emerging Developer and completion of the form included in Appendix 5 - Emerging Developer Narrative Form (see Selection Criteria below for more information);
- Respondent’s organizational structure, including a clear explanation and an organizational chart/diagram for any proposed partnership or joint venture, showing structure and percentages of ownership and investment;
- If the Respondent’s team includes an Emerging Developer and the development team is a joint venture of several developers, describe the role and responsibilities of the Emerging Developer, how the roles and responsibilities of the Emerging Developer will be ensured, and the financial interest of the Emerging Developer in the Project(s);
- Name, address, telephone number, fax number and email address of the individual who will be authorized to act on behalf of the respondent as the primary contact and who is available to answer questions or requests for additional information;
- Brief description of the respondent’s previous experience working on projects and/or programming in the surrounding community or otherwise engaging with the surrounding community;
- Brief description of any previous experience of members of the Respondent’s team with mixed-use projects of this scope in the City. Resumes and portfolios of past projects should be provided in electronic format only;
- Respondent’s experience managing projects of similar size, scope, and type in the City through the completion of Form D2 and Form D3 located in Appendix 6 – Management Experience;
- Respondent’s previous three (3) years of audited financials in electronic format only; and
- Any additional documentation that will support the proposal.
Consideration

If HPD/HDC subsidy is contemplated, it should be assumed that the lease rent is $1.00 per annum. For such transactions, Respondents should still propose a security deposit. Respondent’s financial offer should assume that the Sites will be disposed of in as-is condition.

Offers must be confirmed by an independent appraisal commissioned by NYCEDC and paid for by the Developer. The appraisal, on which the lease rent (if any) will be based, will account for use restrictions imposed on the Site through the lease. The final lease rent will be the higher of the Respondent’s offer and the appraised value. The appraiser will also be asked to provide a “highest and best use” value.

Project Financial Information

Financial Model/Cash Flow

Respondents must submit a financial model encompassing every use within the Proposal. The financial model should be submitted in Excel on a flash/thumb drive. All Excel files must be in original formatting, contain all original formulas (i.e. no hard coding) and have no hidden or locked sheets.

The financial model shall include, at a minimum, pro forma cash flows for the proposed Project for ten (10) years (including construction and operation periods). Respondents should outline all assumptions on which the pro forma document is based, including minimum returns sought. The pro forma document should include all necessary capital improvements over time, reserves, and debt service payments associated with construction and permanent financing. The financial model should also include the calculations used to derive the lease rent for the proposed development.

Market comparables, in the form of detailed rental listings of at least three similar properties/projects, must be provided for each use proposed. In addition, the Respondent should provide comparables for construction costs and operating expenses for similar properties/projects for each use proposed.

Respondent must also provide a narrative description that clearly explains the financing structure of the Project. The narrative must explicitly identify proposed financing programs/sources and the terms for each source – distinguishing between construction and permanent financing. The narrative must also describe any benefits or tax exemption / abatement programs assumed.

Project Financing

If private financing is proposed, a letter or letters of interest from a private lender or lenders must be included. Letters must be dated no earlier than two (2) months from the date of submission of the Respondent’s Proposal. The letter(s) must indicate a willingness to provide construction and permanent financing in amounts and with terms consistent with the Proposal.
If tax-exempt bond financing is proposed, a letter of interest from the issuer is not required. However, a letter of interest from a credit enhancer acceptable to the issuer must be provided.

**Commercial/Community Facility Space**

Respondents are encouraged to submit signed letters of interest from potential tenants of the commercial and community facility spaces. The letters of interest should indicate key business terms including rent, commencement and term. Additional information addressing the strength of the proposed tenant would also be helpful.

Respondents are required to provide information describing how the respondent intends to ensure the on-going affordability and flexibility of the commercial program for growing innovative businesses.

**Site Plan & Architectural Design**

Respondents must provide architectural plans and renderings and a narrative description outlining the Respondent’s design approach and rationale. Proposals are required to conform to HPD Design Guidelines for New Construction and Senior Housing and the specific Site Design Guidelines found in the Site File (or Appendix 7 – Affordable Housing Requirements), as well as the current New York City Zoning Resolution, the Multiple Dwelling Law, the Fair Housing Act, Section 504 of the Rehabilitation Act of 1973, and Accessibility Requirements.


Additionally, this section should include:

- Proposed development square footage (gross and rentable, including basement(s), if applicable) broken down by use/type;
- Residential units broken down by affordability, homeownership/rental and unit distribution;
- Description and location of all public improvements, including open space and landscaping, if applicable;
- Building height and massing diagram/plan;
- Stacking plan showing proposed uses by floor;
- Site plan/street level floor plan showing all components of the Project, means of egress, and any other uses; and
- All renderings to be provided in electronic format on flash/thumb drive.
Sustainable Development & Active Design

NYCEDC supports the City’s agenda for environmentally sustainable and energy efficient development and building design. Accordingly, as part of their Proposals, Respondents must include a narrative describing how the Project will fulfill these goals and how the Respondent intends to obtain at least minimal “LEED Silver” certification(s) for the Project from the U.S. Green Building Council.

The Developer will be expected to make commercially reasonable efforts to obtain such LEED certification(s) for the proposed Project (excluding the affordable housing components of the Project, which are required to certify through the Enterprise Green Communities program). Proposals that contemplate higher certification levels (e.g. “LEED Gold” or “LEED Platinum”) will be considered to be more competitive than Proposals that contemplate other lower LEED certification(s) or no certification. Respondents may also propose to incorporate renewable energy systems or to pilot emerging energy technologies in their proposed Projects as a means to provide case studies to increase market adoption of promising technologies.

The Developer will be required to achieve certification through the Enterprise Green Communities program for the affordable housing component of the Project. For more information, see Appendix 7 – Affordable Housing Requirements.

Proposals are also expected to include design strategies that promote physical activity and health, such as those provided in The Active Design Guidelines and Affordable Designs for Affordable Housing.

The Active Design Guidelines and Affordable Designs for Affordable Housing can be found at https://www1.nyc.gov/site/hpd/developers/active-design.page.

Zoning Calculation

As part of the rezoning and disposition process, NYCEDC is conducting an environmental analysis for a GEIS. The City, as applicant for ULURP, aims certify in early 2017 and complete in Fall 2017. The ULURP will assume a rezoning to an R7 district with a C2-4 overlay and a 4.6 FAR with Mandatory Inclusionary Housing. The Site will also be proposed as a sub-district of the Special Harlem River Waterfront District. Assuming the flexibility allowed through the use of a Special District, Respondents should submit a zoning analysis that conforms to these parameters including proposed use groups, proposed parking, and identifying any areas that may differentiate from the zoning proposed by NYCEDC above.

---

5 Mayor de Blasio’s PlaNYC “Progress Report 2014, A Greener, Greater New York, A Stronger, More Resilient New York” described urban sustainability as an “urgent priority” for the City. In addition, the Mayor’s One City: Built to Last report released five months later in September 2014, sets a goal of reducing, from 2005 levels, the greenhouse gas emissions from the energy used to heat, cool, and power the City’s buildings by 30 percent by 2025. The report also notes that reducing energy use in buildings can help address the City’s affordable housing crises by reducing utility costs for the growing share of New Yorkers who are becoming rent-burdened.

Schedule

Respondents must provide a development schedule for the entire proposed development, including a detailed phasing plan. Schedules should include, at a minimum, the following tasks/milestones: commencement of design, completion of design, permitting, demolition and Site preparation, construction commencement, construction completion, marketing period, occupancy and stabilization. Respondents should discuss how they will be held accountable for such dates and contingencies, if any, to the schedule.

Hiring and Workforce Programs

NYCEDC is committed to a program of economic development that supports communities, helps create job opportunities, and strengthens employment opportunities for low-income persons, enabling them to participate in New York City’s economic growth. In furtherance of these goals, NYCEDC requires Respondents to submit a Proposal that contemplates compliance with and participation in the following programs, as applicable.

I. Hiring and Contracting Goals
   a. Minority and Women-owned Business Enterprises Program Plan
      NYCEDC has adopted an M/WBE program to further participation by minority-owned business enterprises (“MBEs”) and women-owned business enterprises (“WBEs”, together with “MBEs” collectively referred to as “M/WBEs”) in NYCEDC related projects. M/WBEs are certified by the New York City Department of Small Business Services (“DSBS”) in accordance with Section 1304 of the City Charter.

      The target Participation Goal for this lease or contract of sale agreement, as applicable, is 20-35%. Respondents must submit a plan to address M/WBE participation in the Project during the design and construction components of work related to the Project (please see Appendix 9 - M/WBE Plan).

II. HireNYC
   NYCEDC recognizes the importance of creating employment opportunities for low-income persons, enabling them to participate in the City’s economic growth.

   Development: The HireNYC Development Program requires the Developer to enroll with the HireNYC portal for the City found within DSBS’s website, to report all new and replacement entry to mid-level job opportunities arising from construction activity related to the Project, that are located in the City, and to interview qualified candidates from the HireNYC Development Program for those opportunities. The HireNYC Development Program process, including, but not limited to, the program’s reporting obligations, as described in additional detail in Appendix 10 – HireNYC Development Program. The Developer must participate in the HireNYC Development Program from the time that it enters into a construction contract relating to the Project until the end of the Project’s construction activities. After the end of the Project’s construction activities, certain Developers will transition into the HireNYC Development Program requirements for permanent positions, which are described below.
Permanent: The HireNYC Permanent Program applies to all projects producing ten (10) or more permanent jobs over the life of the project. Participation in this program requires the Developer to use good faith efforts to achieve the hiring and workforce development goals and to comply with program requirements, which are described in additional detail in Appendix 11 – HireNYC Permanent Program. Participation in NYCEDC’s HireNYC Permanent Program applies only to projects producing ten (10) or more permanent jobs. Respondents for projects producing ten (10) or more permanent jobs over the life of the project must submit a Proposal that includes a HireNYC Permanent program plan addressing how Respondent will seek to achieve the goals and perform the requirements of NYCEDC’s HireNYC Permanent Program.

III. Wage Regulations and Requirements

a. Living Wage and Prevailing Wage

The Living Wage Act, as expanded by Executive Order No. 7 (collectively, the “Living Wage Requirements”), as well as the Prevailing Wage Law (collectively, the “Prevailing Wage Law”), all as hereinafter defined in Appendix 12 – Living Wage and Prevailing Wage Requirements, apply to certain companies that receive at least $1 million of financial assistance from the City and/or NYCEDC. The Developer will be subject to the Living Wage Requirements, and the Prevailing Wage Law, as applicable.

In addition, NYCEDC is committed to ensuring its projects meet wage goals set forth in the Living Wage Requirements and the Prevailing Wage Law, regardless of applicability. NYCEDC will give preference to Proposals in which Respondents demonstrate wages and benefits paid to all employees of the Respondent will meet or exceed the living wage and wages and benefits paid to building service employees at the Site will meet the prevailing wage.

Respondent’s Proposal should include the proposed wages to be paid and supplemental benefits to be provided to employees of the Respondent who are expected to be employed at the Site.

Please be sure that you review and understand all of the Living Wage Requirements and the requirements of the Prevailing Wage Law to understand how these requirements will affect the Project. Additional details are provided in Appendix 12 – Living Wage and Prevailing Wage Requirements.

Contractual provisions implementing the Living Wage Requirements and the requirements of the Prevailing Wage Law will be incorporated into the lease or contract of sale agreement, as applicable.
Local Law 34

All entities doing or seeking to do business with the City, as well as their principal officers, owners and senior managers must follow the procedures established in Local Law 34, as amended, of the NYC Administrative Code. In order to avoid the actual link or appearance of a link between governmental decisions and large campaign contributions, lower municipal campaign contribution limits apply to any person listed in the Doing Business Database.

Respondents must complete a Standard Doing Business Data Form along with its proposal in a separate sealed envelope labeled “Doing Business Data Form. Please see Appendix 13- Doing Business Data Form for links to the form and additional information.

Statement of Agreement

The Respondent must submit a notarized statement signed by an authorized principal or officer of the Respondent that states that the Respondent has read this RFEI and the Appendices fully and agrees to the terms and conditions set forth herein (see Appendix 14 – NYCEDC Statement of Agreement).

Selection Criteria

NYCEDC and HPD will evaluate each Proposal and any supplemental information made available to NYCEDC and HPD according to the selection criteria outlined below in no order of preference.

Completeness and Quality of Overall Response

1. Readiness and structure of Respondent and Respondent’s team;
2. Quality and completeness of Proposal and documentation; and
3. Concerns, if any, regarding Respondent representations.

Program and Design

1. The overall quality of the Proposal and the extent to which the Proposal contributes to the achievement of the Project Goals including, but not limited to;
2. The overall quality of the affordable housing program as it relates to fulfilling goals set forth in Housing New York and the City’s goal of fostering economically diverse neighborhoods;
3. The overall quality of the commercial and community facility components including the extent to which these components addresses quality of space, attention to market conditions and context, and proposed tenants;
4. The extent to which the Proposal incorporates physical design measures, where appropriate, to provide Site access and promote pedestrian safety;
5. The extent to which the Site plan is open and inviting and encourages connectivity to the neighborhood through programming and design;
6. The extent to which the Proposal achieves design excellence. The following elements, among others, will be considered: Site planning, street wall elevations, massing, building materials, amenities, and streetscape treatment; and
7. The extent to which the Proposal incorporates sustainable, resilient and active design features.

Financial and Schedule Feasibility

1. Respondent’s demonstrated financial condition to complete the proposed development, and the feasibility and availability of financing sources;
2. Respondent’s ability to support the financial assumptions contained within the Proposal, including development costs, rents/sales prices, operating expenses, capital costs and debt service;
3. Respondent’s ability and capacity to secure financing;
4. Minimizing the use of City resources while achieving maximum public policy objectives, primarily affordable housing;
5. Long term viability of operations; and
6. Feasibility of the proposed phasing plan and development schedule.

Hiring and Workforce Programs

1. M/WBE Participation Proposal - the Respondent’s proposed plans for participation by minority and women-owned business enterprises in connection with the design and construction components of the Proposal, including the Respondent’s M/WBE Participation Goal;
2. HireNYC – the Respondent’s proposed HireNYC Development Program and HireNYC Permanent Program plans, including the degree to which Respondent demonstrates a willingness to participate in and provide resources to implement such plans; and
3. Proposed Wages and Benefits - the Respondent’s proposed wages and benefits to be provided to employees, regardless of the applicability of the Living Wage Requirements and the Prevailing Wage Law, and the amount by which the Respondent’s proposed wage and benefit amounts exceed the base living wage rate.

Respondent Qualifications and Experience

1. The extent of experience securing a mix of financial instruments to redevelop urban districts through public/private partnerships;
2. Experience with public/private partnerships and successfully negotiating and implementing legal agreements with NYCEDC and HPD;
3. The extent of the Respondent’s experience, in terms of number, size, type, complexity, and scale of recent development projects built and managed;
4. The extent of the Respondent’s experience in managing mixed-use developments;
5. Respondent’s capacity for undertaking the proposed development within the timeframe proposed. The Respondent’s current workload and other pending obligations will be assessed;
6. The extent of Respondent’s experience in rent-up, management, and/or sales of affordable housing, including track record of compliance with eligibility, record-keeping, and reporting requirements of programs for such tenants, if applicable;
7. Qualifications and experience in affirmative and fair housing marketing;
8. Demonstrated understanding of markets and the ability to attract and retain the identified markets; and
9. The extent of experience in project managing urban development projects, including obtaining necessary governmental and community approvals and permits.

Emerging Developer Categorization – if applicable

NYCEDC has not established strict criteria for developers to qualify as Emerging Developers, but has formulated the following guidelines to help prospective developers assess whether they would be considered an Emerging Developer:

1. Total development cost of each of developer’s past individual projects is less than $30 million;
2. Residential unit count of any individual past project is less than 150 and total square footage of each of developer’s past projects does not exceed 100,000 SF;
3. Developer has completed construction of fewer than 10 projects within the past 10 years;
4. Developer has experience completing projects in New York City or other urban areas;
5. If a developer believes it should be categorized as an Emerging Developer (whether or not it meets the criteria set forth above), please provide additional rationale; and
6. If an Emerging Developer is member of a development team, the degree to which the Emerging Developer has substantial responsibilities and a defined role in advancing the development project.

Economic Impact

1. The number of new jobs created related to construction and operations; and
2. The City taxes the proposed development generates such as real property, sales and personal income taxes.

Disposition Process

NYCEDC anticipates that it may fully negotiate predevelopment agreements, ground leases and ancillary documents with multiple Respondents. NYCEDC reserves the right to terminate negotiations with or without cause.

NYCEDC reserves the right to explore a ground lease with one or more Respondents after Proposals are submitted.
During the term of the predevelopment agreement, the City, NYCEDC, the Developer and any other necessary parties will be required to diligently pursue certain conditions precedent to execution of lease (such as design development and financing) and, when all such conditions, including conditions to be met by NYCEDC and the City, are met, the disposition of the Site can occur. The predevelopment agreement will provide, among other provisions, that disposition of the Site will be subject to the following:

- Notice of Completion for environmental review;
- Authorization by the City of the disposition of the Site pursuant to 384(b)4 or an alternate process, as determined by the City in its sole discretion;
- Approval by the NYCEDC Board of Directors or approval by the NYCLDC Board of Directors, if applicable;
- Simultaneous closing of a bona fide construction loan and/or commitment of equity, as required to finance and commence full development;
- Payment of other closing fees;
- Disposition of the property from the City to NYCEDC or NYCLDC, as applicable, for further disposition to Developer subject to development obligations as well as restrictions on use and transfer;
- Execution of the disposition agreement with Developer and other disposition documents as necessary; and
- Developer’s assumption of the obligations of NYCEDC or NYCLDC under the instrument disposing of the Site from the City to NYCEDC or NYCLDC.

Notwithstanding any other provisions herein that may be to the contrary, NYCEDC will not be under any obligation to dispose of the Site to the Developer unless, and until, a predevelopment agreement, is executed between NYCEDC and such Developer, the Project has received all requisite public approvals and all conditions pursuant to the predevelopment agreement have been met.

**Additional Disposition Terms**

At predevelopment agreement execution, the Developer will be required to post a security deposit, which will be credited towards the initial rent or security deposit at Closing pursuant to the ground lease (or otherwise refunded to the Developer).

Upon execution of the predevelopment agreement and in accordance with the provisions thereof, the Developer must reimburse NYCEDC for the following costs and fees, which are nonrefundable and cannot be used to offset the required security deposit, as applicable or otherwise credited against ground lease payments:

- Reimbursement for the cost of an independent appraisal;
- Reimbursement for the cost of a title report;
- Reimbursement for the cost of a survey;
- Reimbursement for the cost of an environmental Phase I;
- Any necessary fees associated with CEQR and ULURP; and,
- Any other fees outlined in the predevelopment agreement.
During the predevelopment period, as applicable, the Developer will be expected to complete its due diligence. These due diligence items must be prepared at the sole cost and expense of the Developer. All work products shall become property of NYCEDC upon submission. These expenses are non-refundable and cannot be used to offset ground lease rent.

The Developer will be required to pay all applicable taxes payable with respect to the proposed development including transfer taxes, notwithstanding any exemption on account of the City’s or NYCEDC’s involvement in the transaction.

---

**Due Diligence**

Prior to submitting a Proposal, Respondents are encouraged to review (i) any and all publicly available sources of information regarding the Site, and (ii) NYCEDC’s Site File, containing information regarding the Site (the “Site File”).

The Site File, amongst other items, contains:

- 2012 phase I
- 2015 phase I
- Title Report
- Boundary survey
- COWI Marine report on shoreline conditions
- Geotechnical report

The Site File will be available for purchase for $300, or can be viewed at no cost by appointment at the offices of NYCEDC, by request to Hildegarde Williams at hwilliams@edc.nyc. Information provided in this RFEI and the Site File is for general information purposes only. NYCEDC makes no representations as to the completeness or accuracy of the information in the RFEI or the Site File. It is the Respondent’s responsibility to conduct due diligence on the Site.

**Environmental Conditions**

NYCEDC does not make any representation regarding the presence or absence of hazardous materials or any other environmental conditions that may impact the value of the Site, or any future development thereon.

Closing contingencies related to environmental conditions will not be permitted. NYCEDC requires that the Developer take the Site “as-is” and assume the obligation to remediate any environmental contamination, indemnify NYCEDC and the City for any claims that may be made against them in the future, and release NYCEDC and the City from any claims that Developer may have in the future arising out of the condition of the Site.
**Inquiries & Submission**

All inquiries regarding this RFEI should be directed to: LowerConcourseRFEI@edc.nyc.

Questions will be accepted until 5:00PM on Friday, September 23, 2016. Answers will be posted on a rolling basis at http://www.nycedc.com/rfp. Answers to questions submitted by September 23, 2016 will be posted no later than October 4, 2016.

**RFEI Information Session**

An information session will be held on August 1, 2016 at 1:00PM at 110 William Street, New York, New York, 10038, in Conference Room 4A/B on the 4th floor.

NYCEDC strongly recommends that interested Respondents attend the information meeting, as this will be the only opportunity to ask questions and receive answers in-person regarding the RFEI. Please RSVP to LowerConcourseRFEI@edc.nyc by July 28, 2016. People with disabilities requiring special accommodations to pick up the RFEI or to attend the information meeting should contact LowerConcourseRFEI@edc.nyc.

**RFEI Site Visit & Community Engagement Session**

A Site Visit will be held on August 4, 2016 at 5:00PM. A meeting location and program will be provided in advance. The Site Visit will be immediately followed by a Community Engagement Session. The Community Engagement Session will take place at Hostos College in the Savoy Multipurpose Room at 6:00PM. Please RSVP to LowerConcourseRFEI@edc.nyc by August 2, 2016 if you plan to attend.

Developers are encouraged to attend both the Site Visit and Community Engagement Session.

**Response Submission Date**

Proposals are due on October 11, 2016 (“Submission Date”). Six (6) copies of the Proposal and one (1) electronic version of the Proposal, on flash drive or CD, in PDF must be delivered by October 11, 2016 at 4:00PM. The PDF of the Proposal should be in Searchable PDF format. A flash/thumb drive must be submitted in order to transmit the following: financial models, financial statements and resumes/past project descriptions.

Proposals should be submitted in a sealed envelope identified by “Lower Concourse North RFEI” by hand delivery, express mail, or courier service to NYCEDC at the following address:

New York City Economic Development Corporation  
110 William Street, 4th Floor Mailroom  
New York, New York 10038  
Attn: Maryann Catalano, Senior Vice President, Contracts

Late submissions will not be accepted.
NYCEDC reserves the right, in its sole discretion, to withdraw or modify this RFEI and to reject any Proposal as being non-responsive or if it is in the best interest of the City or NYCEDC to do so (please also see Appendix 15 - Conditions, Terms and Limitations).

Proposals that are incomplete or not in conformance with the requirements of this RFEI may be eliminated from further consideration. Respondents should note carefully the Proposal content requirements listed below.

**RFEI Addenda**

NYCEDC reserves the right to amend or withdraw this RFEI at any time. In order to be considered, Proposals must conform to any addenda that may be issued to this RFEI. NYCEDC will advise all Respondents who have requested a copy of this RFEI, by email, of any clarifications or revisions.

If, in NYCEDC’s judgment, additional time is required for Respondents to prepare their Proposals, NYCEDC reserves the right to grant an extension of the deadline for submission of the Proposals.

**RFEI Timeline**

The following schedule has been established for this RFEI:

- Release of RFEI ................................................................. July 13, 2016
- RFEI & Site Information Session ........................................ August 1, 2016
- Question & Answer Deadline............................................. September 23, 2016
- Question & Answer Response Posting............................. October 4, 2016
- Submission Date ............................................................... October 11, 2016
Appendix 1 - Proposal Contents

Each proposal must contain the forms and supporting documentation indicated below. Each copy of the proposal must be tabbed as indicated.

RFEI CHECKLIST

Tab 1: Project(s) Description
Tab 2: Respondent Description
Tab 3: Project(s) Financial Information
Tab 4: Site Plan & Architectural Design
Tab 5: Sustainable Development & Active Design
Tab 6: Zoning Calculation
Tab 7: Schedule
Tab 8: Hiring and Workforce Programs

1. Minority and Women-Owned Business Enterprises Program Plan
2. HireNYC Programs
3. Wages to be Paid and Benefits to be Provided to Employees at the Site

Tab 9: Additional Forms

1. Statement of Acknowledgement and Agreement

In a separate envelope: Standard Doing Business Data Form (Local Law 34)
Appendix 2 – Building and Open Space Requirements

A. Building Requirements
   a. For the building(s) on the site, Proposals may assume that street wall regulations are not applicable and that no minimum base height is required.
   b. For tower(s) built above a base, one of the proposed towers may extend up to 400’ in height, in line with the zoning directly to the south in the Special Harlem River Waterfront District. If applicable, an additional tower may extend up to 260’ in height.
   c. Ground floor retail or another use that activates the street is required along the Exterior Street frontage in order to activate the east building façade.
   d. Respondents will be required to provide sidewalk improvements and plant street trees along E. 149th Street and Exterior Street in accordance with standard building and zoning procedures. Developer(s) may work with DPR to determine solutions for portions of the sidewalk underneath elevated structures.
   e. If included, structured parking should be wrapped with active uses (residential, community facility or commercial uses), particularly on the building sides facing Exterior Street and the shore public walkway. Parking should be incorporated within the building envelope to the greatest extent possible.

B. Open Space Requirements
   a. Exterior Street Space
      i. Respondents are strongly encouraged to provide improvements for the full area between the building façade and the Exterior Street curb to serve as a publicly accessible open space.
      ii. Any design for this portion of the site plan should assume coordination with New York State Department of Transportation (NYSDOT) on uses, plantings, etc, beneath the Major Deegan structures.
      iii. No temporary or permanent parking, loading, or unloading will be permitted along Exterior Street. The only exception will be for emergency vehicle access that specifically complies with NYC Fire Code and FDNY requirements.
      iv. The Exterior Street Space should not include permanent fencing, except where required by the City for safety reasons.
      v. It will be the responsibility of the developer to obtain agreement from NYSDOT for on-site biofiltration and detention of stormwater runoff from the Major Deegan Expressway.
   b. Waterfront Access & Mill Pond Park Extension
      i. Waterfront zoning requires that waterfront properties developed with residential, commercial or community facility uses include a 40’ publicly accessible shoreline and that 20% of the property be used for public open space (the shore public walkway and Mill Pond Park extension may be counted towards this 20%).
      ii. The Mill Pond Park extension must remain visually and physically accessible from the development without permanent fencing, abrupt grade changes, or view-obstructing plantings.
iii. Respondents should assume that stormwater runoff from the development site should be managed on-site and not rely on or flow over the shore public walkway.

iv. Stairs, ramps, planting and berms should be incorporated to negotiate any potential grade differences between the development and the shore public walkway. Respondents may refer to Section 64-60 (Design Requirements) of the Zoning Resolution for guidance on mitigating visual impact of grade differences.

C. Visual Corridors / Upland Connections
   a. Clear visual and pedestrian access to the public open space and waterfront shore public walkway must be provided through the site in accordance with waterfront zoning.
   b. Waterfront zoning requires upland connections between the public right-of-way and the shore public walkway.
   c. 149th Street and the former E. 150th Street right of way may be used as visual access corridors by remaining free of visual obstructions and as upland connections if properly designed, including accessible routes to the shore public walkway.
Appendix 3 - Building and Site Plan Design Guidelines

Respondents should refer to the Special Harlem River Waterfront District for the zoning context for the Lower Concourse North site. Respondents are encouraged to be as creative as possible in their design proposals to ensure that the site serves as a gateway site and landmark for the Bronx.

A. Building Form
   a. The proposed EIS/ULURP currently anticipates that buildings will generally conform to tower-on-a-base regulations similar to the Special Harlem River Waterfront District, with an underlying zoning district of R7 with a C2-4 overlay. However, creative alternative approaches will be considered if they meet the overall design and RFEI objectives.
   b. All design elements and building massing should be configured to maximize daylight penetration to the area under the Major Deegan Expressway, minimize shadows on Mill Pond Park and the shore public walkway and break up the mass of the buildings, particularly from the visual corridors on E. 149th Street and former E. 150th Street.
   c. Respondents may assume flexibility in base height, setbacks, transition heights and towers as long as they conform to the above goal and the height limits described in Appendix 2 – Building and Open Space Requirements.
   d. It is preferred that facades and building lengths should vary through material changes, setback heights, breaks between building sections, etc to provide interest and avoid the appearance of a continuous parapet.
   e. Recognizing that development on this site will be visible and prominent from both the Bronx and Manhattan, towers(s), if included, should be spaced and oriented to minimize shadows, bulk, and the appearance of a “wall” effect.
   f. Retail and ground floor frontage should be planned and designed to enliven the pedestrian experience with the goal of creating a walkable and visually appealing experience for residents and shoppers.
   g. Retail and other active ground floor uses are encouraged along all upland connections north and south of the building and along the Shore Public Walkway.
   h. Ground floor retail and lobbies should maintain a sense of openness with generous floor-to-ceiling heights. Large window sizes and a high transparency percentage should be incorporated, especially at building corners and facades facing publicly accessible open spaces.

B. Vehicular Access / Loading / Parking
   a. Respondents are strongly encouraged to plan and design vehicular access such that they minimize overlap and conflicts with pedestrian areas.
   b. Respondents should note how the vehicular access and loading for each phase functions independently.
   c. Respondents must demonstrate how delivery, fire access and other vehicular needs will be accommodated given the restrictions on Exterior Street. Respondents may propose a turnaround along the former E. 150th Street, or other solutions to deliver an optimal project and site design.
d. No surface parking preferred. If incorporated, limiting this parking to areas that are not visible from Exterior Street or Mill Pond Park is strongly preferred.

C. Open Space
   a. Exterior Street Space
      i. The Exterior Street Space should provide a welcoming public face for the area between the Exterior Street sidewalk and the building façade. The design should endeavor to maximize lighting, both daylight and artificial lighting, under the Major Deegan Expressway and connect seamlessly to the sidewalks and upland connections at the northern and southern ends of the property.
      ii. If specific tenants seek to use portions of the Exterior Street Space for private uses (café seating, kiosks, events, etc.), Respondents should provide a description to the extent, timing, etc.
      iii. NYCEDC will consider fire access options that incorporate limited emergency access only, within the Exterior Street Space, pending review and approval by FDNY and NYCDOT. If incorporated, this access should blend into the normal functioning of the Exterior Street Space, and be an accessible public space.
      iv. NYCEDC makes no representation that FDNY will approve of the above solution or additional solutions for fire access. Respondents are responsible for determining the NYC Fire Code requirements and access needs for their proposals.

   b. Shore Public Walkway
      i. While the City will design and construct the shore public walkway and Mill Pond Park extension in coordination with the selected Developer(s), Respondents are encouraged to consider the interface between the public space and the Project in their site planning.
      ii. On portions of the development adjacent to the shore public walkway, private fenced areas should be minimized.
      iii. Active uses, large windows, and minimal amounts of blank wall facing the walkway on the ground floor are encouraged along this building section.

   c. Mill Pond Park Extension
      i. The Mill Pond Park extension will have the same opening and closing times as Mill Pond Park.
      ii. The Mill Pond Park extension should remain visually and physically accessible from the development without permanent fencing, abrupt grade changes, or view-obstructing plantings.
Appendix 4 – Site Conditions

Please refer to the attached map for the general locations of these site conditions.

A. Shore public walkway and Mill Pond Extension
   a. In accordance with waterfront zoning, a publicly accessible walkway 40’ along
      the shoreline is required. The shoreline public walkway will be funded and
      constructed by the City for this site.
   b. Site plans should assume a 40’ distance from the shoreline; a buffer is
      recommended to account for potential future shoreline conditions requiring
      additional setbacks. Respondents are encouraged to review the COWI Marine
      report in the Site File which lays out existing shoreline conditions.

B. Relieving Platform
   a. At the edge of the site along the Harlem River, there is a relieving platform which
      should not be used for site planning. This platform is approximately 15’ by 190’
      and in poor condition. As the shore public walkway is developed, it will be
      removed by the City and replaced with a shoreline type that meets NYSDEC
      regulatory requirements, which may include rip-rap, an elevated pathway, or
      other alternative options.

C. Vehicular Access and Loading
   a. E. 149th Street is a mapped street but does not have a curb cut for vehicular
      access. NYC Department of Transportation has advised that there will not be an
      approval for a new curb cut due to the complexity of the intersection and the
      security of the bridge.
   b. The only viable access point for the site is the existing curb cut at the former
      entrance of E. 150th St; although NYCEDC has not identified a viable alternative,
      Respondents may propose other solutions.

D. Fire Access
   a. Respondents may develop creative solutions to comply with fire and emergency
      access requirements for the site, but are strongly encouraged to determine the
      fire access during the RFEI stage given the implications for the site design.
   b. NYCEDC makes no representation that FDNY will approve of the proposed
      solutions for fire access. Respondents are responsible for determining the NYC
      Fire Code requirements and access needs for their proposals.

E. Major Deegan Roadway Easement
   a. A NYSDOT easement, supporting columns (some of which incorporate drainage
      from the highway), and a support structure for the Major Deegan highway
      encumber portions of the site. Respondents should review the Site File for
      additional information. The specific easement requirements will be determined
      by NYSDOT.
Note: This map is included for illustrative purposes only, including the boundaries of the Site. NYCEDC makes no representation as to the accuracy of the location of the site conditions shown.
Appendix 5 - Emerging Developer Narrative Form

NYCEDC is dedicated to furthering the participation of emerging developer businesses in its work. Each RFP Respondent must submit this form together with its proposal to indicate how the emerging developer qualifies under the guidelines described in this RFP.

Emerging Developer: _____________________________________________

Contact Information of Emerging Developer:

Name: _________________________________________________________
Title: __________________________________________________________
Telephone: _____________________________________________________
Email: _________________________________________________________
Address: _______________________________________________________
City, State, Zip-Code: __________________________________________

Answer the following questions:

1. Describe why this development company should be categorized as an Emerging Developer: ____________________________________________

2. Is this firm owned by a minority, a woman or both? □ Yes □ No
   If so, describe the ownership structure: _____________________________

3. Provide the number of constructed and operating projects
   where firm served as an owner’s rep or consultant: _______________________

4. Provide the number of constructed and operating
   projects where firm served as a principal: _____________________________

5. Largest total development cost of any completed project: _______________

6. Largest total square footage of any completed project: _______________

7. Largest residential unit count of any completed project: _______________

8. Number of projects completed in New York City or other urban areas: __________

1 out of 2
Emerging Developer Narrative Form

8. Provide the following information of all completed projects from the last 10 years of firm’s history. Include another list if you have more than ten projects.

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Address</th>
<th>Development Cost</th>
<th>Square Footage</th>
<th>Residential Unit Count</th>
<th>Lead Developer</th>
<th>New Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Attestation

I acknowledge that all the information provided herein is true and correct.

[Signature]
Date

Officer’s Name, Title
### Form D2 - Residential Management Experience and Current Workload

<table>
<thead>
<tr>
<th>Property Address</th>
<th>County Code</th>
<th>Community Name</th>
<th>Number</th>
<th>Physical Location</th>
<th>Type (Y/N)</th>
<th>Owner Name</th>
<th>Relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address 1</td>
<td>Code 1</td>
<td>Community 1</td>
<td>1</td>
<td>Location 1</td>
<td>Y</td>
<td>Owner 1</td>
<td>Relationship1</td>
</tr>
<tr>
<td>Address 2</td>
<td>Code 2</td>
<td>Community 2</td>
<td>2</td>
<td>Location 2</td>
<td>N</td>
<td>Owner 2</td>
<td>Relationship2</td>
</tr>
</tbody>
</table>

For submission of proposals in response to the RFP, use additional pages as needed. List below all properties managed currently or within the seven (7) year period preceding the deadline.

_____________________________
Name of Applicant

_____________________________
Name of Applicant
1. Across your portfolio, what is the typical ratio of property managers to number of units? Describe if staffing plans differ based on the funding source (e.g. LIHTC or HOME).

2. Describe the management and maintenance staffing plan envisioned for this project. If you have one, please submit a sample or project-specific Management Plan.

3. What property management certifications and licenses are held by your staff? (For example: RAM or IREM certification, tax credit certification, commercial real estate broker's license, etc.)

4. Please describe any LIHTC and/or HOME compliance coursework management staff has completed.

5. Has any property managed by the manager or owned by the owner ever had a recapture of LIHTC? If so, please explain in detail. Please include instances where you may have purchased or taken over management of a property with open compliance issues.

6. Have IRS Forms 8823s been issued for your properties, reporting noncompliance that was uncorrected at the time of issuance? If so, how many have been issued? Please include instances where you may have purchased or taken over management of a property with open compliance issues.

7. Do any properties managed by the manager or owned by an affiliate of the owner have open HOME compliance issues? If so, please explain in detail. Please include instances where you may have purchased or taken over management of a property with open compliance issues.

8. Do any properties managed by the manager or owned by an affiliate of the owner have open Class C NYC Housing Maintenance Code violations or open NYC DOB violations? If so, please explain in detail. Please include instances where you may have purchased or taken over management of a property with open violations.

9. Has the management company or any of its principals been disbarred by HUD or any other government agencies?

10. What is the vacancy rate across your portfolio as of the date of this submission? Please explain.

11. What are delinquent rents as a percentage of total rent roll across your portfolio of owned/managed properties? Please submit data showing arrears at 30, 60, and 90+ days arrearages.

12. Please submit a sample Monthly Management Report from the last year for an affordable housing property of your choosing.
Appendix 7 - Affordable Housing Requirements

Regulatory Agreement

At closing, the Developer will be required to execute a regulatory agreement with HPD recorded against the property, which will govern tenant income eligibility, rents, minimum and maximum household sizes and tenant selection procedures.

Enforcement Note And Mortgage

In the event NYCEDC and the Developer agree to a purchase and sale transaction, the Developer, at closing, will be required to deliver an enforcement note and mortgage ("Enforcement Note and Mortgage") to HPD. The Enforcement Note and Mortgage is designed to ensure compliance with the regulatory agreement. The Enforcement Note and Mortgage may also contain resale and refinancing recapture provisions. The value of the Enforcement Note and Mortgage shall equal the difference between the transaction's financial consideration and the appraised value of the Sites. The Enforcement Note and Mortgage will accrue interest at a fixed rate to be determined by HPD, compounded annually. The principal and accrued interest will be due and payable at maturity.

Design

HPD has outlined a set of design principles and guidelines to foster quality and encourage creative approaches throughout the entire design development process ("HPD Design Guidelines"). The guidelines apply to all new construction housing projects subject to HPD review and approval. Respondents are required to follow the HPD Design Guidelines which can be accessed here:


Enterprise Green Communities

Respondents are required to achieve Certification through the Enterprise Green Communities Program, which is a comprehensive green building framework for affordable housing that provides cost-effective standards for creating healthy and energy-efficient homes.

Specifically, respondents are required to comply with the 2015 Enterprise Green Communities Criteria Certification Overlay for NYC HPD Projects. Detailed instructions on using the HPD Overlay can be found at

http://www.enterprisecommunity.com/servlet/servlet.FileDownload?file=00P1400000gTNDEA4

In addition to the documentation requirements of the Green Communities Program, the designated Developer will be required to periodically provide budgets that identify project costs specifically related to green design, energy efficiency measures and building operations, upon HPD’s request.
**Marketing**

Marketing of the rental of affordable residential units is the sole responsibility of the Developer. In carrying out these functions, the Developer must comply with HPD-HDC’s marketing requirements, which are designed to ensure that the availability of the units is disseminated as widely and fairly as possible. The marketing of the units will be monitored by HPD/HDC staff to ensure compliance with these requirements.

**Rent Stabilization**

All rental units must be entered into the New York State rent stabilization system (“Rent Stabilization”) upon initial occupancy (see www.nycrgb.org for further information). Rent increases for affordable units will be governed by the lower of 30% of the applicable AMI or Rent Stabilization increases. Rent increases for market rate units that are under a City tax abatement program, in buildings of mixed affordability, will be governed by Rent Stabilization increases.

**Fair Housing**

The Developer is required to comply with all applicable Federal, State, and local laws, orders, and regulations prohibiting housing discrimination.

**Loan Authority**

Projects which Respondents propose to finance with HPD/HDC subsidy will be subject to statues under which HPD and HDC are authorized to provide such loans including, but not limited to, Article 16 of General Municipal law and Article 22 of Private Housing Finance law. Respondents are encouraged to review these and similar statues to understand the restrictions and obligations associated with such loans.
Appendix 8 - Demographics

Bronx Community District 4 Neighborhood Snapshot

Economic Profile

- Median Household Income (2012$)

![Bar chart showing median household income for Highbridge/Concourse (CD4), Bronx, and New York City.]

*Median household incomes in the Highbridge/Concourse PUMA 3708, whose boundaries approximate CD 4.

- Household Income by AMI Band (2012$)

![Bar chart showing income distribution by AMI band.]

Income limits are for a three-person household (HUD 2016).
Demographic Profile

- Household Types and Sizes

```
<table>
<thead>
<tr>
<th>Household Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-parent households</td>
<td>41%</td>
</tr>
<tr>
<td>Two-parent households</td>
<td>24%</td>
</tr>
<tr>
<td>Seniors 65+ living alone</td>
<td>10%</td>
</tr>
<tr>
<td>Other Non-family households</td>
<td>25%</td>
</tr>
</tbody>
</table>
```

**AVERAGE FAMILY SIZE: 3.74**
**AVERAGE HOUSEHOLD SIZE: 2.95**

*Based on Hightbridge/Concourse PUMA 3708 that approximates CD 4

- Age Composition

```
<table>
<thead>
<tr>
<th>Age</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>85 years and over</td>
<td>1%</td>
</tr>
<tr>
<td>75 to 84 years</td>
<td>3%</td>
</tr>
<tr>
<td>65 to 74 years</td>
<td>4%</td>
</tr>
<tr>
<td>60 to 64 years</td>
<td>5%</td>
</tr>
<tr>
<td>55 to 59 years</td>
<td>6%</td>
</tr>
<tr>
<td>45 to 54 years</td>
<td>8%</td>
</tr>
<tr>
<td>35 to 44 years</td>
<td>9%</td>
</tr>
<tr>
<td>25 to 34 years</td>
<td>13%</td>
</tr>
<tr>
<td>20 to 24 years</td>
<td>14%</td>
</tr>
<tr>
<td>15 to 19 years</td>
<td>14%</td>
</tr>
<tr>
<td>10 to 14 years</td>
<td>14%</td>
</tr>
<tr>
<td>5 to 9 years</td>
<td>14%</td>
</tr>
<tr>
<td>Under 5</td>
<td>14%</td>
</tr>
</tbody>
</table>
```

**MEDIAN AGE: 31.4 years**

*Based on Hightbridge/Concourse PUMA 3708 that approximates CD 4

- Racial/Ethnic Composition

```
<table>
<thead>
<tr>
<th>Race</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>34%</td>
</tr>
<tr>
<td>Hispanic or Latino/a</td>
<td>62%</td>
</tr>
<tr>
<td>Other</td>
<td>4%</td>
</tr>
</tbody>
</table>
```

*Based on Hightbridge/Concourse PUMA 3708 that approximates CD 4
Housing Characteristics

a. Renters and Owners

b. Residential Units by Age of Building

Approximate Total Occupied Residential Units: 54,000
Source: 2014 Housing and Vacancy Survey
*Based on sub-borough boundaries that approximate CD 4

- Highbridge/Concourse: Renters 91%, Owners 9%
- Bronx: Renters 79%, Owners 21%
- NYC: Renters 68%, Owners 32%

Before 1947: 80%
1947-1973: 10%
1974-1999: 3%
2000 or later: 7%

- Before 1947
- 1947-1973
- 1974-1999
- 2000 or later

- Highbridge/Concourse
- Bronx
- NYC

Source: 2014 Housing and Vacancy Survey
*Based on sub-borough boundaries that approximate CD 4

- 54% 1-5 Units
- 37% 20-49 Units
- 5% 6-19 Units

- 54% 20-49 Units
- 37% 50+ Unit Buildings

- Unregulated
- Government Assisted
- NYCHA
- Rent Stabilized

Approximate Total Residential Units: 54,000
Source: 2014 Housing and Vacancy Survey
*Based on sub-borough boundaries that approximate CD 4

Page 54 of 73
Appendix 9 – M/WBE Plan

I. M/WBE Participation Goal

a. Participation Goal - The target Participation Goal for the Project is 20-35%. This range reflects the minimum to the optimal Participation Goal for the design and construction components of work related to the Proposal (the “Work”).

b. The target Participation Goal range represents a percentage of the hard costs and soft costs associated with the Work (the “Eligible Costs”) that will be paid to contractors, subcontractors and supplier firms certified with the New York City Department of Small Business Services (“DSBS”) as MBEs or WBEs. Respondents shall identify their Participation Goal in their M/WBE Participation Proposal. The Participation Goal may be calculated as follows:

1. Contractors: The total dollar amount that Respondent pays to contractors certified with DSBS as MBEs or WBEs for Eligible Costs shall be credited toward fulfillment of the Participation Goal, provided that the value of such a contractor’s participation shall be determined by subtracting from this total dollar amount any amounts that the contractor is obligated to pay to direct subcontractors or suppliers upon completion of such subcontractors or suppliers work or services.

2. Direct Subcontractors: The total dollar amount that a contractor pays to subcontractors certified with DSBS as MBEs or WBEs for Eligible Costs shall be credited toward fulfillment of the Participation Goal, provided that the value of such a direct subcontractor’s participation shall be determined by subtracting from this total dollar value any amounts that the direct subcontractor is obligated to pay to indirect subcontractors or suppliers upon completion of such indirect subcontractors or suppliers work or services.

3. Indirect Subcontractors: The total dollar amount that a subcontractor pays to its subcontractors certified with DSBS as MBEs or WBEs for Eligible Costs shall be credited toward fulfillment of the Participation Goal.

4. Suppliers: 60% of the dollar amount spent on materials or supplies for the design and construction components of the Proposal purchased by Respondent, contractors or direct subcontractors from suppliers certified with DSBS as MBEs or WBEs shall be credited toward fulfillment of the Participation Goal.

5. Joint Ventures: A contractor, direct subcontractor or indirect subcontractor that is a qualified joint venture, as defined in Section 6-129(c)(24), shall be permitted to count a percentage of its own participation toward fulfillment of the Participation Goal. The value of such a contractor, direct subcontractor or indirect subcontractor’s participation shall be determined by subtracting from this total dollar amount any amounts that the contractor, direct subcontractor or
indirect subcontractor pays to subcontractors or suppliers, and then multiplying the remainder by the percentage to be applied to total profit to determine the amount to which an M/WBE partner is entitled pursuant to the joint venture agreement. If a contractor, direct subcontractor or indirect subcontractor claims credit for participation as a qualified joint venture, then upon NYCEDC’s request, Developer must promptly provide a copy of the joint venture agreement for review and confirmation of the M/WBE partner’s profit share as used in calculating credit toward fulfilment of the Participation Goal.

II. Minority and Women-Owned Business Enterprises.

M/WBE firms must be certified by DSBS to credit such firms’ participation toward attainment of the Participation Goal. Such certification must occur prior to the firms’ commencement of work. A list of M/WBE firms may be obtained from the DSBS website at www.nyc.gov/buycertified, by emailing DSBS at buyer@sbs.nyc.gov, by calling (212) 513-6356, or by visiting or writing DSBS at 110 William Street, New York, New York, 10038, 7th Floor. Eligible firms that have not yet been certified may contact DSBS in order to seek certification by visiting www.nyc.gov/getcertified, emailing MWBE@sbs.nyc.gov, or calling the DSBS certification helpline at (212) 513-6311. No credit shall be given for participation by a graduate M/WBE, as defined in Section 6-129(c)(20) of the Administrative Code of the City of New York.

III. M/WBE Proposal Submission Forms – M/WBE Participation Proposals.

a. The Respondent must complete and submit as part of its Proposal an M/WBE Participation Proposal setting forth:
   i. the proposed Participation Goal, and
   ii. a narrative related to Respondent’s implementation of the proposed Participation Goal, including, but not limited to:
      1. strategies and methods that will facilitate participation by M/WBE firms as contractors, subcontractors or suppliers consistent with Section I above, such as carve-outs and/or unbundling bid packages;
      2. methods for identification of M/WBE firms seeking design or construction work in connection with such development; and
      3. a statement that Respondent will make good faith efforts to meet the Participation Goal.

b. Respondent’s M/WBE Participation Proposal will be ranked against that of other respondents and will be evaluated as an important part of the selection process, with focus on (i) the Respondent’s Participation Goal in relation to the target Participation Goal range set forth in this RFEI, and (ii) the development and quality of the M/WBE Participation Proposal narrative.
c. If the Respondent’s Proposal is accepted, then the M/WBE Participation Proposal, as approved by NYCEDC, shall be annexed to and made part of the lease or contract of sale agreement, as applicable. Respondent shall also submit a more comprehensive M/WBE Participation Plan. The M/WBE Participation Plan will include the Respondent’s Participation Goal and include information on the percentage of work to be awarded to contractors, subcontractors and suppliers, and the identity of all proposed M/WBE contractors, subcontractors and suppliers, as well as a description of the type and dollar value of work designated for participation by M/WBE firms.

Other M/WBE Requirements. If the Respondent’s Proposal is accepted, then the lease will contain additional M/WBE Program Requirements.

Please note that if a Developer fails to use good faith efforts to fulfill its Participation Goal, then NYCEDC may, in addition to asserting any other right or remedy it has under the lease or contract of sale agreement, as applicable, assess liquidated damages in the amount of ten percent (10%) of the difference between the dollar amount of Work required to be awarded to M/WBE contractors, subcontractors and suppliers to meet the Participation Goal and the dollar amount the Respondent actually awarded and paid to such M/WBEs. In addition, the Respondent shall provide NYCEDC with certified reports detailing Respondent’s compliance with its M/WBE Participation Plan and Participation Goal.
Appendix 10 – HireNYC : Development Program

The HireNYC Development Program applies to all contracts related to Construction Activities (as defined below) for goods, services, and construction with a value of $1M or more. With respect to this program, “Construction Activities” are any endeavors, actions and processes undertaken in furtherance of the Project (i) to improve, alter, build or demolish real estate at the Site; (ii) as a prerequisite to improve, alter, build, or demolish real estate at the Site; or (iii) to facilitate, monitor or supervise the improvement, alteration, building or demolition of real estate at the Site.

The requirements of the HireNYC Development Program do not limit the Developer’s ability to assess the qualifications of prospective workers or to make final hiring and retention decisions. The program does not require the Developer to employ any particular worker. The HireNYC Development Program will apply to the Developer and its successors and assigns and will be incorporated into the lease or contract of sale agreement, as applicable. Consistent with these obligations, the Developer will also incorporate the requirements of the HireNYC Development Program into all contracts related to Construction Activities for goods, services and construction with a value of $1M or more between the Developer and any contractor and will require its contractors to include the requirements in their subcontracts with a value of $1M or more. The Developer will participate in the HireNYC Development Program from the time it enters into its initial contract for Construction Activities until the end of the Construction Activities. After or near the end of the Construction Activities, certain Developers will transition into the HireNYC Permanent Program (see Appendix 10) for permanent positions.

I. HireNYC Development Program Requirements.

a. Enrollment. The Developer must enroll in the program through the HireNYC portal (http://www.nyc.gov/html/sbs/wf1/html/contact/targeted_hiring.shtml) within 20 business days of full execution of the lease or contract of sale agreement, as applicable. The Developer will provide information about its Project, designate a primary contact and state whether it intends to hire for any entry to mid-level job opportunities arising from Construction Activities related to the lease or contract of sale agreement, as applicable that are located in the City, and, if so, the approximate start date of the first hire. For the purposes of the HireNYC Development program “entry to mid-level job opportunities” are employment opportunities that require, as determined by the New York State Department of Labor, any of the following minimum levels of education: less than a high school diploma, a high school diploma or equivalent, post-secondary non-degree award, some college, no degree or an associate’s degree.

b. Job Recruitment Requirements.

i. The Developer must update the HireNYC portal with:
   - all new and replacement entry to mid-level job opportunities arising from Construction Activities related to the lease or contract of sale agreement, as applicable, that are located in the City, if any,
   - the requirements of the jobs to be filled,
   - the number of positions,
   - the anticipated schedule of initiating the hiring process for these positions, and
the contact information for the Developer’s representative charged with overseeing hiring.

ii. The Developer must provide this information for such an entry or midlevel job opportunity no fewer than 30 business days prior to the intended first day of employment for the applicable entry or mid-level position (although the Developer is encouraged to provide that information as early as practicable). With respect to such an available entry or mid-level position, the period beginning on the date that the Developer provides that information and ending on the date 15 business days later will be known as the “Recruitment Period.” During the Recruitment Period for an entry or mid-level position, the Developer must exclusively consider candidates provided by DSBS; provided that, after the tenth business day of that Recruitment Period, DSBS will not send any additional candidates for the applicable position to the Developer for exclusive consideration.

iii. At the request of DSBS, the Developer will also be required to provide information on the Developer’s construction schedule for Project milestones, deadlines or delivery dates and expected new hiring required, which information may be used by DSBS to create a tailored recruitment plan.

iv. DSBS will screen applicants based on the Developer’s employment requirements and refer applicants whom DSBS believes are qualified to the Developer for interviews. The Developer must interview referred applicants whom it believes are qualified for the available position.

v. After completing an interview of a candidate referred through the HireNYC Development Program, the Developer must provide feedback through the portal within 20 business days to indicate whether the candidate was hired. If a candidate is not interviewed, the Developer must provide information on why such candidate was not qualified for consideration within 20 business days of the candidate’s referral. In addition, the Developer must provide the start date of new hires, and additional information reasonably requested by DSBS about such hires, within 20 business days after the start date.

vi. This Section I(b) shall not apply to positions that the Developer intends to fill with employees employed pursuant to the job retention provision of Section 22-505 of the Administrative Code of the City of New York (the “Building Service Code”). The Developer shall not be required to report such openings through the HireNYC portal. However, the Developer shall enroll through the HireNYC portal pursuant to Section I(a), above, and, if additional positions that are not governed by the Building Service Code subsequently become open, the provisions of this Section I(b) will apply.

c. Reporting Requirements. In the event the Developer does not have any job openings covered by the HireNYC Development Program in any given year, the Developer must provide an annual update through the HireNYC portal to that effect. For this purpose, the reporting year will run from the date of the full execution of the lease or contract of sale agreement, as applicable, and each anniversary date, until the end of the Project’s Construction Activities.

II. Construction Requirements.
a. The Developer’s construction contractors or consultants must comply with the HireNYC Development Program requirements set forth above for all nontrades jobs (e.g., for an administrative position arising out of the work of the Construction Activities and located in the City) and for all nonunion trade jobs as set forth above.

b. In addition, the Developer’s construction contractors or consultants shall reasonably cooperate with DSBS and the NYCEDC on specific outreach events, including Hire on the Spot events, for the hiring of trades workers for the work of this Project.

III. Breach and Liquidated Damages.

a. If the Developer or its contractors or their subcontractors fail to comply with the terms of the HireNYC Development Program (1) by not enrolling its business through the HireNYC portal; (2) by not informing DSBS through the HireNYC portal, as required, of open positions; or (3) by failing to interview a qualified candidate, NYCEDC may assess liquidated damages in the amount of $2,500 per breach. For all other events of noncompliance with the terms of the HireNYC Development Program, NYCEDC may assess liquidated damages in the amount of $500 per breach.

b. The failure of the Developer or its contractors or their subcontractors to interview a qualified candidate will be determined by NYCEDC in its sole discretion based on factors such as, and without limitation, the information provided through the HireNYC portal, the recruitment plan, if any, and an assessment of whether the Developer or its contractors or their subcontractors acted in good faith with respect to a referred candidate. If no reason is provided for failing to interview a referred candidate or if only insufficient information is provided within 20 business days of a candidate’s referral, then such candidate will be deemed to be qualified. Regardless as to the number of candidates that a Developer may fail to interview for a particular job opening, no more than five candidates will be used to calculate the total amount of liquidated damages attributable to that job opening.

c. In the event the Developer or its contractors or their subcontractors breaches the requirements of the HireNYC Development Program during the term of the lease or contract of sale agreement, as applicable, NYCEDC may hold the Developer in default.
Appendix 11 – HireNYC: Permanent Program

NYCEDC recognizes the importance of creating employment opportunities for low-income persons, enabling them to participate in the City’s economic growth. To this end, NYCEDC has developed the HireNYC Permanent Program for all land sales and leases expected to produce ten (10) or more permanent jobs over the life of the project. Participation in this program requires the successful Respondent to use good faith efforts to achieve the hiring and workforce development goals and perform the requirements of NYCEDC’s HireNYC Permanent Program.

Each Respondent for projects expected to produce ten (10) or more permanent jobs over the life of the project must submit within its response a HireNYC Permanent Program plan (“Respondent’s HireNYC Permanent Program”) addressing how Respondent will seek to achieve the goals and other requirements set forth below and describing its experience, if any, conducting similar hiring and workforce development programs or undertaking other efforts to create employment opportunities for low-income persons. Please see the HireNYC Permanent Program Plan Template at the end of this Appendix 11 for assistance in preparing Respondent’s HireNYC Permanent Program.

Respondent’s HireNYC Permanent Program must include all programmatic details listed below, including collaboration with a New York City agency designated by NYCEDC in a notice to Respondent (“Designated City Agency”). The Designated City Agency will assist Respondent in implementing their HireNYC Permanent Program including the screening of candidates from the target population (“Target Population”) defined as persons who have an income that is below two hundred percent (200%) of the poverty level as determined by the New York City Center for Economic Opportunity (a description of the income level meeting this threshold for each household size is available at http://www.nyc.gov/html/ceo/downloads/pdf/poverty_measure_2011.pdf). Respondent’s HireNYC Permanent Program will be in effect for a period of eight (8) years from the commencement of the first business operations at the project location (“HireNYC Permanent Program Term”).

Respondent’s HireNYC Permanent Program will apply to Respondent, its successors and assigns, and to all tenants (which term also includes subtenants) at the project location during the HireNYC Permanent Program Term.

I. Goals. Respondent’s HireNYC Permanent Program must include, at a minimum, the following hiring and workforce development goals or, at each Respondent’s discretion, higher goals (collectively, the “Goals”):

1. Hiring Goal: Fifty percent (50%) of all new permanent jobs created in connection with the project (including jobs created by tenants, but excluding jobs relocated from other sites) will be filled by members of the Target Population referred by the Designated City Agency for a period beginning, for each employer, at commencement of business operations and continuing through the end of the HireNYC Permanent Program Term. Notwithstanding the foregoing, the Hiring
Goal shall only apply to hiring on occasions when Respondent is hiring for five (5) or more permanent jobs.

2. Retention Goal: Forty percent (40%) of all employees whose hiring satisfied the Hiring Goal will be retained for at least nine (9) months from date of hire.

3. Advancement Goal: Thirty percent (30%) of all employees whose hiring satisfied the Hiring Goal will be promoted to a higher paid position within one (1) year of date of hire.

4. Training Goal: Cooperation with NYCEDC and the Designated City Agency to provide skills-training or higher education opportunities to members of the Target Population.

II. Program Requirements. Respondent's HireNYC Permanent Program must also include all of the following requirements:

1. Designation of a workforce development liaison by Respondent to interact with NYCEDC and the Designated City Agency during the course of Respondent’s HireNYC Permanent Program.

2. Commitment by Respondent to do the following:
   a. use good faith efforts to achieve the Goals;
   b. notify NYCEDC six (6) weeks prior to commencing business operations;
   c. with respect to initial hiring for any new permanent jobs associated with the commencement of business at the project location (but only if initial hiring is for five (5) or more permanent jobs):
      i. provide NYCEDC and the Designated City Agency with the approximate number and type of jobs that will become available, and for each job type a description of the basic job qualifications, at least three (3) months before commencing hiring; and
      ii. consider only applicants referred by the Designated City Agency for the first ten (10) business days, until the Hiring Goal is achieved or until all open positions are filled, whichever occurs first;
   d. with respect to ongoing hiring on occasions when hiring for five (5) or more permanent jobs:
      i. provide NYCEDC and the Designated City Agency with the approximate number and type of jobs that will become available, and for each job type a description of the basic job qualifications, at least one (1) month before commencing hiring or as soon as information is available, but in all cases not later than one (1) week before commencing hiring; and
      ii. consider only applicants referred by the Designated City Agency for the first five business days, until the Hiring Goal is achieved or until all open positions are filled, whichever occurs first.
   e. notify NYCEDC thirty (30) days prior to execution of any tenant or subtenant lease at the project location;
   f. provide NYCEDC with one (1) electronic copy of all tenant and subtenant leases at the project location within fifteen (15) days of execution;
   g. submit to NYCEDC an annual HireNYC Employment Report in the form provided by NYCEDC (or quarterly reports at the discretion of NYCEDC);
h. cooperate with annual Site visits and, if requested by NYCEDC, employee satisfaction surveys relating to employee experience with Respondent’s HireNYC Permanent Program;
i. provide information related to Respondent’s HireNYC Permanent Program and the hiring process to NYCEDC upon request; and
j. allow information collected by NYCEDC and the Designated City Agency to be included in public communications, including press releases and other media events.

III. Optional Provisions. NYCEDC strongly encourages Respondents to include one or more of the following elements in Respondent’s HireNYC Permanent Program:
1. Commitment by Respondent of resources for training efforts, such as making financial investments in employee training and creating technology-based tools to:
   a. promote and track workforce development efforts;
   b. notify jobseekers of job opportunities; and
   c. provide information and assistance to tenants to in need of training options for new and current employees.
2. Commitment by Respondent, if the project is expected to produce 1,000 or more permanent jobs, to provide temporary space and personnel for a satellite outreach or workforce development site to provide outreach and screening of local jobseekers, distribute job applications and inform the public of available job opportunities leading up to the commencement of business operations.
3. Commitment by Respondent to support connections to education and training. NYCEDC staff will be available to work with Respondent’s workforce development liaison to connect individuals interested and in need of education and training to training and other educational programs available at Designated City Agency service provider locations or through relationships with other accredited training providers.

IV. General Requirements. The following general requirements also must be included in Respondent’s HireNYC Permanent Program
1. Respondent’s HireNYC Permanent Program must provide that it applies to Respondent, its successors and assigns, and to all tenants and subtenants at the project location during the HireNYC Permanent Program Term. Respondent is required to incorporate the terms of its HireNYC Permanent Program into all tenant and subtenant leases obligating tenants and subtenants to comply with the Goals and other requirements in Respondent’s HireNYC Permanent Program to the same extent as Respondent is required to comply with such Goals and other requirements.
2. Enforcement. In the event NYCEDC determines that Respondent, its tenants or subtenants, have violated any of Respondent’s HireNYC Permanent Program requirements, including, without limitation, a determination that Respondent, its tenants or subtenants, have failed to use good faith efforts to fulfill the Goals, NYCEDC may (1) assess liquidated damages set forth immediately below; and/or (2) assert any other right or remedy it has under the project agreement to which Respondent’s HireNYC Permanent Program applies.
3. Liquidated Damages. If Respondent, its tenants or subtenants, do any of the following:

   a. fail to comply with their obligations set forth in Section II(2) clauses (a)(with respect to the Hiring Goal), (c), and/or (d), and as a result the Designated City Agency was unable to refer applicants or participate in the hiring process as required by the program; or

   b. fail to comply with their obligations set forth in Section II(2) clauses (f), (g), (h), (i) and/or (j) and such failure shall continue for a period of thirty (30) days after receipt of notice from NYCEDC, then, in the case of clause (c)(i), NYCEDC may assess liquidated damages in the amount of $2,500 for each position for which the Designated City Agency was unable to refer applicants or otherwise participate in hiring as required by the program; and in the case of clause (c)(ii), NYCEDC may assess damages for breach of each requirement in the amount of $1,000. In view of the difficulty of accurately ascertaining the loss which NYCEDC will suffer by reason of Respondent’s failure to comply with program requirements, the foregoing amounts are hereby fixed and agreed as the liquidated damages that NYCEDC will suffer by reason of such failure, and not as a penalty. Respondent shall be liable for and shall pay to NYCEDC all damages assessed against Respondent, any tenant or subtenant at the project upon receipt of demand from NYCEDC.

V. Project Agreement. The successful Respondent’s HireNYC Permanent Program will be incorporated into the project agreement to be entered into with the successful Respondent.
HireNYC Permanent Program Plan Template

Please follow this template as a guide in creating your HireNYC Permanent Program. All hiring and workforce development goals and Program requirements, as set forth below and further described on the previous pages of the HireNYC Permanent Program Appendix 11, must be set forth in full in each Respondent’s HireNYC Permanent Program.

Respondent’s HireNYC Permanent Program Plan

Project Name:

____________________________________________________________________________

Respondent Name:

____________________________________________________________________________

Date:

____________________________________________________________________________

1. Program Goals
   a. Set forth in full the hiring and workforce development goals for your operations or, at Respondent’s discretion, higher goals (collectively, the “Goals”) as outlined in the HireNYC Permanent Program Appendix 11, Section I Goals.
   b. Include the Hiring Goal, Retention Goal, Advancement Goal and Training Goal.

2. Program Requirements
   a. Set forth in full all HireNYC Permanent Program requirements as outlined in the HireNYC Permanent Program Appendix 11, Section II Program Requirements, clauses (1) and (2)(a) through (j).
   b. Set forth in full the requirements in the HireNYC Permanent Program Appendix 11, section IV General Requirements

3. Program Implementation
   a. Discuss how you intend to work with tenants and subtenants at the project location to implement your HireNYC Permanent Program.
   b. Discuss how your workforce development liaison will promote and track workforce development efforts, including the completion of HireNYC reporting forms.
   c. Discuss how you will facilitate targeted hiring such as a) arranging meetings at which NYCEDC and the Designated City Agency staff can discuss the HireNYC Permanent Program and b) assist with information sharing, including results from hiring efforts and providing resources for hiring activities.
   d. Discuss how you will support connections to education and/or training either in partnership with NYCEDC and the Designated City Agency or through relationships with other accredited training providers.
   e. Discuss any additional elements that you will include in your HireNYC Permanent Program. Please see, for example, the items set forth in the HireNYC Permanent Program Appendix 10, section III Optional Provisions.
4. Additional Information
   a. New Jobs and Skill Level
      i. Number of projected permanent jobs at the project location (including projected jobs of tenants and subtenants)
      ii. Number and type of projected skilled/semi-skilled permanent jobs at the project location (including projected jobs of tenants and subtenants)
      iii. Number and type of projected unskilled permanent jobs at the project location (including projected jobs of tenants and subtenants)
   b. Training and Certifications
      i. Training required for skilled/semi-skilled permanent jobs
   c. Workforce Development Liaison
      i. Contact name, number and e-mail address

Job Type Examples:

Skilled/Semi-skilled: Any job or labor that requires special training or education attainment (i.e., certifications, higher education degree) for its satisfactory performance. Examples include Commercial Vehicle Operators, Bookkeepers, Accountants, and Supervisors/Managers. Unskilled: Any job or labor that requires relatively little or no training or experience for its satisfactory performance. Examples include Warehouse Clerks, Office Clerks, Laborers, Packers, Assemblers, Cashiers, and Customer Service Representatives.
Appendix 12 - Living Wage and Prevailing Wage Requirements

The living wage and prevailing wage laws and regulations described below help guarantee that City development efforts encourage the creation of jobs that provide economic opportunity and benefit for all New Yorkers while serving as models to employers across the City. Local Law No. 37 of 2012 added the Fair Wages for New Yorkers Act as Section 6-134 of the New York City Administrative Code (the “Living Wage Act”), which was broadened when the Mayor issued Executive Order No. 7 (the “Executive Order,” the obligations imposed on a successful Respondent pursuant to the Living Wage Act and the Executive Order are collectively referred to as the “Living Wage Requirements”). The Living Wage Requirements require companies that receive at least $1 million of “financial assistance” (as such term is defined in the Living Wage Act) from the City or NYCEDC to pay their employees at the project site no less than a “living wage,” unless the company qualifies for an exemption under the Living Wage Requirements. As of April 1, 2016, the “living wage” is equal to the sum of $11.70 per hour (in cash) plus $1.70 per hour (in cash and/or health benefits), subject to annual inflation based adjustments (the Commissioner of the Department of Consumer Affairs will announce the new rates each January 1, which will go into effect on April 1 of each such year). Additionally, other “additional covered employers” (as such term is defined in the Executive Order) at the project site are required to pay their employees at the project site no less than a living wage, unless those employers qualify for an exemption under the Living Wage Requirements. Copies of the Living Wage Act and the Executive Order are available for download at http://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2014/ eo_7.pdf.

Local Law No. 27 of 2012 added Section 6-130 of the New York City Administrative Code (the “Prevailing Wage Law”). Like the Living Wage Requirements, the Prevailing Wage Law applies to certain companies that receive at least $1 million of “financial assistance” (as such term is defined in the Prevailing Wage Law) from the City or NYCEDC for projects that are expected to be larger than 100,000 square feet or to include more than 100 residential units, unless the company and/or project qualifies for an exemption under the Prevailing Wage Law (a nonexempt company is referred to as a “covered developer”). A covered developer must ensure that all “building service employees” performing “building service work” (as such terms are defined in the Prevailing Wage Law) at the project location are paid no less than the “prevailing wage.” The “prevailing wage” means the rate of wage and supplemental benefits paid to workers in the same trade or occupation in the New York City locality, as determined annually by the City Comptroller. The current prevailing wage schedule is available for download at http://comptroller.nyc.gov/general-information/prevailing-wage/.

Appendix 13 - Doing Business Data Form

The Respondent shall complete and submit a Doing Business Data Form which can be found at [www.nycedc.com](http://www.nycedc.com) in the following section:

“Resource/Vendor Resources”

The text of said section provides as follows:

Doing Business Accountability Project Forms

Local Law 34 of 2007 (LL 34) requires the creation of a database containing information about entities that do business with the City as defined by the law, and principal officers, owners and senior managers of these entities. This information will be collected on Doing Business Data Forms that are distributed, collected and reviewed by agencies, and forwarded to the Doing Business Accountability Project (DBAP) at MOCS for processing. Collected data will be used to identify entities and people who are subject to LL 34’s limitations on campaign contributions in municipal elections.

If you have any questions or concerns, please contact the Doing Business Accountability Project at 212-788-8104 or [DoingBusiness@cityhall.nyc.gov](mailto:DoingBusiness@cityhall.nyc.gov).

[Doing Business Form-Real Property](#)

[Q&A Real Property](#)
Appendix 14 - NYCEDC Statement of Agreement

(On company letterhead)

Date:

New York City Economic Development Corporation
110 William Street, 6th Floor
New York, NY 10038
Attn: Maryann Catalano, Senior Vice President

Dear Ms. Catalano:

This letter hereby certifies that [Respondent] has read this RFEI and the Appendices fully and agrees to the terms and conditions set forth in this RFEI and Appendices.

Sincerely,

Respondent
Respondent Title [must be authorized principal or officer of the respondent]
Appendix 15 - Conditions, Terms and Limitations

In addition to those stated elsewhere, this RFEI and any transaction resulting from this RFEI are subject to the conditions, terms and limitations stated below:

1. The Site is to be disposed of in “as is” condition and is to be conveyed subject to all applicable title matters.

2. The City and NYCEDC, and their respective officers, employees, and agents, make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFEI, the Site File, the physical condition of the Site, the status of title thereto, its suitability for any specific use, the absence of hazardous waste or materials, or any other matter. All due diligence is the responsibility of the Respondent and Respondents are urged to satisfy themselves with respect to the condition of the Site, the information contained herein, and all limitations or other arrangements affecting the Site. NYCEDC and the City will not be responsible for any injury or damage arising out of or occurring during any visit to the Site.

3. The proposed development shall conform to, and be subject to, the provisions of the New York City Zoning Resolution, all other applicable laws, regulations, and ordinances of all Federal, State and City authorities having jurisdiction, and any applicable Urban Renewal Plan, design guidelines or similar development limitations, as all of the foregoing may be amended from time to time. Without limiting the foregoing, closing on a proposed transaction shall be subject to the City’s Uniform Land Use Review Procedure (“ULURP”), completion of the City Environmental Quality Review (“CEQR”), approval by the applicable Community Board, compliance with Section 384(b)(4) of the New York City Charter, and approval by NYCEDC’s Board of Directors. ULURP and CEQR compliance shall be solely at the expense of the Developer(s). NYCEDC will cooperate with the Developer(s) in obtaining necessary approvals.

4. A Respondent submitting a Proposal in response to this RFEI may be rejected if it or, if the Respondent is a business entity, any of its shareholders, officers, directors, partners or members (“Principals”) is determined, in the City’s or NYCEDC’s sole discretion, to be within a category of persons or entities with whom or which the City or NYCEDC will not generally do business. Respondent and all officers and Principals thereof will be required to complete a background questionnaire and shall be subject to investigation by NYCEDC and the City’s Department of Investigation. Any designation may be revoked in the City’s or NYCEDC’s sole discretion in the event any derogatory information is revealed by such investigation.

5. NYCEDC and the City are not obligated to pay and shall not pay any costs incurred by any Respondent at any time unless NYCEDC or the City has expressly agreed to do so in writing.

6. NYCEDC invites the participation of real estate brokers acting on behalf of Respondents and with the authorization of identified Principals, provided that the broker arranges for the payment of its commission or other compensation exclusively by the Respondent. The submission of a Proposal will constitute the Respondent’s undertaking to pay any commission or other compensation due to any broker acting on behalf of Respondent in connection with the Respondent’s Proposal to develop the Site, or a portion thereof, and to indemnify and hold harmless NYCEDC and the City, and their respective officers,
employees and agents from any obligation, commission or compensation brought by any broker by reason of the Proposal, Project or the development of the Site, or portion thereof, and any liability, cost and/or expense incurred by NYCEDC and/or the City as a result of any claim of commission or compensation brought by any broker by reason of the Proposal, Project or the development of the Site.

7. Only Proposals from Principals will be considered responsive. Individuals in representative, agency or consultant status may submit proposals only under the direction of identified Principals, where the Principals are solely responsible for paying for such services.

8. This is a Request for Expressions of Interest not a Request for Bids. NYCEDC shall be the sole judge of each Proposal’s conformance with the requirements of this RFEI and of the merits of the individual Proposals. NYCEDC reserves the right to waive, modify or amend any terms, conditions or provisions of this RFEI, with or without notice, with respect to one or more Respondents, to negotiate with one or more of the Respondents with respect to the Site or any portion of the Site, to negotiate and dispose of the Site on terms other than those set forth herein (including to parties other than those responding to this RFEI), to require supplemental statements and information from any Respondents, to establish additional terms and conditions, to require a Respondent to modify and cure its proposal if it is non-responsive to the RFEI or if it does not otherwise comply with one or more requirements of the RFEI, to request a Respondent make changes to a Proposal, to entertain modifications or additions to selected Proposals, to withdraw the Site or portions of the Site from or add individual parcels to this RFEI, to encourage Respondents to work together, or to reject any or all Proposals, if in its judgment it is in the best interest of NYCEDC and the City to do so. If all Proposals are rejected, this RFEI may be withdrawn and the Site may be retained, and re-offered under the same or different terms and conditions, or disposed of by another method, such as auction or negotiated disposition. In all cases, NYCEDC, conferring with other agencies, authorities and organizations, shall be the sole judge of the acceptability of the Proposals. NYCEDC will enforce the submission deadline stated in the RFEI at its sole discretion. The timing of the selection may differ depending upon the degree to which further information on individual Proposals must be obtained or due to other factors that NYCEDC may consider pertinent. All Proposals shall become the property of NYCEDC upon submission.

9. NYCEDC and/or the City are not obligated to pay, nor shall in fact pay, any costs or losses incurred by any Respondent at any time, including the cost of responding to the RFEI or negotiating legal agreements.

10. All terms in this RFEI related to the permitted use and bulk of the Site shall be as defined in the New York City Zoning Resolution and any applicable Urban Renewal Plan, design guidelines, or similar development limitations and controls. Where any conflict arises in such terms, the most restrictive shall prevail.

11. Except as specifically provided herein, the Developer(s) will pay all taxes payable with respect to the project, including transfer and mortgage recording taxes. Developer(s) will be required to pay the New York City Real Property Transfer Tax and New York State Real Estate Transfer Tax, notwithstanding any exemption on account of the City’s or NYCEDC’s involvement in the transaction.
12. This transaction will be structured as a “net” deal to NYCEDC, with the Developer(s) being responsible for all fees relating to the project and all costs incurred by NYCEDC including, but not limited to, costs for outside legal counsel, if any, studies, and outside consultants.

13. All Proposals and other materials submitted to NYCEDC in response to this RFEI may be disclosed in accordance with the standards specified in the Freedom of Information Law, Article 6 of the Public Officers Law (“FOIL”). The entity submitting a Proposal may provide in writing, at the time of submission a detailed description of the specific information contained in its submission, which it has determined is a trade secret and which, if disclosed, would substantially harm such entity’s competitive position. This characterization shall not be determinative, but will be considered by NYCEDC when evaluating the applicability of any exemptions in response to a FOIL request.

14. In furtherance of NYCEDC’s mission of economic development, NYCEDC-led dispositions will be subject to NYCEDC’s standard provisions for similar transactions. The lease, or contract of sale agreement, as applicable, conveying the Site, or portion thereof, to the Developer(s) shall contain redevelopment obligations as well as restrictions on use and transfer of the Site. Failure to comply with these restrictions will result in a right by NYCEDC or the City to re-enter and re-acquire the Site, or portion thereof, for no consideration or terminate the lease, as the case may be.

15. The Developer(s) will be required to deliver evidence to NYCEDC of the creation of employment opportunities at the Site for the first eight (8) years after the closing of the Project. The Developer(s) must also agree in good faith to consider any proposals made by the City or City-related entities with regard to jobs Developer(s) is seeking to fill and to provide the City with the opportunity to make job referrals and create a training program for City residents. Developer(s) will be required to cause commercial tenants to agree to these provisions at the time it enters into leases with such tenants.

16. Upon review of the Site File, Respondents, and their representatives and agents and consultants, shall treat their Proposals and all information obtained from the Site File or otherwise obtained from NYCEDC or the City in connection with this RFEI (the “Confidential Information”) confidentially, and shall not discuss, publish, divulge, disclose or allow to be disclosed the Confidential Information to the press or other media, without NYCEDC’s prior written approval. In addition, upon submission of a Proposal to this RFEI, Respondents, and their representatives and agents and consultants shall not discuss, publish, divulge, disclose or allow to be disclosed the Confidential Information to any other Respondents or any other person, firm or entity, including press or other media, without NYCEDC’s prior written approval. If either provision is breached by a Respondent, NYCEDC may disqualify that Respondent from the RFEI as non-compliant and seek any other remedy available at law or in equity, including but not limited to injunctive relief and/or damages.

17. All determinations as to the completeness or compliance of any Proposals, or as to the eligibility or qualification of any Respondent, will be within the sole discretion of NYCEDC and the City.

18. The Developer(s) may choose to apply to or seek the cooperation or involvement of other City programs and Agencies (e.g., – New York City Housing Preservation and Development) as part of their Proposal. In the event that other information or City
documentation is required for the Proposal, the Developer(s) and/or Respondent(s) agrees to provide NYCEDC with all information and documentation required by the City. 19. The City and NYCEDC may, at its discretion, contribute funds to development projects and/or permit the Developer(s) to apply for discretionary tax abatements in order to further Project Goals or effectuate policy goals regardless of the requirements of Respondent’s Submissions.