

REQUEST FOR PROPOSALS

Mixed-Use Development Opportunity

SURF AVENUE AND WEST 29TH STREET
CONEY ISLAND, BROOKLYN
City-Owned Site



Issue Date: May 17, 2006

Pre-Submission Conference: May 31, 2006

Proposal Submission Deadline: July 12, 2006



THE CITY OF NEW YORK
DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

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The New Housing Marketplace
CREATING HOUSING FOR THE NEXT GENERATION

TABLE OF CONTENTS

I. Introduction	4
II. Definitions	6
III. Program Description, Requirements, and Guidelines	8
A. Development Site	8
B. Neighborhood Context	8
C. Development Program	9
D. Design Guidelines	10
E. Zoning	10
F. Land Use and Environmental Issues and Approvals	10
G. Obligations of the Selected Developer	11
H. Disposition and Disposition Price	12
I. Financing	13
J. Real Property Taxes and Charges	13
K. Marketing, Sales, and/or Leasing	14
L. Rent Stabilization	14
M. Fair Housing Requirements	15
N. Warranty Coverage	15
O. Resale, Refinancing, and Recapture Restrictions	15
P. Equal Opportunity	15
IV. Request For Proposals Process	16
A. Submission	16
B. Selection	16
V. Developer Selection Process	17
A. Threshold Requirements	17
B. Competitive Selection Criteria	19
VI. Submission Requirements	22
A. Pre-Submission Information and Inquiries	22
B. General Requirements	22
C. Contents of Proposal and Tabbing	23
VII. Conditions, Terms, and Limitations	27
VIII. Conflicts of Interest	29
Appendices	30
A. Maps	31
B. Phase I Environmental Site Assessment Executive Summary	34
C. HPD Design Guidelines for New Construction	35
D. Sustainable Design Elements	41
E. HPD Marketing Guidelines	43
F. Equal Opportunity	46
Exhibits: Proposal Forms	61
A. Completeness Checklist and Applicant's Letter	62
B. Proposal Summary	65

C.	Development Team Information and Applicant Questionnaire	66
D.	Development Experience and Current Workload	74
E.	Individual's Property Listing	75
F.	Assets Statement	76
G.	Project/Design Narrative	82
H.	Financing Proposal	84
I.	Environmental Proposal	94
J.	Design/Architectural Documents	95
K.	Marketing Plan	103
L.	Development Schedule	104
M.	Additional Evidence of Experience and Qualifications	105

I. INTRODUCTION

Pursuant to this Request for Proposals (“RFP”), the City of New York (“City”), through its Department of Housing Preservation and Development (“HPD”) and the New York City Economic Development Corporation (“NYCEDC”), is inviting developers (“Applicants”) to submit development proposals (“Proposals”) for a mixed-use project (“Project”) on a prime parcel in Coney Island, Brooklyn. The Project must include a community facility on the ground floor and housing above. Responses to this RFP will be reviewed jointly by HPD and NYCEDC.

This RFP is in accordance with the Mayor’s *New Housing Marketplace* (“Plan”), which responds to the changing housing needs of New York’s communities by committing to the new construction or rehabilitation of more than 165,000 housing units by 2013. The proposed Project serves the Plan’s critical goals of creating needed housing opportunities, maximizing affordability, making City-owned land available for private residential development, and, in turn, enhancing the City’s community revitalization efforts.

In addition, this RFP responds to the City’s Strategic Plan for Coney Island, which will transform the area into a year-round entertainment destination with seaside attractions and a stronger, more vibrant residential community. In September 2003, the Mayor, City Council, and Brooklyn Borough President formed the Coney Island Development Corporation (CIDC) to spearhead and implement the plan, and to create a coordinated economic strategy for the area. Crafted in collaboration with community residents and businesses, the Strategic Plan, announced in September 2005, provides a roadmap for CIDC and its partners. For more information about CIDC and the Strategic Plan, please visit <http://www.thecidc.org/>. This RFP is a symbolic first step in the implementation of the Strategic Plan and the renaissance of Coney Island

The development site (“Site”), located within the boundaries of the Coney Island I Urban Renewal Area, comprises approximately 65,000 square feet. The Site is composed of multiple adjacent vacant City-owned lots on Block 7051, which is bounded by Surf Avenue and privately owned parcels to the south, West 29th Street to the east, P.S. 329 (Surfside School) to the north, and West 30th Street to the west.

The Project envisioned for this Site will include a 40,000 square foot community center on the ground floor and will maximize the amount of residential space above the community center. The community center would be owned and managed by a not-for-profit operator. City agencies, elected officials, representatives from CIDC, community residents, and local organizations helped to formulate the development program for the community center.

The Site will be conveyed to the selected Developer for a nominal fee of \$1.00. In addition, the City expects to contribute up to \$5 million in capital funds to help finance the construction of the community center. Additional City, State, and/or Federal subsidies may be available to enhance housing affordability and to offset the cost of constructing the community center. Applicants are responsible for securing all necessary construction and permanent sources of financing. A minimum of 20% of residential units must be affordable to households earning a maximum of 80% of the Area Median Income (“AMI”), as adjusted for household size. Proposals that provide the greatest affordability using the least amount of subsidy will be given preference.

All Applicants must adhere to the requirements of this RFP. HPD and NYCEDC will select an Applicant based on an evaluation of professional qualifications, feasibility of the Proposal, experience in development of large mixed-use projects, affordability of residential units, quality of community center program, and quality of design and construction. Applicants are responsible for assembling a development team that includes members with expertise in affordable housing development and an

experienced Community Center Operator (“Development Team”), and for undertaking the design, construction, marketing, and management of the dwelling units and the community center.

This RFP does not represent any obligation or agreement whatsoever on the part of the City or NYCEDC. Any obligation or agreement on the part of the City or NYCEDC may only be incurred after the City enters into a written agreement approved by the Mayor and Corporation Counsel.

A pre-submission conference will be held on May 31, 2006 at 2:00 pm at HPD, 100 Gold Street, Room 1R, New York, New York 10038. Every Applicant wishing to submit a Proposal in response to this RFP is encouraged to attend, as this will be the only opportunity to ask questions and receive answers in person regarding this RFP. Proposals are due by hand on July 12, 2006, no later than 4:00 p.m.

II. DEFINITIONS

Applicant

An individual, partnership, limited liability company, corporation, joint venture, or other entity that submits a Proposal in response to the RFP.

Community Facility Operator

The not-for profit(s) that will team with the Developer to own/lease and operate the community facility component of the Project.

Developer

The entity or entities selected by the City to commence negotiations regarding the development of the Site offered through this RFP. The entity or entities will provide equity, secure financing, assemble a Development Team, design, develop, build, market, and manage the Project.

Development Proposal or Proposal

The Proposal submitted by an Applicant in response to this RFP for the development of housing, a community center, open space, accessory parking, and other uses envisioned for the Development Site.

Development Site or Site

The property being offered for development under this RFP, shown on the map in **Appendix A**.

Development Team

The Developer, Community Facility Operator, and the professional, technical, and construction entities (e.g. general contractor, architect, engineer, legal counsel, not-for-profit organization, marketing agent, and managing agent) that will participate in the design, development, construction, marketing, and/or management of the Project.

Principal

An individual, partnership, limited liability company, corporation, or other not-for-profit or for-profit entity that will act as the general partner, officer, or managing member of the Applicant, or any entity, known limited partner, or other member that has at least a 10% ownership interest in the Applicant.

Project

The development of housing, a community center, open space, and accessory parking envisioned for the Development Site.

Subordinated Debt

The amount equal to the sum of:

1. the difference between the cash portion of the purchase price paid at closing and the appraised value of the Development Site; plus
2. the aggregate amount of any City, State, or Federal construction subsidies for the construction of the units less the amount required to be repaid from proceeds from the sale of the units; plus
3. the difference between the unit sales price and the as-built market value of the site and improvements.

Uniform Land Use Review Procedure (“ULURP”)

The process, set forth in the City Charter, prescribing the City’s land use review, including public hearings and several levels of government approvals. Actions requiring ULURP include, among others, changes to the City Map, designation or change of zoning districts, Special Permits within the New York City Zoning Resolution requiring approval of the City Planning Commission (CPC), Urban Renewal Plan amendment, and disposition of City-owned property.

III. PROGRAM DESCRIPTION, REQUIREMENTS, AND GUIDELINES

Proposal submissions must conform to the following requirements and guidelines:

A. Development Site

The Development Site being offered pursuant to this RFP comprises approximately 65,000 square feet and is located in the Coney Island I Urban Renewal Area in Coney Island, Brooklyn, within Community District 13. The Site corresponds with Coney Island I Urban Renewal Site 47. It consists of multiple vacant adjacent lots on Block 7051: Lots 33, 35, 37-42, 46, 57, 59, 61, 63-65, 68, 138-145, 165-172, 239, 269, 339, and 439. The Site is bounded by Surf Avenue and privately owned parcels to the south, West 29th Street to the east, P.S. 329 (Surfside School) to the north, and West 30th Street to the west. Please see **Appendix A (Maps)** for a map of the Site.

B. Neighborhood Context

Land Use

Coney Island is characterized primarily by a mix of residential and commercial land uses, interspersed with public facilities and vacant parcels. The housing stock consists mostly of one- and two-family homes, and high-rise multi-family buildings. The New York City Housing Authority (NYCHA) owns several properties in the area, totaling 4,092 residential units. In addition, there are several senior housing developments and nursing homes in Coney Island. The renowned amusement and recreation district, spacious beach, and wide Boardwalk are located at the southern part of the neighborhood, south of Surf Avenue.

Public facilities in the neighborhood include a branch of the Brooklyn Public Library and several public schools, including P.S. 329 (Surfside) located directly to the north of the Development Site. The Coney Island Hospital with its new addition, Ida Israel Center, and numerous health centers service the area. Residents of Coney Island benefit from several parks and recreation areas, including the beach, Boardwalk, Key Span Stadium, New York Aquarium, L.S. Kaiser Park, Asser Levy Park, and handball and tennis courts. The community center will be the newest addition to the growing number of important recreation and public facilities in the area.

Neighborhood Access

The eastern part of Coney Island is accessible by the D, F, N, and Q trains. The recently renovated Stillwell Terminal subway station is located approximately one mile away from the Site. Access to the western part of Coney Island is somewhat limited by subway; however, buses run throughout the area connecting it with adjacent neighborhoods and subway stations. The B36 and X28 buses run along the southern end of the Site along Surf Avenue. The B74 bus runs along Mermaid Avenue, to the north of the Site. Major vehicle access into the neighborhood is from Ocean Parkway and Coney Island Avenue. Please see **Appendix A (Maps)** for a map of neighborhood access/public transportation.

Demographics

Coney Island is located within the boundaries of Sub-Borough 13, which has a total population of approximately 108,000. The Sub-Borough contains more than twice as many renters as owners, with 67.6% of housing units occupied by renters. The median household income is \$25,000 for the average household size of 2.34 people. On average, renter households earn less than half of

the income of owner households, with a median income of \$20,000. The median income for owners is \$50,000. Approximately 18% of renters reside in public housing.¹

C. Development Program

The Site must be developed as a mixed-use Project. A 40,000-square-foot community center must be located on the ground floor. Applicants should maximize the amount of residential space on the floors above the community center.

Residential Component

At least 20% of the residential units must be affordable to households whose earnings do not exceed 80% of AMI, as adjusted for household size. Proposals that maximize affordability with the least amount of subsidy will be given preference. Affordable units must comply with all terms of any subsidy programs that are utilized. Diverse unit types should be provided in order to accommodate various household sizes.

Community Facility Component

For the last two years, the CIDC has been actively engaging community residents, elected officials, and local businesses to formulate the Strategic Plan for Coney Island. As part of this plan, the community center discussed throughout this RFP will serve as a prime recreational anchor for the entire Coney Island community. The community center will be accessible to all and include multi-generational and multi-cultural facilities to be used for both physical and educational purposes. The community center is highly anticipated by local residents and is a key first step in the implementation of the Strategic Plan.

On January 11, 2006, NYCEDC, in collaboration with CIDC, sponsored a community planning workshop to solicit ideas for the development program of the community center that would be required as part of the Project. Community residents and leaders expressed strong desire for a facility that would include, but not be limited to, a swimming pool, a full-size gymnasium, and several flexible, multi-purpose spaces for programmed activities, classes, and/or cultural uses. Preference will be given to Proposals that incorporate these uses and maximize accessibility for local residents. After Site designation, the selected Development Team will be expected to work with the community to refine the community center program and facilities. The community center must contain a minimum of 40,000 square feet finished by the Developer to a level approved by HPD and NYCEDC.

The Development Team must include an experienced not-for-profit Community Facility Operator, who will own/lease and manage the proposed community center. Applicants should: 1) assume that the community center would pay rent and charge membership fees; 2) demonstrate how the community center's membership and/or fees would be affordable to local residents of all income levels; 3) demonstrate how local residents would be given preference for memberships; 4) demonstrate that entrances and egress to the community center and housing are separate and distinct; and 5) assume a \$5 million capital contribution toward the construction of the community center from the City. The remainder of the capital cost, as well as the costs of utilities, maintenance, and programming, are expected to be provided by the Development Team and/or recovered from the Project. Affordable housing production programs, such as Low Income Housing Tax Credits, may be used to help finance the build-out costs of this facility.

¹ Source: Sub-Borough 13, 2002 HPD Housing and Vacancy Survey

The Site will be conveyed with a covenant in the title that requires long-term use of 40,000 square feet as a community center. Ownership of the space should be transferred to the Community Facility Operator upon completion of the Project. Alternatively, if the Developer or other entity retains ownership of the community center, the use of the space as a community center must be guaranteed in perpetuity, and the rents charged to the Community Facility Operator must be “break even.”

Parking and Open Space

Parking and open space for all uses must comply with the New York City Zoning Resolution requirements.

D. Design Guidelines

Proposals must conform to the design guidelines outlined in **Appendix C (HPD Design Guidelines for New Construction)**, as well as the current New York City Zoning Resolution and Building Code, and all other applicable laws and regulations. Required and optional sustainable design elements are listed in **Exhibit J (Design/Architectural Documents)**. Background information about sustainable design is included in **Appendix D (Sustainable Design Elements)**.

The proposed Project must serve and be welcoming to the entire community where it will be located. Architectural design features must be a priority and include, but not be limited to: 1) coherent architectural language; 2) clear and distinct entrances and egress for the community center from Surf Avenue, and residential units from West 29th and West 30th Streets; 3) community center presence at the corner of Surf Avenue and West 29th Street; 4) community center design that feels inviting and accessible to the community, including the use of transparent and/or translucent materials along its façade; and 5) location of the residential tower(s) that is/are sensitive to the school yard on the adjacent lot, allowing for as much sunlight as possible.

E. Zoning

The Site, zoned R6 with a C1-2 overlay, can be developed as-of-right with residential and community facility uses. However, as described below in **Section III.F. (Land Use and Environmental Issues and Approvals)**, the Coney Island I Urban Renewal Plan needs to be amended to allow the development of the proposed mixed-use Project. Please see **Appendix A (Maps)** for a zoning map of the area.

F. Land Use and Environmental Issues and Approvals

Uniform Land Use Review Procedure

Land use actions requiring approval under ULURP for development of the Site include disposition of City-owned property and an Urban Renewal Plan amendment to permit development of the proposed community center. Currently the Coney Island I Urban Renewal Plan only permits commercial and residential uses on the Site. HPD will be the applicant for this approval as part of the site disposition process, with assistance from the Developer in preparing supporting documentation. The Project requires City Council and Mayoral approval.

Applicants should be advised that their development timelines should take into account the period required for the ULURP application to be certified and approved. HPD design approval and ULURP (including certification) may take at least one (1) year. In addition, the Developer may

be required to alter the design Proposal before and during the ULURP process to comply with any request for modifications.

Environmental

A Phase I Environmental Site Assessment (“ESA”) for the Site was completed in May 2006. Applicants are encouraged to review the ESA. The executive summary and findings and conclusions of the ESA, attached to this RFP as **Appendix B (Phase I Environmental Site Assessment Executive Summary)**, are for preliminary review only and are not intended to substitute for review of the entire ESA, and may not be relied upon for any purpose. The entire ESA will be available to download on HPD’s website or purchase a hard copy by advance request for a \$100 non-refundable fee in the form of a certified check or money order payable to the New York City Department of Finance.

HPD will work with the Developer to prepare all additional environmental reviews, pursuant to City Environmental Quality Review (CEQR) requirements. HPD will oversee the preparation and review of these assessments; however, the Developer will be responsible for providing all information and paying the cost of any studies and analyses required for completion of these assessments. Completion of environmental studies is required prior to disposition of the Site to the Developer. The Developer will be responsible for environmental remediation of the Site, if required. HPD does not make any representation or warranty whatsoever regarding the condition of the Site or its suitability for the uses contemplated by this RFP.

The Site is located within the boundaries of a Coastal Zone Management Area. Therefore, the Developer will have to comply with all necessary requirements resulting from this designation.

G. Obligations of the Selected Developer

The Developer will be required to perform the following:

1. Assemble a Development Team including a lead architect, contractor, marketing agent, managing agent (if applicable), and Community Facility Operator. The Development Team will design, construct, and sell or lease the completed units. The Developer will be responsible for partnering with a not-for-profit organization to facilitate the development and management of the community center.
2. Prepare a complete set of schematic site plans, floor plans, and elevations that include any modifications to the original plans included in the Proposal in response to this RFP, as agreed upon by HPD, NYCEDC, and the Developer, and submit them to HPD and NYCEDC for review and approval within two (2) months of selection.
3. Prepare a complete set of final site plans, floor plans, elevations, samples of exterior building materials, and detailed specifications, and submit them to HPD and NYCEDC for review and approval prior to disposition. **See Appendix C (HPD Design Guidelines for New Construction).**
4. Assist HPD and NYCEDC in the preparation of the ULURP application, obtain all necessary approvals under ULURP, and participate in all required public forums, hearings, and briefings with the Community Board, elected officials, City agencies, and other organizations.
5. Fund and undertake any environmental review, soil testing, and/or remediation required on the Site.

6. Provide an equity contribution and any guarantees as required by the construction lender, secure construction financing, and meet any other terms and conditions required by HPD and construction lenders.
7. Pay all transfer taxes associated with the conveyance of the Site to the Developer, and all transfer and recording taxes associated with project financing.
8. Subdivide the Site for the residential and community center uses, if applicable.
9. Market the residential units in accordance with City requirements and policy as stated in **Appendix E (HPD Marketing Guidelines)**.
10. Submit ongoing status reports regarding Project development, financing, marketing, sales/leasing, and management.
11. Work with the Community Facility Operator and community to refine the community center program and facilities.

H. Disposition and Disposition Price

Disposition of the Development Site to the Developer will be subject to the following:

1. The receipt of all public approvals required for disposition of the Site and development of the proposed Project on such Site, including without limitation, approval by the City Council and Mayor.
2. Following City Council approval of the Project and Mayoral approval of the disposition, the selected Developer must execute, acknowledge, and deliver the documents necessary to complete the disposition process within a time period specified by HPD. These documents include, but are not limited to, a Land Disposition Agreement ("LDA"), as required.
3. The Site will be conveyed in accordance with the terms of the LDA to be entered into between the Developer and HPD and will be conveyed in "as is" condition, including without limitation, all environmental conditions and hazards. The LDA will contain covenants running with the land that require the Developer to develop the Site in accordance with plans and specifications determined and approved by HPD and NYCEDC.
4. The simultaneous closing of a bona fide construction loan required to finance the full development of such Site.
5. Upon conveyance, the Developer will pay the nominal cash price of \$1.00 and will deliver an enforcement note and mortgage in the amount equal to the sum of the difference between the cash portion of the purchase price paid at closing and the appraised value of the land.

I. Financing

It is the responsibility of the Developer to obtain construction and permanent financing from lenders in amounts consistent with the Proposal. Developers may use different lenders for construction and permanent financing. The amount of the Developer's equity will be determined by the lender(s). The Developer will be required to submit a term sheet and letter of intent from a lender indicating willingness to lend and amount for construction financing of the Project within six (6) months of selection of the Developer.

If feasible, the following funds from City, State, and Federal sources may be available to subsidize construction and enhance overall Project affordability:

- HPD New Construction Participation Loan Program (PLP) and Mixed Income Rental Program (MIRP)
- New York City Housing Development Corporation (HDC) New Housing Opportunities (New HOP), Low-Income Affordable Market-Place (LAMP), Mixed-Income, and Cooperative Programs
- New York State Affordable Housing Corporation (AHC) and Housing Trust Fund (HTF)

Total cash subsidy from HPD or HDC must not exceed \$85,000 per residential unit. This cash subsidy can be combined with financing available through HDC programs and the Low Income Housing Tax Credit program, which Developers may apply for to help finance the community center and residential component. The City expects to contribute up to \$5 million in capital funds to help finance the construction of the community center. Developers may propose additional subsidy sources. Proposals must comply with all terms of any subsidy programs that are utilized. While subsidy may be used, Proposals will be evaluated based on the efficiency of proposed financing plans. Proposals that maximize affordability while minimizing subsidy will be given preference.

J. Real Property Taxes and Charges

The Site is subject to New York City Real Property Taxes and charges. However, the tax exemptions described below may be available. Applicants should indicate which tax exemption program(s), if any, they plan to utilize. It is the responsibility of the Developer to apply for and meet the requirements of the specific tax benefit program(s). HPD makes no representations or warranties as to the continued availability of these benefits or as to the Development's eligibility to receive these benefits.

Residential

The residential component of the Project may be eligible for an Urban Development Action Area Program ("UDAAP") tax exemption, a 421-a partial tax exemption, or 420-c tax exemption. For details of each program, it is necessary to consult the relevant statute and rules.

The UDAAP tax exemption is subject to approval by the City Council. The City Council may grant an exemption from the New York City Real Property Tax on the buildings/improvements for up to twenty (20) years. If the Council grants the full 20-year exemption, the Project would be fully exempt from the New York City Real Property Tax on the buildings/improvements for the first ten (10) years with a gradual phase-in of full taxes over the remaining ten (10) years (10% per year). The full amount of the New York City Real Property Tax on the land must be paid each year.

The 421-a partial tax exemption for new multi-family buildings provides an exemption from the New York City Real Property Tax on the increase in assessed valuation resulting from the

improvement to the property. The 421-a partial tax exemption allows up to 3 years of construction period exemption, and up to twenty-five (25) years of post-construction exemption, including a gradual phase-in of full taxes over the last four (4) years of the exemption. The full amount of New York City Real Property Tax on the assessed valuation of the property in the tax year preceding the tax year in which construction commences must be paid each year. In addition, New York City Real Property Tax must also be paid for the portion of the community center and any other commercial, community facility, or accessory uses that in total exceed 12% of the aggregate floor area of the Project.

The 420-c tax exemption provides an exemption from New York City Real Property Tax for up to sixty (60) years for housing financed in part with Federal Low Income Housing Tax Credits. Projects must be owned or leased for at least thirty (30) years by a corporation, partnership, or limited liability company, of which at least fifty percent (50%) of the controlling interest is held by a charitable organization with 501(c)(3) or (4) tax exempt status, or a wholly-owned *and* wholly-controlled subsidiary of such a charitable organization. HPD must approve a regulatory agreement that requires use as low-income housing and that may require a payment in lieu of taxes.

Community Center

The 420-a tax exemption program provides a full exemption from New York City Real Property Taxes for certain property owned by eligible not-for-profit institutions. If the community center is the only portion of the Project that will receive a 420-a tax exemption, it must be in a separately assessed tax lot from the rest of the Project.

K. Marketing, Sales, and/or Leasing

The marketing of the housing units and community center is the sole responsibility of the Development Team. In carrying out these functions, the Developer must comply with HPD's marketing requirements, which are designed to ensure that the availability of the homes is disseminated as widely and fairly as possible. The **HPD Marketing Guidelines** are stated in **Appendix E**, and will be part of the LDA that the Developer will execute. The marketing of the units will be monitored by HPD staff to ensure compliance with these requirements. Marketing for the community center must respond to the goals described in **Section III.C. ("Community Facility Component")** to give preference to and maximize access for local community residents.

The sales and/or rent prices of the units projected in the Proposal are to be determined by the Developer in accordance with HPD and the requirements outlined in **Section III.C. (Development Program)**. Please refer to **Exhibit H (Financing Proposal)** for the procedure to calculate affordability of proposed sales and/or rent prices.

L. Rent Stabilization

Initial rents for the affordable rental units must reflect the Rent and Affordability Calculations described in **Exhibit H (Financing Proposal)**. All affordable rental units must be entered into the New York State Rent Stabilization system upon initial occupancy following completion of the Project.

M. Fair Housing Requirements

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

N. Warranty Coverage

Units must be sold with warranty coverage as required by HPD and that complies with Section 777 of the New York State General Business Law.

O. Resale, Refinancing, and Recapture Restrictions

Homeownership Component (if applicable)

Any resale within the 15 years following the initial purchase of an affordable unit from the Developer must be to a buyer who will be an owner-occupant and who will maintain the unit as his/her primary residence.

The Subordinated City Debt will be converted into an obligation on purchasers who acquire the units. The Subordinated City Debt is apportioned pro rata to each unit and may be unsecured at the time of sale based on the unit's post-construction appraised value. In most cases, units sold at full market value will not have any Subordinated Debt attributable to them. Purchasers repay the Subordinated Debt attributable to their units by delivering a note and mortgage and/or conditional grant agreement to the City. The sum evidenced by the note and secured by the mortgage remains constant for the first five (5) years of a fifteen (15) year period and declines by one tenth (1/10) in years six (6) through fifteen (15), but will be forgiven after the fifteenth (15) year of owner occupancy.

Upon resale or refinancing, initial purchasers and subsequent owners are required to make payments to the City out of resale profits and refinancing proceeds, where applicable. During years one (1) to five (5), 100% of the resale or refinancing profits from the sale of the unit must be paid up to the amount of outstanding Subordinated City Debt. During years six (6) through fifteen (15), 50% of the resale or refinancing profits must be paid up to the amount of the outstanding Subordinated City Debt. The use and recapture of any State and Federal funds will be guided by the specific guidelines for such funding source.

Rental and Community Facility Components

The portion of the Subordinated City Debt attributable to the rental and community facility components of the Project is repayable out of refinancing and resale profits, and is non-evaporating.

P. Equal Opportunity

Agreements resulting from this RFP will be subject to the provisions of Executive Order 50 and its implementing regulations, as stated in **Appendix F (Equal Opportunity)**. A representative from the Development Team will be required to attend a class administered by HPD outlining the requirements of Executive Order 50 and to submit EO forms provided by HPD verifying compliance with its provisions.

IV. REQUEST FOR PROPOSALS PROCESS

The RFP process includes the following stages:

A. Submission

On or before the submission deadline, the Applicant must submit a Development Proposal in accordance with the instructions and attachments contained in this RFP, as well as any addenda to the RFP that may be issued.

Submission of a Proposal shall be deemed permission by the Applicant for HPD and NYCEDC to make inquiries concerning the Applicant. Proposals that are not complete or do not conform with the requirements of this RFP will be eliminated from further consideration. Applicants should follow the submission requirements listed in **Section VI (Submission Requirements)**.

After submission, HPD will not accept additions or changes to the Proposals. Upon review, however, HPD and NYCEDC, at their discretion, may notify an Applicant that additional information or clarification is necessary. Applicants must comply with all requests for information and, if requested by HPD and NYCEDC, appear for discussion.

HPD and NYCEDC, in their sole discretion, may amend or withdraw this RFP at any time. In order to be considered, Proposals must conform to any amendments issued to this RFP.

B. Selection

Proposals and Applicants will be evaluated according to the criteria detailed in **Section V (Developer Selection Process)**. Proposals that meet all threshold requirements, based on HPD's and NYCEDC's sole judgment and discretion, will be comprehensively evaluated, rated, and ranked according to the **Competitive Selection Criteria** in **Section V.B**. HPD and NYCEDC may request additional information, site visits, interviews, or presentations by the Applicants. HPD and NYCEDC may disapprove the inclusion of any member of the Applicant's Development Team and/or require the selected Applicant to substitute other individuals or firms.

Selection of a Developer will mean only that HPD and NYCEDC will commence negotiations with such Developer regarding the development of the Site. Upon such selection, HPD will send a letter to the Developer regarding the commencement of such negotiations ("Negotiation Letter"). This letter will set forth certain information regarding the Project, development program, and procedures that will form the basis of such negotiation. **Exhibit A** contains an **Applicant's Letter** that describes this process. Each Proposal must include this letter signed by an authorized representative of the Applicant. HPD reserves the right to terminate negotiations with or without cause after the issuance of such Negotiation Letter.

The Developer who receives a Negotiation Letter from HPD must thereafter disclose all previous participation with City-assisted projects. Such entity and all Principals thereof will each be required to submit the appropriate disclosure forms. Upon request at any time, HPD will provide a copy of the disclosure forms to any Applicant.

V. DEVELOPER SELECTION PROCESS

HPD, in conjunction with NYCEDC, will evaluate each Proposal and each Applicant according to the threshold requirements (“Threshold Requirements”) below, taking into account the information provided in the Proposal, references, and any other information about the Applicant’s performance available to HPD and NYCEDC. Proposals that are not complete or do not conform with the requirements of this RFP will be eliminated from further consideration.

Proposals that meet all Threshold Requirements will be comprehensively evaluated, rated, and ranked according to the competitive selection criteria (“Competitive Selection Criteria”) below. HPD and NYCEDC may request additional information, site visits, interviews, or presentations. The selected Applicant will be chosen from among the highest rated and ranked Proposals.

A. Threshold Requirements

1. Completeness of Proposal

The Proposal must contain all documentation required under **Section VI (Submission Requirements)**. All of the required forms must be fully completed and application requirements met at the time of submission. Upon review, however, HPD and NYCEDC, at their discretion, may notify an Applicant that additional information or clarification is necessary.

2. Comparable Development Experience

At least one Principal of the Applicant must have had prior development experience, as Principal, by successfully completing new construction of at least one (1) project of comparable size to the one proposed in this RFP. “Development Experience” is defined as the successful completion of the construction of at least one (1) mixed-use project of at least one hundred (100) residential units within the past seven (7) years. HPD and NYCEDC will only consider similar projects completed in the New York metropolitan area or in a location comparable to the Development Site.

3. Community Facility Operator Experience

The Community Facility Operator’s previous experience will be evaluated based upon its demonstrated ability to operate the required community center according to the following criteria:

a. History, Experience, and Performance

The Community Facility Operator must have successfully operated similar facilities in the New York metropolitan area for at least five (5) years within the past fifteen (15) years. HPD and NYCEDC will assess the record of the Community Facility Operator with consideration of its length of operation, institutional stability, and potential for longevity. References and other relevant information must indicate a strong performance record as a provider of publicly accessible community programming.

b. **Development Costs and Financial Capacity**

Estimated development costs of the proposed community center must be within current industry parameters. The Proposal's operating plan must indicate revenue and expense projections and feature a sources and uses table.

Unless other financing arrangements are indicated in the Proposal, the Community Facility Operator must demonstrate adequate financial resources to finance the interior fit-out of all proposed square footage of the community center on a timely basis and the capacity to handle operational costs including the maintenance and utilities of the physical plant, as well as the administration and implementation of community programs accessible to the public and operation reserves. HPD and NYCEDC will evaluate the Community Facility Operator's liquid assets and current commitments. Any history of filing a bankruptcy petition or being the subject of involuntary bankruptcy proceedings will also be considered.

4. Development Capacity and Current Workload

Applicants must be capable of beginning construction within twelve (12) months from the date of the Negotiation Letter. An Applicant's current workload and other pending project obligations will be considered in assessing capacity for undertaking the Development Project proposed by the Applicant within the timeframe prescribed for the Project.

5. Development Compliance

Proposed Development Projects must meet all minimum requirements outlined in **Section III (Program Description, Requirements, and Guidelines)**.

6. Ability to Finance

Applicants must demonstrate adequate financial resources to develop a project of the scope proposed in their submission. HPD will evaluate the Applicant's assets, bank, or other lender references, and current commitments in order to assess the Applicant's capacity to secure construction and permanent financing, meet construction lender's equity requirements, absorb any cost overruns, and commence and complete construction of Applicant's entire Development Project in a timely manner.

7. Affordability

A minimum of 20% of the residential units must be affordable to households whose earnings do not exceed 80% of AMI, as adjusted for household size.

8. Feasibility of Development Proposal

The Applicant's financing plan must be considered feasible. Estimated development costs must be within current industry parameters. Proposed rents and/or sales prices for the housing units must be deemed realistic based upon Proposal information and market conditions. An estimate of the square footage construction costs using both net and gross square footage must be provided along with the Project budget.

9. No Adverse Findings

An Applicant's Proposal will be rejected at any time during the evaluation process and thereafter if there are any adverse findings that would prevent the City from conveying the Site to the Applicant or any person or entity associated with the Applicant. Such adverse findings include, but are not limited to: 1) arson conviction or pending case; 2) harassment conviction or pending case; 3) City, State, Federal, or private mortgage foreclosure proceedings or arrears; 4) in rem foreclosure or substantial tax arrears; 5) defaults under any City-sponsored program; 6) de-designation as developer of any government sponsored or publicly assisted project; 7) a record of substantial Building Code violations or litigation against properties owned by the Applicant or by any entity or individual that comprises the Applicant; or 8) conviction for fraud, bribery, or grand larceny.

B. Competitive Selection Criteria

Proposals that satisfy the Threshold Requirements above will be evaluated and ranked according to the Competitive Selection Criteria described below. In evaluating Proposals under these criteria, the combined experience and resources of all Principals of the Applicant will be considered. HPD and NYCEDC may request additional information, site visits, interviews, or other presentations by the Development Team.

1. Residential Development Experience, Management, and Capacity

Previous development experience will be evaluated as it reflects the Applicant's demonstrated ability to successfully carry out a quality project of this type, size, and complexity in a timely manner. Among the factors that will be considered are: 1) quality of construction and design in projects completed or currently being built by the Applicant and/or its Principals; 2) extent of the Applicant's experience, in terms of number, size, type, and scale of projects completed within the last seven (7) years; 3) history of delivering quality projects on time and within budget; and 4) the absence of purchaser and/or tenant complaints. The Applicant's current workload and other pending project obligations will be considered in assessing capacity for undertaking the Project proposed by the Applicant within the timeframe prescribed for development.

The Applicant's previous experience in managing rental housing, either directly or through a managing agent, and the experience of any managing agent proposing to manage the rental component of the Project (if applicable), will be evaluated as an indicator of the Applicant's ability to operate and maintain the property to the satisfaction of the tenants, in a financially sustainable manner, and in compliance with all applicable laws. Among the factors that will be considered are: 1) the number of buildings and units currently managed by the Applicant, and those managed by the Applicant over the past ten (10) years; 2) the quality of maintenance provided by the Applicant; 3) the effectiveness of tenant relations, measured in part by the number and types of tenant complaints made in regard to property managed by the Applicant; and 4) experience in rent-up and management of rental housing for low-income persons, including track record of compliance with eligibility, record-keeping, and reporting requirements of subsidy programs for such tenants.

2. Residential Affordability and Least Subsidy

Proposals that maximize affordability with the least amount of subsidy will be given preference.

3. Community Facility Operator Experience, Management, and Capacity

The Community Facility Operator's previous experience will be evaluated based upon its demonstrated ability to finance and operate the required community center according to the criteria described above in Threshold Requirements.

4. Community Facility Program Quality and Least Subsidy

Proposals must be consistent with **Section III.C. (Development Program)**. Proposals that provide the most responsive community facility program and maximize public accessibility (in terms of number of hours and times open to the public, and membership fees charged) with minimal subsidy above the expected \$5 million in capital funds for construction will be given preference.

The Development Team must include an experienced not-for-profit Community Facility Operator, who will manage the proposed community center. Successful Proposals will demonstrate that: 1) the community center's membership and/or fees will be affordable to local residents at all income levels; 2) local residents will be given preference for memberships; and 3) entrances and egress to the community center and housing are separate and distinct. In addition, preference will be given to Proposals that incorporate the community's desired program elements, detailed in **Section III.C. ("Community Facility Component")**.

5. Quality of Design Proposal

Overall quality of design and construction will be given significant consideration. HPD will evaluate each architectural proposal to determine the Project's positive impact on community revitalization and responsiveness to the neighborhood context. Site planning, building arrangement, street wall elevations, massing, interior layouts, building materials, amenities, streetscape treatment, and sustainability will be considered. Structures should complement and elevate the level of urban design in the neighborhood. Horizontal and vertical architectural elements marked by a change in color, texture, material, and/or fenestration should be used to vary and define the juncture of the middle of the building(s) with the base(s) and top(s). Applicants are encouraged to use new materials and techniques, diversity of architectural styles, and innovative site planning. Street trees, lighting, and other streetscape features should be provided around the Development Site.

While **Appendix C (HPD Design Guidelines for New Construction)** represents minimum design guidelines and construction requirements, Applicants are encouraged to exceed those minimum standards to provide the best quality Project possible.

6. Sustainable Design and Development Criteria

To the maximum extent possible, Proposals should incorporate green building, sustainable development, and "smart building" concepts and technologies in order to enhance overall design and construction, integration of high technology into units, and the long-term marketability of the units, while simultaneously making the building(s) environmentally responsible. Additional points will be awarded to Proposals that incorporate such concepts.

In addition to the overall design quality, Proposals that exceed the required sustainable elements by including the most optional LEED qualifying points, as outlined in **Exhibit J, Form J1 (HPD Sustainable Design Criteria)**, will achieve a high design ranking.

For further information about high performance/green building technology and sustainable development, please see **Appendix D (Sustainable Design Elements)**.

VI. SUBMISSION REQUIREMENTS

A. Pre-Submission Information and Inquiries

All communications and inquiries regarding this RFP should be directed in writing to:

Sabra Loewus
NYC Department of Housing Preservation and Development
Office of Development
Division of Planning and Pipeline Development
100 Gold Street, Room 9I-2
New York, NY 10038

Telephone: (212) 863-6538
Fax: (212) 863-5052
E-mail: loewuss@hpd.nyc.gov

A pre-submission conference will be held on May 31, 2006 at 2:00 pm at HPD, 100 Gold Street, Room 1R, New York, NY 10038. The date, time, and location of this pre-submission conference and any updates and/or additional communications regarding this RFP will also be posted on HPD's website at the following address: <http://www.nyc.gov/html/hpd/html/developers/rfp.shtml>. HPD strongly recommends that interested Applicants attend this pre-submission conference, as this will be the only opportunity to ask questions and receive answers in person regarding the RFP. Responses to all inquiries will be collectively provided at the pre-submission conference and in an addendum, which will be posted on HPD's website and sent to all registered prospective Applicants after the pre-submission conference.

People with disabilities requiring special accommodations to pick up the RFP or to attend and/or participate in the pre-submission conference should contact Sabra Loewus at (212) 863-6538.

B. General Requirements

Proposals must be submitted by hand no later than 4:00 pm on July 12, 2006 to HPD at the address below. Proposals received after the due date and time will not be considered, regardless of the reason for late submission.

HPD must receive one (1) original and ten (10) bound copies of each Proposal containing all required supporting documentation. All Proposals must be bound in three-ring binders. An authorized representative of the Applicant must sign the original Proposal. Each original and copy of the Proposal must contain a cover page that provides identification as a Proposal in response to this RFP; date of submission; and the name, address, telephone and fax numbers, and e-mail address of an authorized representative of the Applicant who may be contacted during the period of Proposal evaluation. Each copy must be clearly labeled as described below and tabbed as indicated in **Section VI.C. (Contents of Proposal and Tabbing)**. Applicants must inform any commercial delivery service, if used, of all delivery requirements and ensure that the required information appears on the outer envelope or box. The original and all copies must be submitted in sealed envelopes or a sealed box and labeled as follows:

FROM: Applicant's name and address
TO: NYC Department of Housing Preservation and Development
Office of Development
Division of Planning and Pipeline Development
100 Gold Street, Room 9I-5
New York, NY 10038
Attn: Patricia Barrera
RE: Proposal in Response to RFP for City-Owned Site on Surf Avenue and
West 29th Street in Coney Island

All Proposals will become the property of HPD. Submission of a Proposal is deemed permission for HPD and NYCEDC to make inquiries concerning the Proposal and Applicant. If HPD and NYCEDC determine, upon review of a Proposal, that any items are missing and/or incomplete, HPD and NYCEDC, in their sole discretion, may notify the Applicant to provide such items. Failure to provide complete information in a timely fashion could result in rejection of the Proposal. Proposal modifications will not be considered unless requested by HPD and NYCEDC.

HPD and NYCEDC reserve the right to postpone or cancel this RFP and to reject all Proposals.

C. Contents of Proposal and Tabbing

Each Proposal must contain the forms and supporting documentation described below. Each copy of the Proposal must be tabbed as indicated below. The tabs should run down the right hand side of the bound Proposal document. All **Proposal Forms** can be found in **Exhibits**. Additional pages should be submitted if needed or to clarify information provided in the Proposal forms.

TAB A – Completeness Checklist and Applicant's Letter

Each Applicant must submit a **Completeness Checklist** and **Applicant's Letter**. The formats of this checklist and letter are contained in **Exhibit A**. The letter must be printed on the Applicant's letterhead and signed by an authorized representative of the Applicant.

TAB B – Proposal Summary

Each Applicant must include a narrative summary that describes the Proposal. The summary must include, at a minimum, a brief description of the approach to design and significant design elements; residential gross and saleable or rentable square feet; the proposed type, number (units and rooms), and average size of residential units; income levels and average sales and/or rent prices contemplated; amount of community center space (gross and rentable) and proposed uses; average annual rent per square foot for community center space (if applicable); proposed fee structure and gross income from community center space; sources and amounts of financing; and a brief description of the most relevant development experience of the Development Team.

TAB C – Development Team Information and Applicant Questionnaire

Each Applicant must submit completed **Development Team Information** and **Applicant Questionnaire** forms. The formats of these forms are contained in **Exhibit C**. Applicants must provide clear definition of key roles and duties. Applicants that include a not-for-profit organization as a Principal of the Applicant or a member of the Development Team must also complete **Forms C3 - C5** in **Exhibit C**. If the Applicant is a joint venture, the Principals of each entity that comprises the joint venture must be identified, a separate questionnaire must be

submitted for each entity, and a Principal of each entity must sign the appropriate forms. Any additional pages that are part of the response to a questionnaire should also be included under this tab.

TAB D – Development Experience and Current Workload

Each Principal that comprises the Applicant must submit a list of **Development Experience and Current Workload**. The formats of these forms are contained in **Exhibit D**. Care should be taken to provide accurate information about references and to state the roles played in each development by using the codes listed on the bottom of the form. Any individual with no experience should mark the appropriate form with “None.”

1. Development Experience and Current Workload

Each entity that comprises the Applicant must list all construction projects that have been completed within the ten (10) years preceding the deadline for submission of Proposals in response to this RFP. On a separate form, each entity must list all projects that are in construction, pre-development, or otherwise committed.

2. Management Experience

Each entity that comprises the Applicant and the managing agent included in the Development Team, if other than the Applicant, as well as any managing agent proposed to manage the Development, must list all projects that have been managed within the ten (10) years preceding the deadline for submission of Proposals in response to this RFP.

3. Marketing Experience

Each entity that comprises the Applicant and the marketing agent included in the Development Team, if other than the Applicant, must list all projects that have been marketed within the ten (10) years preceding the deadline for submission of Proposals in response to this RFP.

TAB E – Individual’s Property Listing

Each Principal of the Applicant must list all New York City properties currently owned or managed, or previously owned or managed during the five (5) years preceding the deadline for submission of Proposals in response to this RFP. Include properties owned and managed either directly by the Principal or by any organization in which the Principal is or was a corporate officer, general partner, or holds/held more than a 10% interest. Any individual who does not own property in New York City should mark the appropriate form with “None.” This list should include the block(s), lot(s), address(es), number of units, periods of ownership and management, and type of ownership (e.g., general partner, corporate officer, or shareholder).

TAB F – Ability to Finance

1. Assets Statement

Each Principal of the Applicant must submit audited or reviewed financial statements describing in detail the Principal’s financial status within the two (2) most recent fiscal years preceding the deadline for the submission of Proposals in response to this RFP. Publicly owned companies must submit the latest annual report and Form 10K as well as any Form 10Q

submitted after such Form 10K. As an alternative, the **Assets Statement** form in **Exhibit F** may be used.

2. Lender and Tax Credit Syndicator Letter(s)

Each Proposal must include a letter or letters of interest from a lender or lenders indicating a willingness to lend for the Project and specifying the amount such lender or lenders are willing to consider financing. Each letter must be on the lender's letterhead, signed by a representative of the lender, and include the amount and terms of the financing. Alternatively, an Applicant who is not planning to use a bank must show adequate assets to complete the Project. If the Project will be financed using tax-exempt bonds, provide a letter of interest from a tax credit syndicator indicating the tax credit raise anticipated for the Project. Applicants may use different lenders for construction and permanent financing.

TAB G – Project/Design Narrative

Applicants must provide a detailed narrative description outlining the proposed concept and methodology of the Project and, among other things, include the Applicant's approach to the Project and urban design. This description should provide all Project information outlined in **Exhibit G (Project/Design Narrative)**.

TAB H – Financing Proposal

Applicants must submit completed **Financing Proposal** forms in **Exhibit H**. If portions of the Project are separately financed, the Applicant should provide additional forms for each portion. A narrative description that clearly explains the financing structure of the Project should accompany the exhibit.

All Proposals must reflect the purchase and rent price affordability calculations, and utility allowances described in **Exhibit H (Financing Proposal)**. In addition to the minimum affordability requirements described throughout this RFP, any subsidy programs that are utilized will determine additional, if any, required affordability levels.

TAB I – Environmental Proposal

Applicants must submit a proposal for environmental testing and/or remediation, if applicable.

TAB J – Design/Architectural Documents

All plans must be prepared by a Registered Architect or Professional Engineer. All materials must be on paper size of 11" by 17" or smaller and must be easily reproducible. The following must be included:

1. Land use site plan/street level floor plan showing all components of the Project, means of egress, and any other uses
2. Building height/bulk site plan
3. Vehicular and pedestrian circulation site plan including sidewalks, parking, driveways, and building access points
4. Open space site plan including streetscape treatment, tree locations, fences, gates, lighting, and public and private open space, if applicable
5. Phasing plan, if applicable

6. Typical and atypical floor plans and any other plans necessary to explain the development concept
7. Color renderings/elevations indicating building materials to be used (especially details at street level), how blank street walls are avoided, and treatment of any loading docks, service areas, curb cuts, parking access, and landscaping
8. Any other architectural drawings, such as axonometric, perspective or sectional drawings, color renderings, photographic, and/or computer generated modeling if they can provide a better understanding of the development concept
9. Complete zoning analysis and calculations to demonstrate compliance with the New York City Zoning Resolution (including citations of all relevant sections), New York City Building Code information indicating occupancy group and construction classification, and residential unit count and distribution
10. Elements of sustainable design included in the plan, and completed **HPD Sustainable Design Criteria (Form J1)**

For additional requirements and guidelines, please refer to **Appendix C (HPD Design Guidelines for New Construction)**.

TAB K – Marketing Plan

Applicants must provide marketing plans for all components of the Project. The marketing plans should include information about pricing structures, amenities, assessment of competition, and absorption rates assumed; anticipated target markets for all components of the project; advertising strategy; description of marketing plans for analogous projects; and other relevant information. The marketing plan for the community center component must respond to the goals described in **Section III.C. (“Community Facility Component”)** to give preference to and maximize access for local community residents.

TAB L – Development Schedule

Applicants must provide a development schedule and phasing plan (if applicable), including benchmarks for commencement and completion of plans and drawings, New York City Department of Buildings plan approval, site preparation, construction commencement and completion, marketing, and occupancy of the Project. In order to complete the timeline, assume at least one (1) year for HPD design approval and ULURP (including certification).

TAB M – Additional Evidence of Experience and Qualifications

Applicants are encouraged to provide resumes and/or brochures describing the Applicant and any similar projects in which the Applicant has been involved. Provide resumes and/or brochures describing key members of the Development Team. Provide a staffing plan indicating which Principals and staff members would have primary responsibilities for implementing the Project and their roles in day-to-day management of the Project. Provide annual reports of comparable community facility projects in which the Applicant has been involved, if applicable.

VII. CONDITIONS, TERMS, AND LIMITATIONS

This RFP is subject to the specific conditions, terms, and limitations stated below:

The Site is to be disposed of in its "as is" condition. The City, its officers, agents and employees make no representation whatsoever as to the physical condition of the Site or its suitability for any specific use.

The Site shall be subject to New York City Real Property Taxes and charges. Tax benefits may be available under the 421-a, UDAAP, 420-c, and/or 420-a tax exemption programs.

The proposed Project shall conform to, and be subject to, the provisions of the New York City Zoning Resolution, Building Code, and all other applicable laws, regulations, and ordinances of all Federal, State, and City authorities having jurisdiction, as the same may be amended from time to time.

Valid permits and approvals, as required by City, State, and Federal agencies, shall be obtained by the Developer prior to commencing work.

The conditional designation of a Developer will depend on satisfaction of the additional documentation and review requirements described in this RFP, and will be subject to the subsequent approval of the Mayor.

The City will convey the Site pursuant and subject to the provisions of the LDA. HPD will recommend to the Mayor the acquisition price as stated. Where required, all documentation, including but not limited to the deed and LDA, shall be in form and substance satisfactory to the City Council, Mayor, and Corporation Counsel. The conveyance will be subject to satisfaction of the applicable provisions of the City Charter and Article 16 of the New York State General Municipal Law.

No transaction will be consummated if any Principal of any conditionally designated Developer is in arrears, or in default upon any debt, lease, contract, or obligation to the City of New York, including without limitation, real estate taxes and any other municipal liens or charges. The City reserves the right not to review any Proposal by any such Applicant.

No commission for brokerage or any other fee or compensation shall be due or payable by the City, and the submission of a Proposal will constitute the Applicant undertaking to indemnify and hold the City harmless from and against any such claim for any such fee or compensation based upon, arising out of, or in connection with any action taken by the Applicant, the selection of the Applicant's submission and invitation to the Applicant to respond to this RFP, the conditional designation of a Developer pursuant to this RFP, or the sale of the Site.

The City is not obligated to pay, nor shall in fact pay, any costs or losses incurred by any Applicant at any time, including the cost of responding to the RFP.

The selection of an Applicant will mean only that HPD and NYCEDC may commence negotiations with that Applicant regarding the development of the Development Site. HPD will send written notification ("Negotiation Letter") to the selected Applicant. The selected Applicant must begin pre-development work within thirty (30) days of the date of the Negotiation Letter. The selected Applicant will be expected to start construction on the date specified in their Development Schedule; however, the Applicant must expect to commence construction no later than eighteen (18) months from the date of the Negotiation Letter.

This RFP does not represent any obligation or agreement whatsoever on the part of the City. Any obligation or agreement on the part of the City may only be incurred after the City enters into a written agreement approved by the Mayor and Corporation Counsel. The City is under no legal obligation to convey the Development Site offered through this RFP through a competitive process. The City reserves the right to use the Proposals submitted pursuant to this RFP as a basis for negotiation with Applicants as the City deems appropriate. HPD and NYCEDC may reject at any time any or all Proposals, amend or withdraw this RFP in whole or in part, negotiate with one or more Applicants, and/or negotiate and dispose of the Development Site on terms other than those set forth herein (including to parties other than those responding to this RFP). HPD and NYCEDC may also, at any time, waive compliance with or change any of the terms and conditions of this RFP, entertain modifications or additions to selected Proposals, or withdraw the Site or portions of the Site from or add individual parcels to this RFP.

Selection of an Applicant's Proposal will not create any rights on the Applicant's part, including, without limitation, rights of enforcement, equity or reimbursement, until after the approvals of the City Council, Mayor, and Corporation Counsel, and until the deed, LDA, and all related documents are fully executed and approved. The terms of the deed and LDA, after execution, shall govern the relationship between the City and the Developer. In the event of any variance between the terms of this RFP and the deed or the LDA, the terms of the deed and/or LDA will govern.

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

This RFP and any agreement resulting there from are subject to all applicable laws, rules, and regulations promulgated by any Federal, State, or municipal authority having jurisdiction over the subject matter thereof, as the same may be amended from time to time.

VIII. CONFLICTS OF INTEREST

Employees of the City of New York may respond to this RFP only in accordance with Chapter 68 of the New York City Charter governing ethics and conflicts of interest affecting City personnel. Section 2604(b)(7) of the City Charter contains specific prohibitions that exclude enumerated groups of employees from participating in the sales process.

Persons in the employ of the City considering the submission of a Proposal are advised that opinions regarding the propriety of their purchase of City-owned property may be requested from the New York City Conflicts of Interest Board. This body is empowered, under Section 2602 of the City Charter, to issue advisory opinions on conflict of interest questions and other matters of ethical considerations. It is not necessary, however, that such an opinion be obtained prior to responding to this RFP.

Former employees of the City of New York are also advised that the City Charter imposes certain restrictions on post-employment and business relationships with the City. Such individuals should consult the specific provisions on this issue contained in the City Charter.

APPENDICES

- A. Maps**
- B. Phase I Environmental Site Assessment Executive Summary**
- C. HPD Design Guidelines for New Construction**
- D. Sustainable Design Elements**
- E. HPD Marketing Guidelines**
- F. Equal Opportunity**

APPENDIX A: Maps



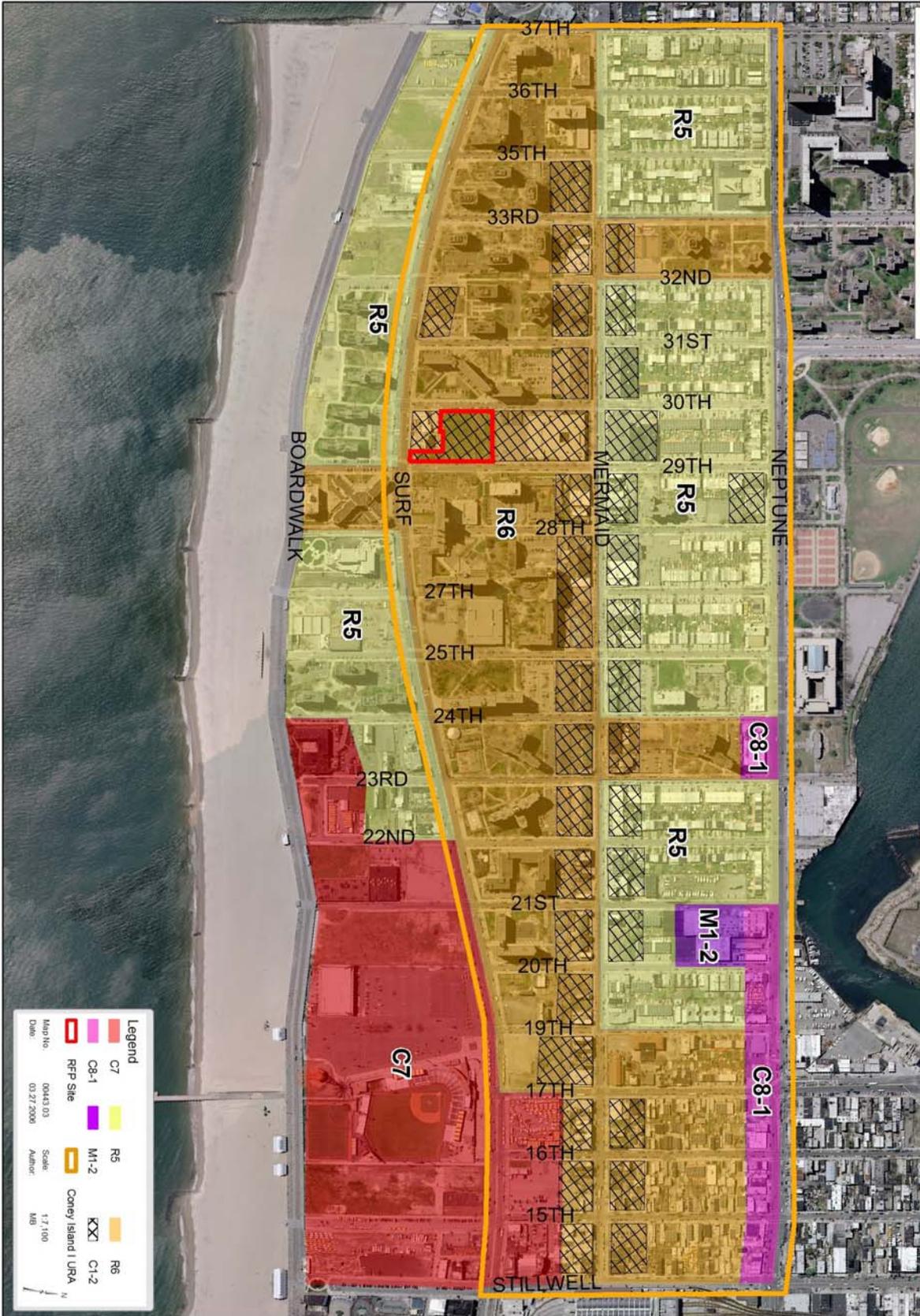
Data Source: City of New York, Department of City Planning COGIS 1.04c; DuRTT 2004 Ortho Imagery; HPD

MB 443.06 03.27.05

City of New York, Department of Housing Preservation and Development, Division of Development, gis group

Existing Zoning

Coney Island I Urban Renewal Area



Legend	
■	C7
■	R5
■	R6
■	C8-1
■	M1-2
■	RFP Site
■	Coney Island I URA
■	KX1 C1-2

Map No. 0043 03
 Date 03/27/2009
 Scale 1:7,100
 Author MB

Data Source: City of New York, Department of City Planning COGIS (94-0411) 2004 Ortho Images, NPD

City of New York, Department of Housing Preservation and Development, Division of Development, g7 group

Access/Public Transportation



Data Source: City of New York, Department of City Planning COGIS - LDC and Zoning as of Jan 2005, IPPO

City of New York, Department of Housing Preservation and Development, Division of Development, GFI Group

APPENDIX B: Phase I Environmental Site Assessment Executive Summary

EXECUTIVE SUMMARY

Metcalf & Eddy, Inc. (“M&E”) was retained by the New York City Economic Development Corporation (“EDC”) to conduct a Phase I Environmental Site Assessment (“ESA”) of the property identified as Site G by the EDC (the “site”). The site is located in the Coney Island section of the Borough of Brooklyn in the City of New York between West 29th Street and West 30th Street, north of Surf Avenue and south of Mermaid Avenue. The City identifies the site as Block 7051 and is comprised of lots 33, 35, 37, 38, 40-42, 46, 57, 59, 61, 63-65, 138-145, 165-172, 239, 269, 339, and 439. The property is owned by the New York City Department of Housing Preservation and Development (“HPD”).

The environmental database provided by Environmental Data Resources (“EDR”) identified sites within the search radii where documented environmental impacts have occurred. Although the EDR database information did not include any documentation from which it could be concluded that the sites identified within the search radii have impacted the subject site, it is possible that groundwater under the site may have been impacted due to the historical residential/commercial use of the surrounding area. However, it should be noted that the groundwater in this area is not used as a potable source.

During the Phase I ESA, a visual inspection of the site was performed. Based on this inspection, no documented, recognized environmental conditions related to hazardous substances or petroleum product impacts to soil and/or groundwater were identified. However, the visual reconnaissance of the site revealed an uneven ground surface and the presence of buried foundations and fill materials. These observations suggest that buried Underground Storage Tanks (“USTs”) and potentially contaminated fill materials may remain below the surface. A subsurface investigation limited to test pits and geophysical investigation methods is recommended at the site to characterize fill materials and identify potential USTs.

Additional recommendations could be warranted should potential environmental issues be identified from outstanding FOIL/Information requests submitted to the New York State Department of Mental Health and Hygiene, the New York State Department of Environmental Conservation, New York City Department of Environmental Protection, or the Fire Department of the City of New York.

APPENDIX C: HPD Design Guidelines for New Construction

HPD has outlined a set of design principles and guidelines to foster quality and encourage creative approaches throughout the entire design development process. The design guidelines apply to all new construction housing projects subject to HPD review and approval. In addition to these guidelines, Proposals should comply with all criteria detailed in **Section III.C. (Development Program)** and **Section III.D. (Design Guidelines)**.

The purpose of these guidelines is to establish minimum criteria for the design of quality housing. These guidelines are not intended to supersede the requirements of any other rules or regulations of any other agency having jurisdiction, in which case the more restrictive will govern.

Other agency rules and regulations may include, but are not limited, to: New York City Building Code, New York City Housing Maintenance Code, New York City Zoning Resolution, Local Law 58 Handicap Standards, and particular program requirements. Also, projects must meet Federal, State, and City environmental laws, including those pertaining to: historic preservation; air, water, and noise quality; and flood plain, wetland, coastal zone, and solid waste management.

Guidelines using the word “must” are mandatory. However, the word “should” is advisory and minor deviations from the guidelines will be allowed if necessary to accommodate a clearly superior design. Substantial deviations from the advisory guidelines may disqualify proposals.

A. Site Planning

Relationship to Neighborhood

1. When applicable, the height of a new building should relate to the prevailing heights of the existing buildings in the immediate neighborhood. The street wall and façade materials of any new building should visually and physically harmonize with the immediate neighborhood.
2. To the degree allowable by zoning, any new building should retain a consistent street wall with adjacent buildings.
3. The design should be pedestrian friendly and provide architectural elements that generate activity, interest, and interaction at the street level, such as stoops, porches, setbacks, bay windows, etc.

Outdoor Space

1. A variety of outdoor spaces should be programmed and landscaped for specific uses according to the project’s intended population, e.g.:
 - Appropriately landscaped front yards, if provided
 - Toddler play area with matting and safe equipment
 - Infrastructure for tenant gardens
 - Seating and game tables in the shade
2. Outdoor spaces must be buffered from vehicular service areas.
3. Wherever possible, windows should be located to insure surveillance of public and private outdoor spaces.

4. A secure barrier, such as the building or a steel picket fence (chain link fence is not acceptable along the street), should protect the perimeter of the Site. The number of entry points into a building or project site should be minimized.
5. Street trees must be provided along the street frontage as per the New York City Department of Parks and Recreation and the New York City Department of Transportation standards.

Street Facade/Building Elevation

1. The façade materials of all new buildings should be compatible with the surrounding neighborhood. Brick should be used in neighborhoods with a predominantly brick character.
2. Dimensions and spacing of fenestration should echo neighborhood patterns and maximize daylight into the unit.
3. Color, texture, material, and fenestration should be used to:
 - relate to adjacent buildings;
 - define the bases, middles, and tops of buildings; and
 - reinforce the human scale at the base level.

Parking

1. Parking should be shielded from the street and from on-site open spaces. Trees should provide a canopy over the parking areas.
2. If a large number of parking spaces are needed, consideration should be given to parking below grade.
3. Front pad parking should be avoided.

B. Building Planning

Lobby

1. The lobby should be treated as an attractive and gracious space with materials and furnishings that are attractive, durable, and easy to maintain.
2. The lobby should be undisrupted by other elements, i.e.:
 - Garbage removal should not pass through the lobby.
 - The compactor chute should not open into the lobby.
 - The janitor's closet and fire stair should not be visible.
3. If a mailroom is provided, it should be located in an area that is visible and accessible from the lobby.
4. Natural light should be maximized, and if possible, a view of the exterior landscaped space should be exploited.
5. The primary vertical circulation/elevator should be visible and accessible from the lobby.

6. The lobby should be visible from the street to insure security. The main residential entry should be clearly articulated and differentiated from the community center entry.
7. Entry from the project's open space, parking area, and sidewalk should lead directly into the same lobby.

Interior Circulation

1. Public circulation space should be minimized.
2. The interior circulation system should have a minimal number of changes in corridor direction and minimal recesses or offsets.
3. Natural light should be maximized in circulation spaces.

Residential Communal Spaces

1. A variety of residential communal spaces should be programmed for specific uses and sized accordingly with appropriate finishes and furnishings, e.g.:
 - Children's indoor play room with safe and durable play equipment and playful finishes
 - Party room or adult lounge with comfortable furniture, television, bar/kitchenette, in close proximity to laundry room
 - Exercise room with ventilation and natural light
 - Common laundry room conveniently located and directly accessible from the public circulation and in 1- to 3-family houses, laundry hook-up must be provided for the homeowner
2. All residential communal spaces should receive natural light and have direct physical and visual access to the outdoor recreation space.
3. Appropriate relationships between residential communal spaces should be fostered.

Please note: These guidelines refer to communal space in the residential component of the Project. Proposals must also incorporate the community's desired program elements in the community center component, detailed in **Section III.C. ("Community Facility Component")** and **Section III.D. (Design Guidelines)**.

Building Services

1. Janitor closets should be provided with slop sinks.
2. Vandal/frost-proof hose bibb must be provided at front and rear of building.
3. Trash chutes, recycling room, and trash compactor must be provided in elevator buildings with 30 or more dwelling units.
4. The compactor room should be located for convenient transport of compacted refuse to the outside, minimizing transportation of garbage through the building's circulation space or across outdoor space.

5. Curb-side storage space for refuse/recycling pick-up should be provided and screened from the sidewalk, street, and building entrance.

C. Apartment Planning

Unit Arrangement

1. There must be no circulation through bedrooms to other bedrooms or to primary bathrooms. Bathrooms should be near the bedrooms. Bathrooms must not open into the Living Room, Dining Room, or Kitchen. Circulation through the Living Room should be avoided.
2. All door placements and wall lengths should accommodate furniture placement.
3. Direct access to private outdoor space should be provided from a living space within the unit, not a bedroom.

Minimum Room Sizes

<u>Name of Space</u>	<u>0-BR</u>	<u>1-BR</u>	<u>2-BR</u>	<u>3-BR</u>	<u>4-BR</u>	<u>Least Dimension</u>
LR	N/A	160	160	170	180	11'-0"
LR/DA	N/A	210	210	230	250	11'-0"
LR/DA/SA	250	N/A	N/A	N/A	N/A	11'-0"
LR/DA/K	N/A	270	270	300	330	11'-0"
LR/SA	210	N/A	N/A	N/A	N/A	11'-0"
K/DA	100	120	120	140	160	8'-0"
DR	N/A	100	100	110	120	8'-0"
BR (primary)	N/A	130	130	130	130	10'-0"
BR (secondary)	N/A	N/A	110	110	110	9'-4"

Abbreviations:

BR	Bedroom
DR	Dining Room
K	Kitchen/Kitchenette
LR	Living Room
SA	Sleeping Area
N/A	Not applicable
0-BR	Apartment with no separate bedroom

Note: The room area must be computed to the inside finished surfaces of the walls and partitions, and exclude columns, pipe chases, and closets.

Kitchen/Kitchenette

1. Kitchen to Living Room visibility should be maximized by pass-through openings, open counters, and half-height partitions.
2. Plumbing and ventilation chase walls should be shared where possible, but not at the expense of the design.
3. Kitchen equipment must consist of a 30" range, refrigerator (14 c.f. min), 24" sink, base cabinets with countertop and wall-hung cabinets. In 1- to 3-family homes, provision for dishwasher and hook-ups should be provided for the homeowner.
4. Countertop work surface should be located on both sides of the sink and both sides of the range.
5. The minimum length of countertop work surface (excluding sink and appliances) and cabinet shelving must be as follows:

<u>Apartment Type</u>	<u>Countertop Work Surface</u>	<u>Shelving</u>
0-BR	5 lin. ft.	30 lin. ft.
1-BR	6 lin. ft.	40 lin. ft.
2-BR	7 lin. ft.	50 lin. ft.
3-BR	8 lin. ft.	55 lin. ft.
4-BR	8 lin. ft.	65 lin. ft.

6. Base cabinets and countertops must be 2'-0" deep. Shelving must be 11^{1/2}" deep.
7. Pantries are desirable, encouraged, and qualify as required shelving.

Dining Area

Every dwelling unit must contain a space for dining, which accommodates a table and chairs for the intended maximum number of occupants.

Bathrooms

1. Every dwelling unit must contain at least one full bathroom containing a bathtub with a showerhead, a sink, and a toilet. Compartmentalizing the bathroom, to enable simultaneous use by more than one person, is encouraged.
2. Three bedroom apartments must have an additional half bathroom containing a sink and a toilet, and possibly a shower.
3. Four bedroom apartments must contain two complete bathrooms.

Storage

1. Every dwelling must contain a coat closet that is convenient to the entrance and is at least 2'-0" deep and 3'-0" wide.
2. Every bedroom must contain a clothes closet that is at least 2'-0" deep and 5'-0" wide.

3. Every dwelling unit must contain storage for linens that is at least 1'-6" deep and 2'-0" wide.
4. Additional general storage space, such as a walk-in-closet, should be provided within each dwelling, especially for units with more than 2 bedrooms.

D. Handicapped/Elderly Requirements

In addition to meeting all other applicable laws and regulations, units designed for elderly and/or handicapped persons must meet the following provisions:

Lobby Seating

In all projects designed for exclusive occupancy by elderly or handicapped persons, adequate sitting space with a view of the street or open space should be provided in the lobby or adjacent lobby of each building.

2 Person 0-BR Units

Every 0-BR dwelling unit designed for occupancy by elderly or handicapped persons must accommodate two persons sleeping separately.

Outdoor Space

1. In all projects designed for exclusive occupancy by elderly or handicapped persons, provisions should be made for sitting space for at least 20% of all residents in appropriate outdoor areas.
2. All outdoor space must be programmed and landscaped for specific uses.
3. All outdoor spaces must be buffered from vehicular service areas.

APPENDIX D: Sustainable Design Elements

For the purposes of this RFP, sustainable architecture describes development principles that demonstrate attention to design and building strategies that maximize energy efficiency and minimize impacts on the environment. The strategies are frequently described as “Green Building Techniques” (“GBT”) or, alternatively, “Low Impact Development Strategies (“LIDS”).

1. High Performance/Green Building Technology and Sustainable Development

Preference will be given to designs that incorporate maximum high performance/green building technology, as described below.

According to the National Association of Home Builders (NAHB) Research Center, “green building is the design, construction, and operation of homes according to resource-efficiency standards for energy, water, building design and materials, as well as indoor air quality standards.” These design and construction practices significantly reduce or eliminate the negative impact of buildings on the environment and occupants in five broad areas: sustainable site planning, safeguarding water and water efficiency, energy efficiency and renewable energy, conservation of materials and resources, and indoor environmental air quality.

Examples of these practices include tight construction, tight ducts, improved levels of insulation, high performance windows, and high efficiency heating and cooling systems.

For background information or guidelines for integrating these energy efficient technologies into residential buildings, Applicants should visit some of the numerous websites that promote and explain them. Tax credits and funding from State and Federal sources are often available to developers who incorporate such techniques. Some of the most useful sites are:

- US Green Building Council (USGBC): www.usgbc.org
- New York State Energy Research and Development Authority (NYSERDA): www.nyserda.org
- Energy Star: www.energystar.gov
- Green Communities: www.greencommunitiesonline.org
- Partnership for Advancing Technology in Housing (PATH): www.pathnet.org

In addition, the New York City Department of Design and Construction (DDC) established the Office of Sustainable Design (OSD) in 1997 for the purpose of identifying and implementing cost-effective ways to promote greater environmental responsibility in building design. In 1999, OSD published DDC’s High Performance Building Guidelines. This document has been a means of introducing sustainable design to DDC’s projects, and has been recognized internationally as an important green building reference. This document, supplemental in-depth manuals to inform the high performance process, reports, specifications, forms, and examples can be viewed and downloaded at the following site: <http://www.nyc.gov/html/ddc/html/ddcgreen/>. Since sustainable design is such a rapidly evolving technical discipline, DDC established this site to disseminate information and provide tools for incorporating high performance technology into development projects. Applicants are encouraged to review the information provided by DDC.

2. Smart Building Technology

Smart Building refers to the installation of advanced communication technologies and integrated electronic systems that promote building automation. Preference will be given to designs that incorporate Smart Building technology, as described below.

The installation of a Smart Building system would allow the automation of a building's electronic systems such as lighting, heating, cooling, security, and communications through home run wiring. "Home run" means running all of the wires together vertically through a central PVC (plastic) pipe. Wires serving the first floor should come up from the basement, while wires for the second floor would come down from the attic. The home run approach to clustering the wiring in a centrally located PVC conduit allows homeowners to easily upgrade the electronic systems in their homes.

For background information or guidelines for integrating these energy efficient technologies into residential buildings, Applicants should visit some of the numerous websites that promote and explain them. Some of the most useful sites are:

- EH Publishing Inc.: www.Electronichouse.com
- Home Automation & Networking Association: www.hanaonline.org
- General Electric (GE) Connected Home: www.ge-smart.com/building
- Smart House Inc.: www.smart-house.com
- National Association of Home Builders Research Center: www.nahbrc.org
- One Economy: www.One-Economy.com

Please refer to **Section V (Developer Selection Process)** and **Exhibit J (Design/Architectural Documents)** for additional information regarding required and recommended sustainable design elements.

APPENDIX E: HPD Marketing Guidelines

All affordable residential units in HPD development projects are sold or leased through a lottery system monitored by HPD's Marketing Unit. Market-rate units may be subject to the HPD lottery.

A. Citywide Advertising

The units must be advertised in citywide, local, and other relevant newspapers that will indicate the location of the homes, the price or rent of the units, estimated minimum income requirements, and the process for obtaining an application. All applications must be returned to a post office box.

The ad format must be approved by HPD's Marketing Unit and the ads must run a minimum of three days, including a weekend. The ads must appear at least 60 days prior to the application deadline. Any applications postmarked after the application deadline will be set aside for possible consideration only after all applications postmarked by the deadline have been exhausted.

B. Local Outreach

Local presentations to local community organizations, churches, civic groups, block and tenant associations, and institutions are encouraged.

C. Contents of Application and Cover Letter

The application must be accompanied by a cover letter. The format of the application and the cover letter must be approved by HPD's Marketing Unit. The letter must state the due date by which the application must be postmarked and highlight the post office box to which the application must be mailed.

The application must request information regarding income, assets, liabilities, current address, and permission to do credit checks. The application information requested may also include certain information which may be required from the bank. The application must state that the confidentiality of the information will be preserved except where disclosure is required by applicable law.

Applications will be available at the office of the marketing agent or may be requested by mail or phone to the marketing agent.

D. Picking Up Applications

Applications will be picked up from the post office box by the marketing agent one week after the stipulated deadline. Applications must be picked up in the presence of HPD Marketing staff.

If the post office requires that the box be emptied on a regular basis due to the large volume of mail, the marketing agent must notify HPD's Marketing Unit prior to picking up the mail and place all envelopes, unopened, in one secure location.

E. Opening Applications and Creating a Log

The log format will be provided by HPD's Marketing Unit.

All applications will be randomly selected by the marketing agent and entered, in ink, in a log book ("Master Log") in the order in which they were randomly chosen. HPD Marketing staff will be present when the applications are opened and the log created.

The marketing agent must submit copies of the log to HPD's Marketing Unit for review and approval prior to notifying applicants of their selection status (offering units to those who are eligible) and after sales or leasing are completed.

The marketing agent will review all applications received by the closing date of the marketing period in the order in which they are ranked in the log. The review will determine each applicant's eligibility. Ineligible applicants will be notified in writing and will have 10 days to appeal. Applicants deemed initially eligible based upon the information given on their application will be interviewed by the marketing agent. After demonstrating the ability to meet bank underwriting criteria, applicants will be given an opportunity to submit a bank application and any other necessary documentation.

F. Marketing Preferences

Eligible applicants who are residents of the Community District in which the Site is located will receive preferential consideration for 50% of the units.

Eligible mobility-impaired applicants will receive preferential consideration for 5% of the units.

Eligible visually and hearing impaired applicants will receive preferential consideration for 2% of the units.

Eligible active New York City Police Officers will receive preferential consideration for 5% of the homeownership units.

Eligible Municipal employees will receive preferential consideration for 5% of the units.

G. Residency Preference

Preference for all of the units will be given to purchasers or renters who are New York City residents at the time the application to purchase or rent the unit is submitted to the marketing agent. If any units remain available after all New York City residents have been considered, non-residents will be offered units in log order.

H. Other Requirements

The marketing agent must comply with all applicable Federal, State, and City equal opportunity and non-discrimination laws. Ranking and determination of eligibility must be non-discriminating.

HPD Marketing staff will monitor to insure that applicants are being notified in log order. An "Applicant's Log" will be created to track the date and time of paper work submission, telephone contact, outstanding documentation, and issues. Tracking sheets will be kept in the individual

applicant files and updated on the Master Log on a weekly basis. The Master Log will indicate where each applicant is in the process at a given time.

No employee of the marketing agent, relative of any employee, or person residing with any employee of the marketing agent may purchase or rent a unit.

I. Execution of Contracts

The marketing agents will send letters inviting all those who appear mortgage eligible, and pass the credit check to submit a bank application and any other documentation deemed necessary for submission to the bank providing the end loan. Offers will go out first to those who meet the marketing preference requirements, and these applications will be processed first to ensure that these requirements are met.

J. Waiting List

If, after contracts are executed for all units, there remain eligible applicants who are still interested in purchasing or renting a unit, the marketing agent must place their names on a waiting list.

The marketing agent must offer any unit that an applicant fails to close or lease to eligible applicants on the waiting list, if any.

APPENDIX F: Equal Opportunity



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EXECUTIVE ORDER NO. 50

APRIL 25, 1980

BUREAU OF LABOR SERVICES

By the power vested in me as Mayor of the City of New York,
it is hereby ordered:

Section 1. Purpose. It is the purpose of this Order to ensure compliance with the equal employment opportunity requirements of City, State and Federal law in City contracting.

§ 2. Bureau Continued. The Bureau of Labor Services shall continue to serve such purposes and to have such responsibilities as restated by this Order.

§ 3. Definitions. Whenever used in this Executive Order, the following terms shall have the following meanings:

(a) Bureau means the Bureau of Labor Services;

(b) construction project means any construction, reconstruction, rehabilitation, alteration, conversion, extension, improvement, repair or demolition of real property contracted by the City;

(c) contract means any written agreement, purchase order or instrument whereby the City is committed to expend or does expend funds in return for work, labor, services, supplies, equipment, materials, or any combination of the foregoing;

*amended
F.C. 94*

(i) Unless otherwise required by law, the term "contract" shall include any City grant, loan, guarantee or other City assistance for a construction project.

(ii) The term "contract" shall not include:

(A) contracts for financial or other assistance between the City and a government or government agency;

(B) contracts, resolutions, indentures, declarations of trust, or other instruments authorizing or relating to the authorization, issuance, award, and sale of bonds, certificates of indebtedness, notes or other fiscal obligations of the City, or consisting thereof; or

(C) employment by the City of its officers and employees which is subject to the equal employment opportunity requirements of applicable law.

(d) contracting agency means any administration, board, bureau, commission, department or other governmental agency of the City of New York, or any official thereof, authorized on behalf of the City to provide for, enter into, award or administer contracts;

(e) contractor means a person, including a vendor, who is a party or a proposed party to a contract with a contracting agency, first-level subcontractors of supply or service contractors, and all levels of subcontractors of construction contractors;

(f) Director means the Director of the Bureau of Labor Services;

(g) economically disadvantaged person means a person who, or a member of a family which, is considered economically disadvantaged under applicable law.

(h) employment report means a report filed by a contractor containing information as to the employment practices, policies and programs, employment statistics and collective bargaining agreements, if any, of the contractor in such form as the Bureau may direct by regulation;

(i) equal employment opportunity means the treatment of all employees and applicants for employment without unlawful discrimination as to race, creed, color, national origin, sex, age, handicap, marital status, sexual orientation or affectional preference in all employment decisions, including but not limited to recruitment, hiring, compensation, training and apprenticeship, promotion, upgrading, demotion, downgrading, transfer, lay-off and termination, and all other terms and conditions of employment except as provided by law;

(j) trainee means an economically disadvantaged person who qualifies for and receives training in one of the construction trades pursuant to a program other than apprenticeship programs, approved by the Bureau and, where required by law, the State Department of Labor or the United States Department of Labor, Bureau of Apprenticeship and Training.

S 4. Responsibilities of Bureau. The responsibilities of the Bureau shall be as follows:

(a) To implement, monitor compliance with, and enforce this Order and programs established pursuant to City, State and Federal law requiring contractors to provide equal employment opportunity;

(b) To implement, monitor compliance with, and enforce on-the-job training requirements on construction projects;

(c) To monitor compliance by contractors with State and Federal prevailing wage requirements where required;

(d) To advise and assist contractors and labor unions with respect to their obligations to provide equal employment opportunity;

(e) To advise and assist persons in the private sector with respect to employment problems;

(f) To establish advisory committees, including representatives of employers, labor unions, community organizations and others concerned with the enforcement of this Order; and

(g) To serve as the City's principal liaison to Federal, State and local contract compliance agencies.

§ 5. Contract Provisions.

(a) Equal Employment Opportunity. A contracting agency shall include in every contract to which it becomes a party such provisions requiring the contractor to ensure equal employment opportunity as the Bureau may direct by regulation.

(b) On-the-Job Training. A contracting agency shall include in every contract concerning a construction project to which it becomes a party such provisions requiring the contractor to provide on-the-job training for economically disadvantaged persons as the Bureau may direct by regulation.

(c) Subcontractors. A contracting agency shall include in every contract to which it becomes a party such provisions requiring the contractor not to discriminate unlawfully in the selection of subcontractors as the Bureau may direct by regulation.

§ 6. Employment Reports.

(a) Submission Requirements. No contracting agency shall enter into a contract with any contractor unless such contractor's employment report is first submitted to the Bureau for its review. Unless otherwise required by law, an employment report shall not be required for the following:

(i) a contract in the amount of \$50,000 or less;

(ii) an emergency contract or other exempt contract except as the Bureau may direct by regulation; and

(iii) a contract with a contractor who has received a certificate of compliance with the equal employment opportunity requirements of applicable law from the Bureau, or an appropriate agency of the State of New York or the United States within the preceding twelve months, except as the Bureau may direct by regulation.

(b) Bureau Review. The Bureau shall review all employment reports to determine whether contractors are in compliance with the equal employment opportunity requirements of City, State and Federal law and the provisions of this Order. The contracting agency shall transmit the employment report to the Bureau within ten business days after the selection of a proposed contractor. A contracting agency may thereafter award a contract unless the Bureau gives prior written notice to the contracting agency and the contractor as follows:

(i) If the Bureau notifies the contracting agency and the contractor within five business days after the receipt by the Bureau of the employment report that the contractor has failed to submit a complete employment report, the Director may require the contracting agency to disapprove the contractor unless such deficiency is corrected in a timely manner;

(ii) If the Bureau notifies the contracting agency and the contractor within fifteen business days of the receipt by the Bureau of the completed employment report that the Bureau has found reason to believe that the contractor is not in substantial compliance with applicable legal requirements and the provisions of this Order, the Bureau shall promptly take such action as may be necessary to remedy the contractor's noncompliance as provided by this Order.

Provided that a contracting agency may award a requirements contract or an open market purchase agreement prior to review by the Bureau of the contractor's employment report, but may not make a purchase order against such contract or agreement until it has first transmitted such contractor's employment report to the Bureau and the Bureau has completed its review in the manner provided by this Section.

(c) Employment Program. The Bureau may require a contractor to adopt and adhere to a program designed to ensure equal employment opportunity.

(d) Periodic Reports. Contractors shall file periodic employment reports after the award of a contract in such form and frequency as the Bureau may direct by regulation to determine whether such contractors are in compliance with applicable legal requirements and the provisions of this Order.

§ 7. Training Programs. The Bureau shall monitor the recruitment, training and placement of economically disadvantaged persons in on-the-job training programs on construction projects. Contracting agencies shall require contractors to make a good faith effort to achieve the ratio of one trainee to four journey-level employees of each craft on each construction project.

(a) The Bureau shall determine the number of trainees and hours of training required by each contractor or subcontractor for each construction project.

(b) In the event that a contractor fails to make a good faith effort to train the required number of individuals for the required amount of hours, the Bureau, after consultation with the contracting agency, shall direct such agency to reduce the contractor's compensation by an amount equal to the amount of wages and fringe benefits which the contractor failed to pay to trainees.

(c) On-the-job training of economically disadvantaged persons shall not be required on construction contracts in the amount of \$125,000 or less.

§ 8. Compliance Investigations and Hearings. The Bureau shall conduct such investigations and hold such hearings as may be necessary to determine whether contractors are in compliance with the equal employment opportunity requirements of City, State and Federal law and the provisions of this Order.

(a) Voluntary Compliance. The Bureau shall seek to obtain the voluntary compliance of contractors and labor unions with applicable legal requirements and the provisions of this Order.

(b) Noncompliance. Upon receiving a complaint or at its own instance, the Bureau shall determine whether there is reason to believe a contractor is not in compliance with applicable legal requirements and the provisions of this Order.

(c) Hearings. The Bureau shall hold a hearing on prior written notice to a contractor and the contracting agency before any adverse determination is made with respect to such contractor's employment practices or imposing any sanction or remedy for non-compliance with applicable legal requirements and the provisions of this Order. The hearing shall be held before a City hearing officer, or such other person designated by the Director, who shall submit a report containing findings of fact and recommendations to the Director. Based on the record as a whole, the Director shall determine whether a contractor has failed to comply with applicable legal requirements or the provisions of this Order and the appropriate sanctions for noncompliance.

(d) Notices. The Bureau shall give prior notice of any hearing and shall provide a copy of any hearing report and determination of the Director under paragraph (c) of this Section to the contracting agency, the Corporation Counsel and the Comptroller. The Bureau shall notify appropriate City, State and Federal agencies of violations of law and may, with the approval of the Corporation Counsel, initiate proceedings in such agencies.

§ 9. Sanctions and Remedies. After making a determination that a contractor is not complying with applicable legal requirements and the provisions of this Order, the Director may direct that such sanctions as may be permitted by law or contractual provisions be imposed, including the disapproval of a proposed contractor, the suspension or termination of a contract and the reduction of a contractor's compensation, except as follows:

(a) Within five business days of the issuance of a determination by the Director under Section 8(c), a contracting agency head may file with the Director written objections to the sanctions to be imposed. Where such objections have been filed, the Director and the contracting agency head shall jointly determine the appropriate sanctions to be imposed.

(b) In lieu of any of the foregoing sanctions, the Director may require a contractor to adopt and adhere to a program to ensure equal employment opportunity.

§ 10. Public Agencies. Any administration, board, bureau, commission, department or other public agency, not subject to this Order, which imposes by rule, regulation or order equal employment opportunity requirements, may, with the consent of the Mayor, delegate such responsibilities to the Bureau as may be consistent with this Order.

§ 11. Confidentiality. To the extent permitted by law and consistent with the proper discharge of the Bureau's responsibilities under this Order, all information provided by a contractor to the Bureau shall be confidential.

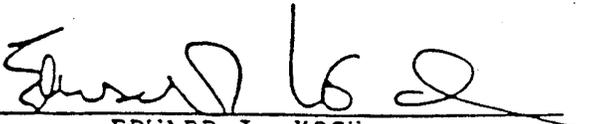
§ 12. Regulations. The Bureau shall promulgate such regulations, subject to the approval of the Mayor, as may be necessary to discharge its responsibilities under this Order, including regulations increasing the dollar amounts referred to in this Order. Any regulations of the Bureau establishing terms and conditions for contractors shall be approved as to form by the Corporation Counsel.

§ 13. Annual Report. The Bureau shall submit an annual report to the Mayor concerning its responsibilities under this Order.

§ 14. Separability. If any provision of this Order or the application thereof is held invalid, the remainder of this Order and the application thereof to other persons or circumstances shall not be affected by such holding and shall remain in full force and effect.

§ 15. Revocation of Prior Orders. Executive Orders No. 71 (1968), No. 20 (1970), No. 23 (1970), No. 27 (1970), No. 31 (1971), No. 74 (1973), No. 7 (1974), and No. 80 (1977) are hereby revoked and the first paragraph of Section 2 of Executive Order No. 4 (1978) is hereby deleted. Nothing in this Order shall be deemed to relieve any person of any obligation not inconsistent with this Order assumed or imposed pursuant to an Order superseded by this Order.

§ 16. Effective Date. This Order shall take effect immediately.


EDWARD I. KOCH
M A Y O R

EQUAL EMPLOYMENT OPPORTUNITY

This contract is subject to the requirements of Executive Order No. 50 (1980) as revised ("E.O.50") and the Rules and Regulations promulgated thereunder. No contract will be awarded unless and until these requirements have been complied with in their entirety. By signing this contract, the contractor agrees that it:

(1) will not engage in any unlawful discrimination against any employee or applicant for employment because of race, creed, color, national origin, sex, age, disability, marital status or sexual orientation with respect to all employment decisions including, but not limited to, recruitment, hiring, upgrading, demotion, downgrading, transfer, training, rates of pay or other forms of compensation, layoff, termination, and all other terms and conditions of employment;

(2) the contractor agrees that when it subcontracts it will not engage in any unlawful discrimination in the selection of subcontractors on the basis of the owner's race, color, creed, national origin, sex, age, disability, marital status or sexual orientation;

(3) will state in all solicitations or advertisements for employees placed by or on behalf of the contractor that all qualified applicants will receive consideration for employment without unlawful discrimination based on race, creed, color, national origin, sex, age, disability, marital status or sexual orientation, or that it is an equal employment opportunity employer;

(4) will send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or memorandum of understanding, written notification of its equal employment opportunity commitments under E. O. 50 and the rules and regulations promulgated thereunder; and

(5) will furnish all information and reports including an Employment Report before the award of the contract which are required by E. O. 50, the rules and regulations promulgated thereunder, and orders of the Director of the Bureau of Labor Services ("Bureau"), and will permit access to its books, records and accounts by the Bureau for the purposes of investigation to ascertain compliance with such rules, regulations, and orders.

The contractor understands that in the event of its noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, such noncompliance shall constitute a material breach of the contract and noncompliance with the E.O. 50 and the rules and regulations promulgated thereunder. After a hearing held pursuant to the rules of the Bureau, the Director may direct the imposition by the contracting agency held of any or all of the following sanctions:

- (i) disapproval of the contractor;
- (ii) suspension or termination of the contract;
- (iii) declaring the contractor in default; or,
- (iv) in lieu of any of the foregoing sanctions, the Director may impose an employment program.

The Director of the Bureau may recommend to the contracting agency head that a Board of Responsibility be convened for purposes of declaring a contractor who has repeatedly failed to comply with E.O. 50 and the rules and regulations promulgated thereunder to be nonresponsible.

The contractor agrees to include the provisions of the foregoing paragraphs in every subcontract or purchase order in excess of \$50,000 to which it becomes a party unless exempted by E.O. 50 and the rules and regulations promulgated thereunder, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Director of the Bureau of Labor Services as a means of enforcing such provisions including sanctions for noncompliance.

The contractor further agrees that it will refrain from entering into any contract or contract modification subject to E.O. 50 and the rules and regulations promulgated thereunder with a subcontractor who is not in compliance with the requirements of E.O. 50 and the rules and regulations promulgated thereunder."



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Executive Order No. 108
December 29, 1986

Amendment of Executive Order No. 50
(April 25, 1980)

BUREAU OF LABOR SERVICES

By the power vested in me as Mayor of the City of New York,
it is hereby ordered:

Section 1. Prior Order Amended.

a. Section 6(a) of Executive Order No. 50, dated
April 25, 1980, is amended to read as follows:

"Submission Requirements. No contracting
agency shall enter into a contract with any
contractor unless such contractor's
employment report is first submitted to the
Bureau for its review. Unless otherwise
required by law, an employment report shall
not be required for the following:

(i) a construction contract in the
amount of less than \$1 million; a
construction subcontract in the amount of
less than \$750,000; or a supply and service
contract in the amount of \$50,000 or less
or of more than \$50,000 in which the
contractor employs fewer than 50 employees
at the facility or facilities involved in
the contract;

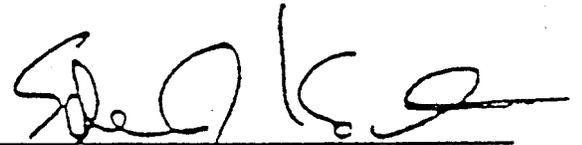
(ii) an emergency contract or other
exempt contract, except as the Bureau may
direct by regulation; and

(iii) a contract with a contractor who has received a certificate of compliance with the equal employment opportunity requirements of applicable law from the Bureau within the preceding twenty-four months, or an appropriate agency of the State of New York or of the United States within the preceding twelve months, except as the Bureau may direct by regulation."

b. Section 7(c) of such Order is amended to read as follows:

"On-the-job training of economically disadvantaged persons shall be required on all construction contracts covered by the submission requirements of this Order."

Section 2. Effective Date. This Order shall take effect immediately, but shall have no retrospective effect with respect to the two (2) year approval period provided for in Section 1(a) of this Order, amending Section 6(a) (iii) of Executive Order No. 50, dated April 25, 1980.



Edward I. Koch
M A Y O R



JUN 23 1986

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Executive Order No. 94
June 20, 1986

Amendment of Executive Order No. 50
(April 25, 1980)

BUREAU OF LABOR SERVICES

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Prior Order Amended.

a. Section 1 of Executive Order No. 50, dated April 25, 1980, is amended to read as follows:

"Purpose. It is the purpose of this Order to ensure equal employment opportunity in City contracting."

b. Section 3(i) of such Order is amended to read as follows:

"equal employment opportunity means the treatment of all employees and applicants for employment without unlawful discrimination as to race, creed, color, national origin, sex, age, disability, marital status or sexual orientation in all employment decisions, including but not limited to recruitment, hiring, compensation, training and apprenticeship, promotion, upgrading, demotion, downgrading, transfer, lay-off and termination, and all other terms and conditions of employment;"

c. Section 5(a) of such Order is amended to read as follows:

"Equal Employment Opportunity. A contracting agency shall include in every

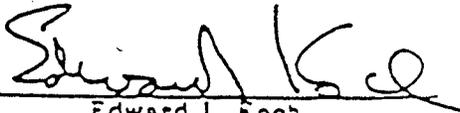
contract to which it becomes a party such provisions requiring the contractor to ensure equal employment opportunity as the Bureau may direct, consistent with this Order."

d. Section 12 of such Order is amended to read as follows:

"Regulations. The Bureau shall promulgate such regulations, subject to the approval of the Mayor, as may be necessary to discharge its responsibilities under this Order, including regulations increasing the dollar amounts and number of employees referred to in this Order. Any regulations of the Bureau establishing terms and conditions for contractors shall be approved as to form by the Corporation Counsel.

Nothing contained herein shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization, from limiting employment or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained. The regulations shall set forth this exemption for religiously-sponsored organizations and provide for the discharge of the Bureau's responsibilities in a manner consistent with such exemption."

Section 2. Effective Date. This Order shall take effect immediately.



Edward I. Koch
M A Y O R

EXHIBITS: PROPOSAL FORMS

- A. Completeness Checklist and Applicant's Letter**
- B. Proposal Summary**
- C. Development Team Information and Applicant Questionnaire**
- D. Development Experience and Current Workload**
- E. Individual's Property Listing**
- F. Assets Statement**
- G. Project/Design Narrative**
- H. Financing Proposal**
- I. Environmental Proposal**
- J. Design/Architectural Elements**
- K. Marketing Plan**
- L. Development Schedule**
- M. Additional Evidence of Experience and Qualifications**

EXHIBIT A: Completeness Checklist and Applicant's Letter

Form A1 – Completeness Checklist (Tab A)

Before completing the following forms, please see instructions in **Section VI (Submission Requirements)**.

Tab	Form	✓
A	Completeness Checklist and Applicant's Letter (Exhibit A)	
	1. Completeness Checklist	
	2. Applicant's Letter	
B	Proposal Summary (<i>to be provided by Applicant</i>)	
C	Development Team Information and Applicant Questionnaire (Exhibit C)	
	1. Development Team Information	
	2. Principal Questionnaire	
	3. Not-For-Profit Organization: Applicant Description	
	4. Not-For-Profit Organization: Directors, Officers, and Key Staff	
	5. Not-For-Profit Organization: Major Sources of Funding	
D	Development Experience and Current Workload (Exhibit D)	
E	Individual's Property Listing (<i>to be provided by Applicant</i>)	
F	Ability to Finance (Exhibit F)	
	1. Assets Statement: Personal Information (or alternative statements)	
	2. Assets Statement: Statement of Financial Conditions (including Schedules A1, A2, B, and C) (or alternative statements)	
	3. Lender and Tax Credit Syndicator Letter(s) (<i>to be provided by Applicant</i>)	
G	Project/Design Narrative (description in Exhibit G, <i>to be provided by Applicant</i>)	
H	Financing Proposal (Exhibit H)	
	1. Condo/Co-op Project Income and Affordability	
	2. Rental Project Income and Affordability	
	3. Purchase Price and Affordability Calculations	
	4. Rent and Affordability Calculations	
	5. Construction Period Uses of Funds	
	6. Construction Financing Sources	
	7. Permanent Financing Sources	
	8. Condo/Co-op Pro Forma Income and Expense Schedule	
9. Rental Pro Forma Income and Expense Schedule		
I	Environmental Proposal (<i>to be provided by Applicant, if applicable</i>)	
J	Design/Architectural Documents (<i>to be provided by Applicant, including HPD Sustainable Design Criteria in Form J1</i>)	
K	Marketing Plan (<i>to be provided by Applicant</i>)	
L	Development Schedule (<i>to be provided by Applicant</i>)	
M	Additional Evidence of Experience and Qualifications (<i>to be provided by Applicant</i>)	

Form A2 – Applicant’s Letter (Tab A)

NYC Department of Housing Preservation and Development
Office of Development
Division of Planning and Pipeline Development
100 Gold Street, Room 9I-2
New York, NY 10038
Attention: Sabra Loewus

Re: Proposal in Response to RFP for City-Owned Site on Surf Avenue and West 29th Street in Coney Island

Dear Ms. Loewus:

This letter is being submitted in connection with my proposal (“Proposal”) submitted in response to the Request for Proposals (“RFP”) issued by the Department of Housing Preservation and Development (“HPD”) of the City of New York (“City”) for mixed-use development on Block 7051; Lots 33, 35, 37-42, 46, 57, 59, 61, 63-65, 68, 138-145, 165-172, 239, 269, 339, and 439 (“Development Site”) in Brooklyn.

I have received, read, and understand the provisions of the RFP. I understand that selection of an Applicant (“Applicant”) under the RFP for disposition of the Development Site and the development of the Project described in the RFP (“Project”) will mean only that HPD will commence negotiations with such Developer regarding the development of the Development Site.

I recognize that any negotiations with HPD will be subject to the following terms and conditions:

1. The commencement of negotiations will not represent any obligation or agreement on the part of the City, which may only be incurred or entered into by a written agreement which has been (i) approved as to form by the City’s Law Department, (ii) approved by the Mayor after a hearing on due notice; and (iii) duly executed by the Applicant and the City. The Negotiation Letter will only indicate HPD’s intention to commence negotiations, which may ultimately lead to the execution of such an agreement.
2. The Applicant will not have permission to enter upon the Development Site, which permission will only be granted, if at all, in the form of a license agreement duly executed by the Applicant and the City. The execution of any such license agreement, if it occurs, will only indicate that the City has granted permission for the Applicant to enter onto the Development Site for the limited purposes stated in the scope of work set forth therein, and will not indicate that the City reached any other agreement with the Applicant regarding the Development Site or the Project.
3. The following requirements will have to be satisfied prior to the disposition of the Development Site:

The disposition of the Development Site and tax exemptions to be granted, if any, must be reviewed and approved in accordance with all applicable HPD and City policies, which include, but are not limited to, the following:

- a. The Applicant, any other potential grantee of the Development Site, and their respective Principals must successfully undergo a background check concerning their suitability to do business with the City.
 - b. The Development Site will not be sold to any person or entity which, or to any entity with a Principal who: (i) has not fulfilled development responsibilities undertaken in connection with the City or other governmental entities, (ii) is in default on any obligations to the City, (iii) is a former owner of the Development Site, or (iv) has lost real property to the City in tax or lien enforcement proceedings.
 - c. The price and other terms for the disposition of the Development Site and the tax exemption(s) to be provided, if any, will be consistent with applicable City policies.
 - d. The grantee must execute legal documents in form and substance acceptable to HPD and in form approved by the City's Law Department.
4. During negotiations, the Applicant must diligently, competently, and expeditiously comply with all requirements communicated to the Applicant by HPD.
 5. The design of the Project must comply with any applicable HPD development requirements and guidelines.
 6. Either HPD or the Applicant may terminate negotiations at any time with or without cause. Negotiations may be terminated if Applicant does not commence construction within eighteen (18) months from the date of the Negotiation Letter.
 7. If negotiations are terminated by either HPD or the Applicant, whether with or without cause, or if negotiations terminate automatically, then neither the City nor the Applicant will have any rights against or liabilities to the other.
 8. The City is not obligated to pay, nor will it in fact pay, any costs or losses incurred by the Applicant at any time, including, but not limited to, the cost of: (i) any prior actions by the Applicant in order to respond to any selection process, or (ii) any future actions by the Applicant in connection with the negotiations, including, but not limited to, actions to comply with requirements of HPD, the City, or any applicable laws.

Very truly yours,

Signature

Title

Applicant

To be provided by Applicant

EXHIBIT C: Development Team Information and Applicant Questionnaire

Form C1 – Development Team Information (Tab C)

If the Applicant is a joint venture, a separate Applicant Questionnaire must be provided for each entity that comprises the joint venture, as identified below. If additional space is needed, please submit separate sheet(s), stating the question(s) being answered on each sheet. All responses must be typed.

1. Applicant Information

Name of Applicant: _____

Address: _____

Name of Contact for Applicant Entity: _____

Address: _____

Telephone: _____ Fax: _____

E-mail: _____

2. Composition of Applicant Entity

Is the Applicant a joint venture? Yes [] No []

If yes, list below each Principal (individual and/or organization) that comprises the joint venture. Include the names, addresses, telephone and fax numbers, e-mail addresses, and percentages of ownership of the proposed development.

Name/Organization	Address	Telephone/Fax/E-mail	% Ownership

3. Development Team Consultants

List below each consultant (individual and/or organization) that comprises the Development Team. Include the names, addresses, telephone and fax numbers, and e-mail addresses. The Development Team may include other Team Roles that are not listed below; please include all known Team Roles. If unknown, enter "N/A".

Team Role	Name/Organization	Address	Telephone/Fax/E-mail
General Contractor			
Architect			
Landscape Architect			
Engineer			
Managing Agent (Residential and/or Community Center)			
Marketing Agent (Residential and/or Community Center)			
Legal Counsel			
Other			
Other			
Other			

Form C2 – Principal Questionnaire (Tab C)

If a joint venture, a separate Principal Questionnaire must be provided for each individual and/or organization that comprises the Applicant Entity.

1. Principal Information

Name of Principal: _____

2. Individual/Organization Information

Provide the following information about all individuals that make up the Principal completing this questionnaire. State the role that each would play in the development of the Site, using the categories specified below. For corporations, provide the names of the officers and any shareholders owning 10% or more. For partnerships, provide the names of all general partners.

Name/Position/Title	Home Address	Role*	% Owned	Social Security #

*Role categories:

- GP = General/Managing Partner
- GC = General Contractor
- F = Provides Financing, Inactive
- A = Architect
- L = Legal Services
- MR = Marketing Agent, Residential
- MC = Marketing Agent, Community Center
- O = Other (specify)

3. References

For each of the following categories, provide the name, address, and telephone and fax numbers of at least three business references that we may contact regarding your experience. For each reference, identify the property or properties with which the individual is familiar.

- New Construction Experience
- Marketing Experience – Residential
- Leasing Experience – Retail/Commercial, Community/Institutional
- Management Experience – Residential, Community/Institutional
- Financial Capacity

4. Other

Has any individual identified in Section 2 of this questionnaire, or any organization in which the Individual is or was a general partner, corporate officer, or owned more than 10% of the shares of the corporation, been the subject of any of the following:

1. Arson conviction or pending case? Yes [] No []
2. Harassment complaint by the New York State Division of Rent Control or the New York State Division of Housing and Community Renewal? Yes [] No []
3. Had an ownership or management interest in a property that was taken in rem by the City or assigned by a judge of Landlord and Tenant Court to a 7A administrator or receiver? Yes [] No []
4. City mortgage foreclosure or currently more than 90 days in arrears on any City loan? Yes [] No []
5. Default on any contract obligation or agreement of any kind or nature entered into with the City or one of its agencies? Yes [] No []
6. In the past 10 years, failed to qualify as a responsible bidder, or refused to enter into a contract after an award has been made, privately or with any government agency? Yes [] No []
7. In the last 7 years, filed a bankruptcy petition or been the subject of involuntary bankruptcy proceedings? Yes [] No []
1. In the last 10 years, failed to file any required tax returns, or failed to pay any applicable Federal, State of New York, or City taxes or other charges? Yes [] No []
9. Been convicted of fraud, bribery, or grand larceny? Yes [] No []

If the answer to any question is yes, provide the following information about each instance: name(s) of individual(s), name(s) of organization(s) or corporation(s), individual's title(s) or role(s) in the organization (e.g. officer), date of the action(s), and current status and disposition.

Name of Principal: _____

Signature of Individual: _____

Print name and Title of Individual: _____

5. Certification

This certification must be signed by one of the individuals listed above. If the Applicant Entity is a joint venture, an individual representing each Principal of the joint venture must sign it.

I certify that the information set forth in this application and all attachments and supporting documentation is true and correct. I understand that the City of New York will rely on the information in or attached to this document and that this document is submitted to induce the City of New York to select this Proposal for development of the Site.

I understand that this statement is part of a continuing application and that until such time that the subject Project is finally and unconditionally approved by the City of New York, I will report any changes in or additions to the information herein, and will furnish such further documentation or information as may be requested by the City of New York or any agency thereof.

I understand that if I receive preliminary designation to develop this site, I must submit all additional disclosure forms required.

Name of Principal: _____

Signature of Individual: _____

Print Name and Title of Individual: _____

Name of Principal: _____

Signature of Individual: _____

Print Name and Title of Individual: _____

Name of Principal: _____

Signature of Individual: _____

Print Name and Title of Individual: _____

Form C3 – Not-For-Profit Organization: Applicant Description (Tab C)

Name of Applicant: _____

Name of Organization: _____

Office Address: _____

Executive Director: _____

Contact Person: _____ Title: _____

Phone: _____ Fax: _____

Describe Role of Organization in Project (e.g., Developer, Managing Agent, Marketing Agent, etc.):

Certification: I certify that the information set forth in this disclosure statement and its attachments is true and correct.

Signature of Officer

Print Name and Title

Date

EXHIBIT D: Development Experience and Current Workload

Form D – Development Experience and Current Workload (Tab D)

The most recent projects should be listed first. Additional pages may be attached as necessary.

Name of Principal or individual whose experience is described below: _____

	Project 1	Project 2
Project Name and Address		
Role (a)		
Type (b)		
Category (c)		
# of Buildings in Project		
# of Stories		
Total # of Units		
Retail Space (sq. ft.)		
Office Space (sq. ft.)		
Community Space (sq. ft.)		
Total Development Cost		
Start Date (month/year)		
Completion Date (month/year)		
Status (d)		
Government Program (e)		
Construction Lender (f)		
Permanent Lender (f)		
Marketing Method (g)		
Marketing Period (h)		
Initial Occupancy & 90% Leased (i)		
Management (j)		

- (a) **ROLE:** Indicate the role or roles you played in the development of each property listed. If developed as part of a joint venture, indicate such by adding JV to the respective role (e.g., D/JV).
D=Developer; B=Builder; GC= General Contractor; CM=Construction Manager; F=Provided Financing; O=Other (specify)
- (b) **TYPE:** Project Type: RH=Rental Housing; CH=Coop/Condo Housing; SF=Single Family Housing; O=Office; R=Retail; CF=Community Facility; M=Mixed Use
- (c) **CATEGORY:** NC=New Construction; SR=Substantial Rehab; MR=Moderate Rehab
- (d) **STATUS:** Indicate if project is Pre=Pre-development; UC=Under Construction; Com=Completed
- (e) **GOVERNMENT PROGRAM:** Provide the name of the program, contact name, and telephone number.
- (f) **CONSTRUCTION/PERMANENT LENDER:** Provide the name of the institution.
- (g) **MARKETING METHOD:** Indicate if you marketed the project directly or used a marketing agent. Provide the name of the marketing agent used, if any.
- (h) **MARKETING PERIOD:** Provide the month/year for the start and completion of marketing.
- (i) **INITIAL OCCUPANCY & 90% LEASED:** Provide the month/year for the date of initial occupancy and the date that 90% of the project was under contract or leased.
- (j) **MANAGEMENT:** Indicate if you manage the project directly or use a property manager. Provide the name of the property manager used, if any. Indicate N/A if you no longer own the project.

EXHIBIT E: Individual's Property Listing

To be provided by Applicant

EXHIBIT F: Assets Statement

Form F1 – Personal Information (Tab F)

The Assets Statement must describe financial status within the last 12 months. The Assets Statement must be signed and dated.

Name of Principal or individual whose assets are described below: _____

Name: _____

Business Name: _____

Business Phone: _____

Marital Status: _____

Residence Address: _____

Business Address: _____

Position (Title) _____ Years of Service: _____

Salary: _____ Bonus/Commission: _____

Other Income: _____ Source: _____

Gross Life Insurance: _____

Beneficiaries: _____

Are you a defendant in any lawsuits or legal actions? If so, please describe:

Do you have any contingent liabilities? If so, please describe:

Form F2 – Statement of Financial Condition (Tab F)

Assets	Dollars (Omit Cents)	Liabilities	Dollars (Omit Cents)
Cash On Hand and in Banks		Notes Payable to Banks <i>Secured</i>	
Notes Receivable		Notes Payable to Banks <i>Unsecured</i>	
Real Estate <i>See Schedule A</i>		Notes Payable to Others <i>Secured</i>	
Mortgages Owned <i>See Schedule B</i>			
Marketable Securities <i>See Schedule C</i>		Notes Payable to Others <i>Unsecured</i>	
Cash Value of Life Insurance			
Other Assets* (Itemize)		Debt Balances in Margin	
		Accounts with Brokers	
		Loans Against Life Insurance	
		Mortgages on Real Estate <i>See Schedule A</i>	
		Other Liabilities (Itemize)	
Total Assets		Total Liabilities	
		Net Worth	

* Any interest in a closely held business must be documented by providing a current balance sheet for that business and stating the percent of interest held by the Applicant.

Schedule A2: Income From Properties

Property No. (Refer to Schedule A1)	1	2	3	4	5	6
Present Annual Gross Income <i>Not Including Vacancies and Concessions</i>						
Less Total Operating Expenses and Property Taxes						
Net Income						
Less Amortization and Income Payments						
Net Profit						
Net Rental Value of Present Vacancies						
Annual Rental Value of Space on which Lease Expires During Next Six Months						
Net Profit Last Year						
Amount & Classes of Insurance Carried						

List other encumbrances, debts, taxes, mortgage installments or interest past due:

List (circumstances of) any litigation or judgment(s) pending in connection with the above listed properties.

If additional room is needed, attach Supplemental Schedule A.

Schedule B: Mortgages Owned

List separately and check (✓) next to those pledged as collateral.

Mortgages Owned	Dollars (Omit Cents)	Collateral?

If additional room is needed, attach Supplemental Schedule B.

Schedule C: Marketable Securities

List separately and check (✓) next to those pledged as collateral.

Marketable Securities	Dollars (omit cents)	Collateral?

If additional room is needed, attach Supplemental Schedule C.

For the purpose of procuring and maintaining credit from time to time in any form whatsoever with you, the undersigned hereby represents the above to be a true and accurate Statement signed as of the date herein before set forth and agrees (I) that, if said Statement or any part thereof proves false or misleading in any particular, each and all of the obligation and/or liabilities of the undersigned of every kind to you, whether joint or several, primary or secondary, direct or contingent, shall, at your option, become immediately due and payable all without demand or notice of any kind and (II) that you will be notified promptly in writing of any materially unfavorable changes in the financial conditions herein set forth and, in the absence of such notice or the submission to you of a new and full written Statement that may be considered as a continuing Statement and substantially correct. Whenever the undersigned may apply to you for credit, and until a substitute Statement may have been submitted to you, this Statement shall have the same force and effect as if delivered at the time such further credit is requested.

Name of Principal: _____

Signature of Individual: _____ Date: _____

Print Name and Title of Individual: _____

EXHIBIT G: Project/Design Narrative

Applicants must provide a detailed narrative description outlining the proposed concept and methodology of the Project and include, among other things, the Applicant's approach to the Project, critical Project issues and problem solving techniques, primary design objectives of the Project intended to meet the standard of design and construction described throughout this RFP (including approach to streetscape and minimizing the impact of off-street parking accommodations), level of engagement anticipated by the Applicant, and specific high performance and sustainable design opportunities appropriate for this Project. This description should identify:

- A rationale for the design concept chosen for the new development that includes circulation (private and public), new building configuration and lot coverages, heights, orientation and relationship to surroundings, primary building materials, major architectural features, and sustainable design elements
- Type, location, and total Project square footage (gross and saleable or rentable, including basement(s), if applicable), as well as total square footage breakdown for each use, including residential units, community facilities, open space, and parking
- Type, number, and characteristics of the residential units, including unit distribution, number of bedrooms, approximate square footages, amenities, and pricing structures
- Cable/Internet and any other voice/data communications wiring and any design features incorporated into the residential units to facilitate live/work arrangements
- Detailed description of the relevant aspects of the community facility component of the Project, including proposed uses/program components, square footage allocated to each use/program component, type and number of tenants, rental rate by size (if applicable), and a list of potential and committed tenants for the proposed Project along with letters of interest and/or intent from tenants and lease terms
- Detailed description of construction methods, foundation type(s), and building systems for all new buildings
- Description and location of all mandatory infrastructure and other public improvements, including public and private open spaces, landscaping, and parking
- If applicable, a general discussion of the rationale for the proposed phasing of residential and community facility development and how this phasing plan is impacted by the requirements for providing infrastructure and other public improvements
- Description of how development complies with all zoning and other legal requirements
- Brief description and experience of Development Team Principals involved in the Project, including the role and experience of the not-for-profit partner
- Description of ownership structure (current and future) and financial agreements
- Employment generation analyses (construction and permanent jobs); affirmative steps to include local-, minority-, and women-owned business enterprises when issuing solicitations from subcontractors; and proposed wages (i.e., living or prevailing) for construction workers

This description should also address the following questions:

- How did you choose this design concept? Why is it appropriate?
- Where are there similar developments? How successful have they been?
- How will this plan effectively position the Development Site as a desirable location to live/work/play/learn/visit?
- How will the new residents of the Site:
 - Get the goods and services they need?
 - Get to and from their places of employment?

- Interact with each other?
- Access public open space and amenities?
- What type of jobs will be provided at the Site? How will this positively impact the surrounding community?

Applicants should provide any additional pertinent information that is not addressed above.

EXHIBIT H: Financing Proposal

Form H1 – Condo/Co-op Project Income and Affordability (Tab H)

Financing outlined below must reflect the guidelines outlined in **Section VI (Submission Requirements)**.
 Ownership Type: [] Condo [] Co-op

Residential

Residential Gross Square Feet: _____

Residential Saleable Square Feet: _____

Unit Size	# of Units	# of Rooms	Avg. sq. ft. per Unit	Affordability (% of AMI)	Avg. Sales Price	A	B	C	Total Monthly Housing Cost (sum of columns A, B, and C)	Total Annual Revenue to Co-op/Condo***
						Owner Monthly Mortgage Payment*	Monthly Utilities (Gas and Electric)	Maintenance to Condo/Co-op**		
Studio										
1 BR										
2 BR										
3 BR										
Other Type										
Other Type										
Super										
Total										

* On a separate page, briefly describe how the monthly mortgage payment, other housing expenses, and rental income were calculated. Use assumptions from **Section VI.C. (Contents of Proposal and Tabbing)** and include additional assumptions regarding the end loan interest rates, down payment requirements, mortgage terms, taxes, insurance, and housing expense ratios.

** Maintenance payments to the Condo/Co-op should include debt service on any underlying mortgage, and taxes for co-ops.

*** # of units x Maintenance x 12

Community

	Community	Total
Gross Square Feet		
Rentable Square Feet		
Average Annual Rent per Square Foot		
Gross Annual Rent		
	Less 10% Vacancy	
	Total Annual Rent	

Parking

	Community	Residential	Total
Number of Spaces			
Purchase or Average Annual Rent Price per Space			
Gross Annual Rent (if applicable)			
	Less 10% Vacancy (if applicable)		
	Total Annual Rent (if applicable)		

Form H2 – Rental Project Income and Affordability (Tab H)

Financing outlined below must reflect the guidelines outlined in **Section VI (Submission Requirements)**.

Residential

Residential Gross Square Feet:						
Residential Rentable Square Feet:						
Unit Size	# of Units	# of Rooms	Avg. sq. ft. per Unit	Affordability (% of AMI)	Avg. Monthly Net Rent per Unit	Annual Rent
Studio						
1 BR						
2 BR						
3 BR						
Other Type						
Other Type						
Super						
Total						
					Less 5% Vacancy	
					Total Annual Rent	

Community

	Community	Total
Gross Square Feet		
Rentable Square Feet		
Average Annual Rent per sq. ft.		
Gross Annual Rent		
		Less 10% Vacancy
		Total Annual Rent

Parking

	Community	Residential	Total
Number of Spaces			
Avg. Annual Rent per Space			
Gross Annual Rent			
		Less 10% Vacancy	
		Total Annual Rent	

Form H3 – Purchase Price and Affordability Calculations (Tab H)

Financing outlined below must reflect the guidelines outlined in **Section VI (Submission Requirements)**. Purchase price and affordability levels must be calculated using the assumptions included in the tables below. Percent AMI affordability for given purchase prices must be calculated using the formulas in the tables below.

Provide calculations on separate worksheets for each unit model type, including unit count, room counts, and net square footages of living space.

Unit Count: _____ Room Count: _____ Net SF Living Space: _____

		Assumptions	Calculation
A	Unit Price		
B	Down Payment	10%	$A \times .1$
C	Mortgage Finance Basis		$A - B$
D	Annual Fixed Interest Rate	7%	
E	Length of Mortgage Term in Years	30	
F	Monthly Payment Principal and Interest		PMT Calculation
G	Monthly Maintenance Charges	Include monthly taxes for co-ops only, including assumptions for any proposed tax exemptions.	
H	Monthly Taxes (condos only) and Insurance	Include assumptions for any proposed tax exemptions.	
I	Total Monthly Gross Payment (PITI)		$F + G + H$
J	Total Annual Gross Payment		$I \times 12$
K	Percent of Income to Housing Deemed Affordable	33%	$J / .33$
L	Area Median Income for Purposes of Purchase Calculations	\$70,900 (NYC AMI for a family of four)	$K / 70,900$
M	Household Factor	See table below for appropriate household size	
N	% AMI Affordability		L / M

Apartment Size	Household Size	Household Factor
0-BR	1	.7
1-BR	1.5	.75
2-BR	3	.9
3-BR	4.5	1.04
4-BR	6	1.16
5-BR	7.5	1.28

Form H4 – Rent and Affordability Calculations (Tab H)

Financing outlined below must reflect the guidelines outlined in **Section VI (Submission Requirements)**. All rents by apartment size and affordability levels must be calculated using the assumptions and formulas included in the tables below. Reference the table below for household factors and utility allowances.

Provide calculations on separate worksheets for each unit model type, including unit count, room counts, and net square footages of living space.

Unit Count: _____ Room Count: _____ Net SF Living Space: _____

		Assumptions	Calculation
A	Household Factor	See table below for appropriate household size	
B	Area Median Income for Purposes of Rent Calculations	\$70,900 (NYC AMI for a family of four)	A x 70,900
C	% AMI Affordability		B x % AMI
D	Percent of Income to Housing Deemed Affordable	30%	C x .3
E	Total Monthly Gross Rent		D / 12
F	Utility Allowances	See table below for appropriate electricity and gas allowances by household size	
G	Total Monthly Net Rent to Development		E – F

Apartment Size	Household Size	Household Factor	Electricity Allowance	Gas Allowance
0-BR	1	.7	\$44	\$16
1-BR	1.5	.75	\$48	\$18
2-BR	3	.9	\$54	\$20
3-BR	4.5	1.04	\$62	\$20
4-BR	6	1.16	\$69	\$20
5-BR	7.5	1.28	\$69	\$20

Form H5 – Construction Period Uses of Funds (Tab H)

Complete separate forms for total development and each component (residential and community center) that will be separately financed. Attach a detailed explanation of all assumptions, used in calculations, including a breakdown of the community center costs.

	Amount
I. PROPOSED CASH PURCHASE PRICE	\$1
II. HARD COSTS	
Contractor's Price for Residential Component	
Contractor's Price for Community Component	
Hard Cost Contingency @ ____%	
TOTAL HARD COSTS	
III. SOFT COSTS	
A. Financing Costs	
Construction Interest	
Bank Commitment Fee	
Bank Letter of Credit Fee	
Bank Mortgage Insurance Premium	
Bond Issuance	
Negative Arbitrage	
Partnership Publication Fee (if utilizing LIHTC)	
Partnership Management Fee (if utilizing LIHTC)	
Cost Certification (if utilizing LIHTC)	
Other:	
Other:	
B. Pre-Construction Costs	
Appraisal	
Surveys	
Borings	
Title and Recording	
Mortgage Recording Tax	
Mortgage Insurance Premium	
Real Estate Taxes	
Water & Sewer, Utilities	
Permits & Fees (including tax exemption filing fee)	
Insurance	
Bonding/Letter of Credit	
Other:	
C. Professional Fees	
Architect & Engineer	
Landscape Architect/Urban Designer	
Lender Engineering Fee	
Environmental Services (CEQRA)	
Borrower Legal	
Lender Legal	
Syndication Legal (if utilizing LIHTC)	
Accounting	
Other:	
D. Sales/Lease-Up Costs	
Marketing/Sales	
Transfer Taxes (City and State)	
Other:	

Operative Reserve (if utilizing LIHTC)	
TOTAL SOFT COSTS	
IV. DEVELOPER FEE	
V. TOTAL DEVELOPMENT COST	

Form H6 – Construction Financing Sources (Tab H)

	Amount			
Equity		Description of Equity Source		
Cash Equity				
Other Equity Source				
Other Equity Source				
Total Equity				
Loans		Lender	Rate	Term
Bank Construction Loan				
2 nd Construction Loan				
3 rd Construction Loan				
Total Loans				
Total Sources of Funds*				

*This amount should be equal to the Total Development Cost.

Form H7 – Permanent Financing Sources (Tab H)

If the residential development is financed separately from the community development, please estimate the community Total Development Cost, and complete Permanent Sources of Financing for the residential component and Permanent Sources of Community Financing for the community component.

If the residential and community components are financed together, only complete Permanent Sources of Financing.

Permanent Sources of Financing

	Amount			
Sales Proceeds				
Equity		Description of Equity Source		
Cash Equity				
Other Equity Source				
Other Equity Source				
Total Equity				
Loans		Lender	Rate	Term
Bank 1 st Mortgage				
2 nd Mortgage				
Other				
Total Loans				
Total Sources of Funds*				

*This amount should be equal to the Total Development Cost.

Permanent Sources of Community Financing

	Amount			
Estimated Community Total Development Cost				
Equity		Description of Equity Source		
Cash Equity				
Other Equity Source				
Other Equity Source				
Total Equity				
Loans		Lender	Rate	Term
Bank Permanent Loan				
2 nd Permanent Loan				
3 rd Permanent Loan				
Total Loans				
Total Sources of Funds*				

*This amount should be equal to the Estimated Community Total Development Cost.

Form H8 – Condo/Co-op Pro Forma Income and Expense Schedule (Tab H)

Attach a detailed explanation of all assumptions used in calculations.

	Amount	Per DU	Per Room
I. REVENUES			
Gross Residential Income (This amount must correspond to estimates for Total Annual Revenue in Financing Proposal Form H1.)			
Less Vacancy @ _____%			
Net Residential Income			
Gross Community Income (This amount must correspond to estimates for Gross Income in Financing Proposal Form H2.)			
Less Vacancy @ _____%			
Net Community Income			
Laundry Income			
Parking Income			
Other Income:			
EFFECTIVE GROSS INCOME			
II. EXPENSES			
Janitorial/Cleaning Supplies			
Repairs & Replacements			
Painting			
Grounds Maintenance			
Heating			
Cooking Gas & Electric			
Office Supplies & Equipment			
Elevator Maintenance & Repairs			
Superintendent & Maintenance Staff Salaries			
Security @ _____ hours/day			
Management Fee			
Legal & Accounting/Auditing			
Fire/Liability Insurance			
Real Estate Taxes			
Water & Sewer Charges			
Capital Replacement Reserve			
Other (identify)			
TOTAL EXPENSES			
NET OPERATING INCOME			
III. DEBT SERVICE			
First Mortgage @ _____ DCR			
TOTAL DEBT SERVICE @ _____ DCR			
IV. TOTAL EXPENSES + TOTAL DEBT SERVICE			
V. NET CASH FLOW (NOI less TOTAL DEBT SERVICE)			

Form H9 – Rental Pro Forma Income and Expense Schedule (Tab H)

Attach a detailed explanation of all assumptions used in calculations.

	Amount	Per DU	Per Room
I. REVENUES			
Gross Residential Income (This amount must correspond to estimates for Total Annual Revenue in Financing Proposal Form H2.)			
Less Vacancy @ _____%			
Net Residential Income			
Gross Community Income (This amount must correspond to estimates for Gross Income in Financing Proposal Form H2.)			
Less Vacancy @ _____%			
Net Community Income			
Laundry Income			
Parking Income			
Other Income:			
EFFECTIVE GROSS INCOME			
II. EXPENSES			
Janitorial/Cleaning Supplies			
Repairs & Replacements			
Painting			
Grounds Maintenance			
Heating			
Cooking Gas & Electric			
Office Supplies & Equipment			
Elevator Maintenance & Repairs			
Superintendent & Maintenance Staff Salaries			
Security @ _____ hours/day			
Management Fee			
Legal & Accounting/Auditing			
Fire/Liability Insurance			
Real Estate Taxes			
Water & Sewer Charges			
Capital Replacement Reserve			
Other (identify)			
TOTAL EXPENSES			
NET OPERATING INCOME			
III. DEBT SERVICE			
First Mortgage @ _____ DCR			
Second Mortgage			
Third Mortgage			
TOTAL DEBT SERVICE @ _____ DCR			
IV. TOTAL EXPENSES + TOTAL DEBT SERVICE			
V. NET CASH FLOW (NOI less TOTAL DEBT SERVICE)			

EXHIBIT I: Environmental Proposal

To be provided by Applicant, if applicable

EXHIBIT J: Design/Architectural Documents

To be provided by Applicant

Form J1 – HPD Sustainable Design Criteria (Tab J)

Improvement Category	Type of Improvement		LEED™ Point Value	Location in Sustainability Narrative (list page #)	Location of Improvement Description in Design/Architectural Documents (list the page/drawing number)			For HPD Use Only		
	HPD Required Sustainable Elements are described in the RFP scope.	The remainder of the improvements (starting with sustainable site design): <u>Refer to LEED™ Rating System for description of the Intent</u> http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf			Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented?	LEED™ points earned
HPD Required Sustainable Elements										
Required	1	Low E aluminum/fiberglass windows, insulated apartment doors with weather stripping, building entry door with weather stripping and thermally broken aluminum frame, and draft preventing window and door details	N/A							N/A
Required	2	Reduced set points for domestic hot water recirculation	N/A							N/A
Required	3	Kitchen and bathroom mechanical ventilation timer control	N/A							N/A
Required	4	Energy Star refrigerator	N/A							N/A
Required	5	Compact fluorescent, T8 electronic lighting, bi-level lighting for public spaces	N/A							N/A
Required	6	Photocell control for lighting fixtures of indoor and outdoor lighting	N/A							N/A
Required	7	LED exit signs	N/A							N/A
Required	8	Low flow fixtures for bathrooms and kitchens	N/A							N/A
Required ²	9	Low albedo/white Roof (flat roofs only)	N/A							N/A
Required	10	Planter in backyard	N/A							N/A

Note:

Shaded rows are required elements.

² A white roof is required, but additional points can be earned by proposing another roof design to reduce the heat island.

Improvement Category	Type of Improvement		LEED™ Point Value	Location in Sustainability Narrative (list page #)	Location of Improvement Description in Design/Architectural Documents (list the page/drawing number)			For HPD Use Only		
	HPD Required Sustainable Elements are described in the RFP scope.	The remainder of the improvements (starting with sustainable site design): <u>Refer to LEED™ Rating System for description of the Intent</u> http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf			Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented?	LEED™ points earned
Sustainable Site Design										
Required	11	Erosion & Sedimentation Control	N/A							N/A
	12	Site Selection	1							
	13	Urban Redevelopment	1							
	14	Brownfield Redevelopment	1							
	15	Alternative Transportation, Public Transportation Access	1							
	16	Alternative Transportation, Bicycle Storage & Changing Rooms	1							
	17	Alternative Transportation, Alternative Fuel Vehicles	1							
	18	Alternative Transportation, Parking Capacity and Carpooling	1							
	19	Reduced Site Disturbance, Protect or Restore Open Space	1							
	20	Reduced Site Disturbance, Development Footprint	1							
	21	Stormwater Management, Rate and Quantity	1							
	22	Stormwater Management, Treatment	1							
	23	Landscape & Exterior Design to Reduce Heat Islands, Non-Roof	1							
Required ³	24	Landscape & Exterior Design to Reduce Heat Islands, Roof	N/A: white roof only 1: beyond white roof							N/A/1
	25	Light Pollution Reduction	1							

Note:

Shaded rows are required elements.

³ A white roof is required, but additional points can be earned by proposing another roof design to reduce the heat island.

Improvement Category	Type of Improvement		LEED™ Point Value	Location in Sustainability Narrative (list page #)	Location of Improvement Description in Design/Architectural Documents (list the page/drawing number)			For HPD Use Only		
	HPD Required Sustainable Elements are described in the RFP scope.	The remainder of the improvements (starting with sustainable site design): <u>Refer to LEED™ Rating System for description of the Intent</u> http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf			Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented?	LEED™ points earned
Water Efficiency										
	26	Water Efficient Landscaping , Reduce by 50%	1							
	27	Water Efficient Landscaping , No Potable Use or No Irrigation	1							
	28	Innovative Wastewater Technologies	1							
	29	Water Use Reduction , 20% Reduction	1							
	30	Water Use Reduction , 30% Reduction	1							

Improvement Category	Type of Improvement		LEED™ Point Value	Location in Sustainability Narrative (list page #)	Location of Improvement Description in Design/Architectural Documents (list the page/drawing number)			For HPD Use Only		
	HPD Required Sustainable Elements are described in the RFP scope.				Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented?	LEED™ points earned
	The remainder of the improvements (starting with sustainable site design): <u>Refer to LEED™ Rating System for description of the Intent</u> http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf									
Energy & Atmosphere			1							
Required	31	Fundamental Building Systems Commissioning ** TO BE DETERMINED **	N/A							
Required	32	Minimum Energy Performance	N/A						N/A	
Required	33	CFC Reduction in HVAC&R Equipment	N/A						N/A	
	31	Optimize Energy Performance, Include percentage of reduced energy cost in narrative	20% 2 pts 30% 4 pts 40% 6 pts 50% 8 pts 60% 10 pts							
	32	Renewable Energy, 5%	1							
	33	Renewable Energy, 10%	1							
	34	Renewable Energy, 20%	1							
	35	Additional Commissioning	1							
	35	Ozone Depletion	1							
	36	Measurement & Verification	1							
	37	Green Power	1							

Note:

Shaded rows are required elements.

Improvement Category	Type of Improvement		LEED™ Point Value	Location in Sustainability Narrative (list page #)	Location of Improvement Description in Design/Architectural Documents (list the page/drawing number)			For HPD Use Only		
	HPD Required Sustainable Elements are described in the RFP scope.	The remainder of the improvements (starting with sustainable site design): <u>Refer to LEED™ Rating System for description of the Intent</u> http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf			Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented?	LEED™ points earned
Materials & Resources			1							
Required	38	Storage & Collection of Recyclables	N/A							N/A
	39	Construction Waste Management, Divert 50%	1							
	40	Construction Waste Management, Divert 75%	1							
	41	Resource Reuse, Specify 5%	1							
	42	Resource Reuse, Specify 10%	1							
	43	Recycled Content, Specify 5% (post-consumer + ½ post-industrial)	1							
	44	Recycled Content, Specify 10% (post-consumer + ½ post-industrial)	1							
	45	Local/Regional Materials, 20% Manufactured Locally	1							
	46	Local/Regional Materials, of 20% Above, 50% Harvested Locally	1							
	47	Rapidly Renewable Materials	1							
	48	Certified Wood	1							

Note:

Shaded rows are required elements.

Improvement Category	Type of Improvement		LEED™ Point Value	Location in Sustainability Narrative (list page #)	Location of Improvement Description in Design/Architectural Documents (list the page/drawing number)			For HPD Use Only		
	HPD Required Sustainable Elements are described in the RFP scope.	The remainder of the improvements (starting with sustainable site design): Refer to LEED™ Rating System for description of the Intent http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf			Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented?	LEED™ points earned
Indoor Environmental Quality										
Required	49	Minimum IAQ Performance	N/A							N/A
Required	50	Environmental Tobacco Smoke (ETS) Control	N/A							N/A
	51	Carbon Dioxide (CO2) Monitoring	1							
	52	Ventilation Effectiveness	1							
	53	Construction IAQ Management Plan, During Construction	1							
	54	Construction IAQ Management Plan, Before Occupancy	1							
	55	Low-Emitting Materials, Adhesives & Sealants	1							
	56	Low-Emitting Materials, Paints	1							
	57	Low-Emitting Materials, Carpet	1							
	58	Low-Emitting Materials, Composite Wood & Agrifiber	1							
	59	Indoor Chemical & Pollutant Source Control	1							
	60	Controllability of Systems, Perimeter	1							
	61	Controllability of Systems, Non-Perimeter	1							
	62	Thermal Comfort, Comply with ASHRAE 55-1992	1							
	63	Thermal Comfort, Permanent Monitoring System	1							
	64	Daylight & Views, Daylight 75% of Spaces	1							
	65	Daylight & Views, Views for 90% of Spaces	1							

Note:

Shaded rows are required elements.

Improvement Category	Type of Improvement		LEED™ Point Value	Location in Sustainability Narrative (list page #)	Location of Improvement Description in Design/Architectural Documents (list the page/drawing number)			For HPD Use Only		
	HPD Required Sustainable Elements are described in the RFP scope.	The remainder of the improvements (starting with sustainable site design): <u>Refer to LEED™ Rating System for description of the Intent</u> http://www.usgbc.org/Docs/LEEDdocs/LEED_RS_v2-1.pdf			Land Use Site Plan	Floor Plans	Color Renderings/Elevation	Is this element proposed?	Is this element documented?	LEED™ points earned
Innovation & Design Process										
	66	LEED™ Accredited Professional	1							
							Are all required elements included in the proposal?			
							A. Total LEED™ Points earned:			
							B. Max. LEED™ points proposed for Site:			
							TOTAL RFP POINTS EARNED (A / B * max RFP points):			

EXHIBIT K: Marketing Plan

To be provided by Applicant

EXHIBIT L: Development Schedule

To be provided by Applicant

EXHIBIT M: Additional Evidence of Experience and Qualifications

To be provided by Applicant