

REQUEST FOR OFFERS



Department of
Housing Preservation
& Development



REQUEST FOR OFFERS

ISSUE DATE: **April 25, 2011 – May 13, 2011**

PRE-SUBMISSION
CONFERENCE: **May 16, 2011 at 3:30 pm**

DUE DATE: **June 13, 2011**

MICHAEL R. BLOOMBERG, MAYOR
ROBERT K. STEEL, DEPUTY MAYOR
MATHEW M. WAMBUA, COMMISSIONER

nyc.gov/hpd

I. Request for Offer (RFO)

The Department of Housing Preservation and Development (HPD) is requesting offers from parties interested in purchasing any of these four City-owned commercial properties located at 151 East Tremont Avenue (Block: 2808, Lot: 4), 4382 Third Avenue (Block 3062, Lot 3) in the borough of The Bronx, 27 Hooper Street (Block: 2197, Lot: 33) and 35 Livonia Avenue and adjacent vacant lot (Block: 3567, Lots: 5 and 6) in the borough of Brooklyn from the City of New York (the City). Both individuals and business entities are invited to participate in this initiative to return these buildings to private ownership. These buildings will be sold in “as-is” condition to offerors meeting the criteria described in this RFO. The ability to secure financing to satisfy the purchase price is the sole responsibility of the purchaser.

HPD will NOT offer any subsidies or financial incentives related to the sale or rehabilitation or redevelopment of these properties.

A. Pre-submission Conference:

HPD will hold a pre-submission conference at 100 Gold Street, Meeting Room 1R, on Monday, May 16, 2011 from 3:30 pm to 5:00 pm. The purpose of the conference is to answer any questions regarding the contents of the RFO. No new information is expected to be disclosed. However, interested individuals and firms are encouraged to attend, as there will be no other opportunity to ask questions about this solicitation. **Attendance is not mandatory.**

You are encouraged to submit questions for the pre-submission conference in advance. Questions may be sent by mail to the Department of Housing Preservation and Development, Asset Sales Program, 100 Gold Street, Asset Sales Program by facsimile to (212) 863-6411.

II. Inspection of Properties

You are **required** to attend an inspection of the property. During the inspection you will be given a Verification of Attendance at Inspection form signed by an HPD representative. A sample of this verification is provided as **Tab 3**. **YOUR OFFER WILL NOT BE CONSIDERED UNLESS A COMPLETED FORM IS SUBMITTED WITH YOUR OFFER.**

PROPERTIES INSPECTIONS SCHEDULE

LOCATION	DATES	HOURS
27 Hooper Street, Brooklyn	Tuesday May 17, 2011 and Wednesday, May 18, 2011	11:00 am to 3:00 pm 11:00 am to 3:00 pm
35 Livonia Avenue + adjacent vacant Lot	Tuesday May 17, 2011 and Wednesday, May 18, 2011	11:30 am to 3:30 pm 11:30 am to 3:30 pm
151 East Tremont Avenue, Bronx	Thursday, May 19, 2011 and Friday, May 20, 2011	11:00 am to 3:00 pm 11:00 am to 3:00 pm
4382 Third Avenue, Bronx	Thursday, May 19, 2011 and Friday, May 20, 2011	11:30 am to 3:30 pm 11:30 am to 3:30 pm

III. Description of Buildings Included in the Request For Offer

A. Included in this RFO package is information on the buildings being offered and the building inspection schedule. The information for the buildings includes the following:

- ◆ Address
- ◆ Block/Lot
- ◆ Building size/ Lot size
- ◆ Zoning information

B. The purchaser will be required to accept the property in its “as-is” condition as of title closing and to acknowledge not having relied on any representation or warranty concerning the properties, their condition, state of title, or lawful use. Descriptions of the properties, or statements made by officials, agents, and employees of the City concerning the properties, including, but not limited to, any information set forth in this RFO, are for information only and should be verified by purchasers. No such description or statement shall be deemed to be a representation or warranty.

IV. Eligibility Criteria

Offerors must meet the following minimum eligibility requirements in order for their Offer to be considered. **FAILURE TO MEET THRESHOLD CRITERIA WILL DISQUALIFY THE OFFEROR FROM CONSIDERATION.**

Please note: If the offer is submitted by a partnership or joint venture, each partner must meet the minimum eligibility requirements, as outlined below in section “A.” At least one of the partners must meet each of the selection criteria below, sections “A & B.”

A. Minimum Eligibility Requirements:

1. The offer must include all information requested under Section IV of this RFO. Upon review, HPD, at its discretion, may notify an offeror that additional information or clarification is necessary.
2. An offeror may be rejected at any time during the evaluation process if adverse findings are made with regard to the offeror or any of its principals or related entities, or any properties owned by the principal or related entities, including, but not limited to, adverse findings with respect to any of the following:
 - ◆ Past or pending City mortgage foreclosure proceedings or arrears.
 - ◆ Past or pending Governmental tax or lien foreclosure, substantial tax arrears or bankruptcy or insolvency.
 - ◆ A record of substantial code violations or litigation.
 - ◆ Findings of tenant harassment or a pending case.
 - ◆ Arson, fraud, bribery, or grand larceny conviction or pending case.
 - ◆ Past or pending default on any obligation to, unsatisfied judgment or lien held by, or contract with any governmental agency.
 - ◆ Past or pending suspension, debarment, or finding of non-responsibility by any government agency.
 - ◆ Past or pending voluntary or involuntary bankruptcy proceeding.

- ◆ A negative history with HPD or any other government agency.

B. Evidence of Financial Ability:

Offerors must provide evidence of financial ability to purchase the property.

1. Personal funds (Complete **TAB 4**, provide name of bank), contact person and contact person's telephone number.
2. Funds borrowed from a lending institution.
3. Grants from outside sources.
4. Funds borrowed from other sources.

Eligibility of City Employees to Purchase

Please note that the following persons may not submit an offer or purchase property: elected officials, employee(s) of HPD, or any City employee who has participated in decisions or matters affecting the disposition of the City property to be sold or has such matters under active consideration.

Conflicts of Interest: Employees shall comply with the Conflicts of Interest provisions of Chapter 68 of the New York City Charter. Any employee may ask the Conflicts of Interest Board about the propriety of a particular transaction, interest or activity, either by written inquiry addressed to 2 Lafayette Street, Suite 1010, New York, New York 10007 or by telephone inquiry at (212) 442-1400.

V. Submission Requirements

Processing Fee:

There is a One Hundred Dollar (\$100.00) processing fee for each offer submitted, which must be paid by certified check, bank check or money order payable to **NYC Department of Housing Preservation and Development**.

Submission of Offer:

ONE ORIGINAL AND TWO COPIES OF EACH OFFER MUST BE SUBMITTED. ALL SUBMISSIONS AND PROCESSING FEES MUST BE DELIVERED TO HPD AT 100 GOLD STREET, 9TH FLOOR SECTION O, NEW YORK, NEW YORK, 10038 NO LATER THAN 4:00 PM, FRIDAY, JUNE 13, 2011. WE ADVISE RESPONDENTS NOT TO MAIL THEIR SUBMISSIONS FOR THIS RFO.

Every individual or business entity submitting an offer must attach the following information. If members of a family or any partnership are submitting an offer jointly, each member must supply the required documentation.

1. Application Summary and Profile of Applicant (**Provided as TAB 1**)
 - If offeror is a partnership or corporation, provide a separate summary for each entity.
 - Please print clearly the address of the building for which you are submitting an offer.
2. Urban Development Action Area Project (UDAAP) Affidavit form (**Provided as TAB 2**)

3. Verification of Attendance At Inspection(s)
During the inspection you will be given a Verification of Attendance At Inspection form **(sample form provided as Tab 3)** signed by an HPD representative. This Verification of Attendance At Inspection form must be submitted with your offer(s). Completed forms will be available at sites on property inspection days as per the schedule provided.
4. Financing and Redevelopment Information **(Provide and label as TAB 4)**. Plan for financing purchase, including source of funds (individual or institutional) and acknowledgement by that source that they have expressed interest in participating in the project should be provided. Plan for the rehabilitation or redevelopment of the property should be provided, if applicable.
5. Authorization To Inspect and Principal's Property Listing Forms **(Provided as TAB 5)**
6. Affirmation Statement **(Provided as TAB 7)**
7. Offer Form **(Provided as TAB 8)**

VI. Terms and Conditions

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

1. The City is not obligated to pay, nor shall it in fact pay any costs or losses incurred by any offeror, including the cost of responding to this RFO.
2. The City reserves the right to reject at any time any or all offers and/or to withdraw this RFO in whole or in part, to negotiate with one or more applicants, and/or to dispose of the sites on terms other than those set forth herein.
3. This RFO and any agreement or other documents 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.
4. This RFO does 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 Offeror and the City.
5. Each sale is subject to approval through the City's Uniform Land Use Review Procedure (ULURP) and the Urban Development Action Area Act (UDAAP), which includes reviews and/or approval by the local Community Board, Borough Board, City Planning Commission, City Council and the Office of the Mayor.
6. The purchaser will be responsible for state and local transfer taxes and prorated real estate taxes at closing.

All sales will be made subject to:

1. Building restrictions and zoning regulations in effect up to title closing and any facts disclosed in the City of New York tax and zoning maps and zoning resolutions.
2. Covenants, agreements, restrictions, easements, whether of record or not, encroachments, utility easements and rights of way, if any, affecting the property, provided that the same do not prohibit the maintenance or use of an existing property. The provision of all laws, codes, statutes, ordinances, acts, rules, regulations, etc. of any local, state or federal government, or any agency or subdivision thereof, having jurisdiction, or any violations of same, existing at time of sale and/or title closing.

**APPLICATION SUMMARY
AND
PROFILE OF APPLICANT**

**ASSET SALES PROGRAM
REQUEST FOR OFFER**

All applicants must complete this form as well as the questionnaire attached.

If the applicant is a joint venture, a separate questionnaire and attachments must be provided for each entity that comprises the joint venture. If the applicant is a newly formed joint venture or business, information on the entity including but not limited to management and rehabilitation experience must be provided.

If additional space is needed, please submit separate sheets identifying the questions being answered on each sheet.

A. NAME OF APPLICANT(S): _____

ADDRESS: _____

CONTACT PERSON: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

FAX NUMBER: _____

B. IS THE APPLICANT A JOINT VENTURE? YES { } NO { }

If yes, list below the name, address, and phone number of each entity which comprises the applicant entity stated above, and the percentage of ownership interest in the joint venture.

Name of Entity	Address	% of Ownership
----------------	---------	----------------

C. Please indicate below the address of property you are interested in purchasing, if qualified.

If the applicant is other than a joint venture, partnership, corporation or other business entity, please skip questions 1 through 3.

NAME OF APPLICANT: _____

ENTITY NAME

COMPLETING QUESTIONNAIRE: _____

1. PRINCIPALS

- (A) Provide the following information about all principals of this entity. For corporations: provide the names of the officers and controlling shareholders (those owning 30% or more). For partnerships, provide the names of all general partners.

Name/Position/Title	Home Address	Social Security Number #	% Ownership

2. ORGANIZATION STRUCTURE

- (a) Type of Organization: Sole proprietorship { } Partnership { } Corporation { }

- (b) Do any principals and/or officers maintain a business relationship with or have an ownership interest in another entity?

Yes { } No { }

If YES, provide the following information:

Name of Principal/Officer	Name, Address, Telephone No. For Affiliated Entity	Position with and % Interest In Company

- c. Is entity owned in full or in part by another entity of investor(s)? Yes { } No { }

IF YES, PROVIDE THE FOLLOWING INFORMATION

Name of Entity/Investor	Address and Phone	% of Ownership

3. OTHER

Has any principal identified on page 1, or any organization in which the principal is or was a general partner, or corporate officer, or owned more than 10% of the shares of the corporation, been the subject of any of the following:

	YES	NO
A. Arson conviction, or pending case;		
B. Harassment complaint filed by the New York State Division of Housing and Community Renewal		
C. Pending or active cases with HPD's Housing Litigation Bureau:		
D. City Mortgage foreclosure or current City loans more than 90 days in arrears;		
E. Default on any contract obligation or agreement of any kind or nature whatsoever entered in to with the City of New York;		
F. In the last 5 years, failed to qualify as a responsible bidder or refused to enter into a contract after an award has been made privately of with any government		
G. In the last 7 years, filed a bankruptcy petition or been the subject of involuntary bankruptcy proceedings?		
H. In the last 5 years, failed to file any required tax returns, or failed to pay any applicable Federal, State, or New York City taxes or other charges?		
I. Fraud, bribery, or grand larceny conviction?		

If YES, please state the following information: **(if more than one box is answered "YES", please provide information on separate sheet and label "other Tab/page 7")**

Name of principals: _____

(2) Name of organization/corporation and if an officer, state title:

(3) Date of Action: _____

(4) Current Status of Action: _____

(5) Explanation of Circumstances: _____

 Name of Applicant

 Signature

 Date

 Print or Type Name

URBAN DEVELOPMENT ACTION AREA PROJECT AFFIDAVIT

PROPERTY: _____

BLOCK: _____

LOT: _____

COUNTY: _____

PURCHASER: _____

STATE OF NEW YORK)

)ss:

COUNTY OF NEW YORK)

The undersigned, the purchaser named above (or principal of purchaser, if applicable) hereby acknowledges, that pursuant to Article 695 of the General Municipal Law, the purchaser is not (i) a former owner in fee of all or part of the above named property or of any other property in the City of New York which was acquired by the City of New York through real property tax or other lien enforcement proceedings; (ii) a spouse of such a former owner; (iii) a business entity substantially controlled by such owner: or (iv) any successor in interest to such a former owner.

Signature

Title (if applicable)

Sworn to before me this _____
day of _____, 201 _____

Notary Public

VERIFICATION OF ATTENDANCE AT INSPECTION

This certifies that on _____ the following person(s) or
representative(s) of _____ inspected the property
_____ in the borough of

PRINT NAME

SIGNATURE

HPD/ASSET SALES PROGRAM REPRESENTATIVE

PRINT NAME

SIGNATURE

FINANCING AND REDEVELOPMENT INFORMATION

TAB 4 is to be provided by the offeror, indicating the sources of your funding for the acquisition of the property that you are interested in purchasing. In addition, you should indicate the intended use of the property and if you intend to rehabilitate the building, construct a new building, or leave the building in its current condition. If you intend to pursue rehabilitation or new construction, you should indicate the expected timeframe for the completion of the project.

Sources of funds may include personal funds available to you or funds obtained from an institutional lender. Personal bank statements, letter of credit from a bank or mortgage pre-approval from a lending institution are acceptable forms of documentation that funding is available.

AUTHORIZATION TO INSPECT

I \ We hereby authorize the representatives of the New York City Department of Housing Preservation and Development to inspect any property owned or managed by applicant without prior notification to conduct such inspection(s).

PRINT NAME _____SIGNATURE _____DATE _____

AFFIRMATION STATEMENT

Full name of Proposer or Offeror _____

Address _____

City _____ State _____ Zip Code _____

CHECK ONE BOX AND INCLUDE APPROPRIATE NUMBER

[] A – Individual or Sole Proprietorship
SOCIAL SECURITY NUMBER

[] B – Partnership, Joint Venture or other unincorporated organization
EMPLOYER IDENTIFICATION NUMBER

[] C – Corporation
EMPLOYER IDENTIFICATION NUMBER

BY _____
Signature

Title

If a corporation, place seal here.

Must be signed by an officer or duly authorized representative.

Under the Federal Privacy Act the furnishing of Social Security Numbers by offeror on City Contracts is voluntary. Failure to provide a Social Security Number will not result in an offeror's disqualification. Social Security Numbers will be used to identify bidder's proposers or vendors to ensure their compliance with laws, to assist the City in enforcement of laws as well as to provide the City a means of identifying businesses that seek City contracts.

OFFER FORM

As required by the Request for Offers ("RFO"), I (we) submit the following offer:

Name of Offeror:

Address of Offeror:

Telephone number: _____

Name of Entity Principals (if applicable) _____

Address of Property Interested in Purchasing:

Purchased Price Offered:

Name (Print)

_____201_____

Sworn to me:

This ____ day of

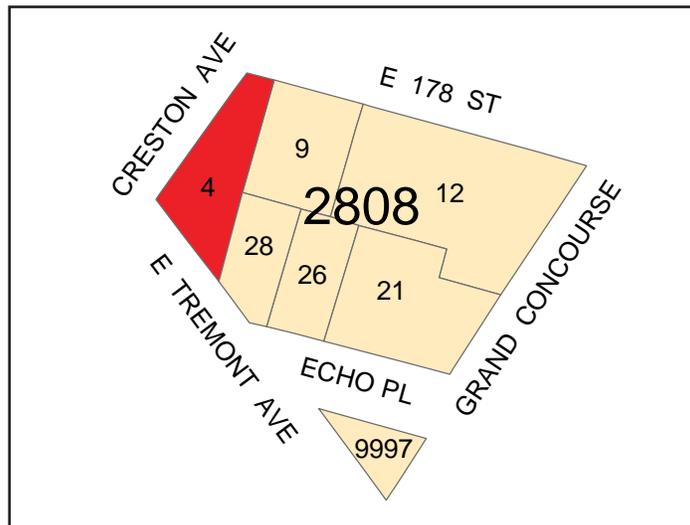
Signature

Name (Print)

Signature

Notary Public

151 East Tremont Avenue
Block: 2808 Lot: 4

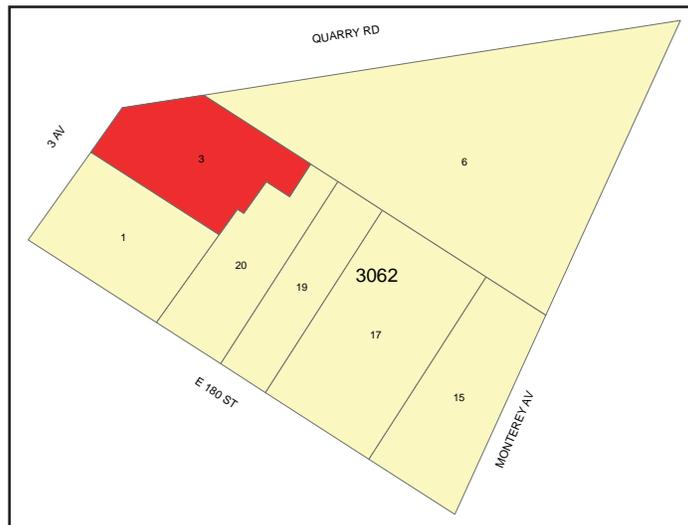


Building Information

Lot Dimensions126.22' x 82.1'
Lot Area6,750 Sq. Ft.
of Stories2
Gross Building Area.....13,500 Sq. Ft.
Department of Buildings Classification.....09 OFFICE BUILDING
Zoning ClassificationR8

Minimum Bid Price \$815,000

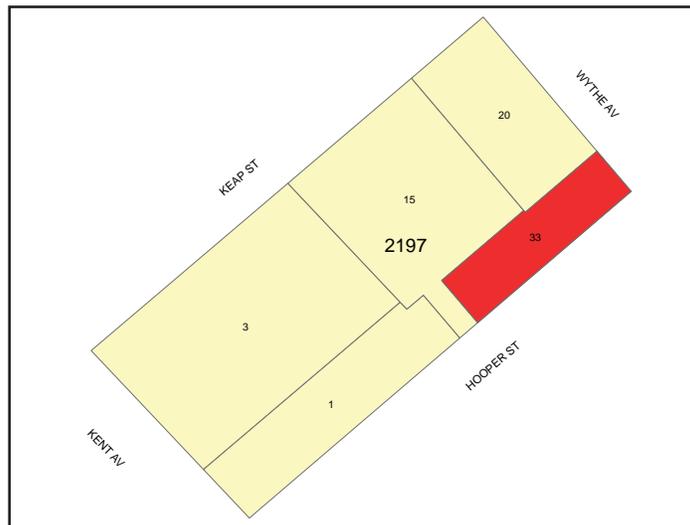
4382 3rd Avenue
Block: 3062 Lot: 3



Building Information

Lot Dimensions62.00' x 67.17'
Lot Area4,165 Square Feet
of Stories2
Gross Building Area.....8,326.08 Square Feet
Department of Buildings Classification.....K2 – Two story store or store/office
Zoning ClassificationR7-1 with commercial overlay C2-4

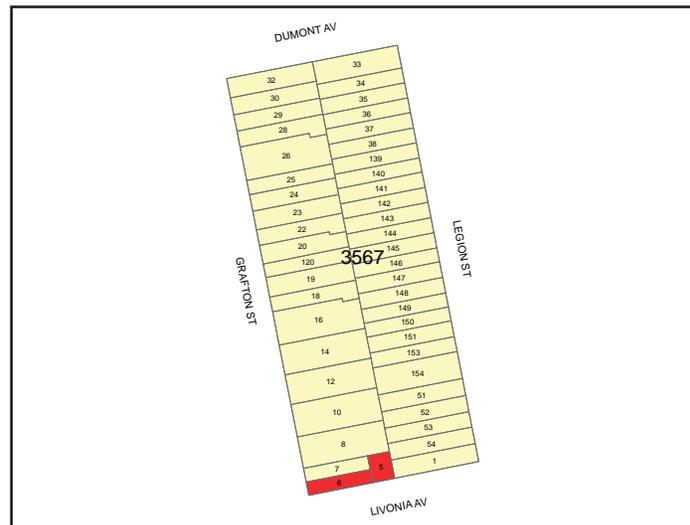
27 Hooper Street
Block: 2197 Lot: 33



Building Information

Lot Dimensions.....45' x 176.75'
Lot Area7,953.75 Sq. Ft.
of Stories3
Gross Building Area.....23,861.25 Square Feet
Department of Buildings Classification.....09-Office Building
Zoning ClassificationM1-2

35 Livonia Avenue
 Block: 3567 Lots: 5 and 6



Lot 5 Building Information

Lot Dimensions..... 25' x 30.17'
 Lot Area 754.25 Sq. Ft.
 # of Stories 1
 Gross Building Area..... 754.25 Square Feet
 Department of Buildings
 Classification..... G9-GARAGE/GAS STAT'N
 Zoning Classification R6

Lot 6 Information

Lot Dimensions..... 15.00' x 75.00'
 Lot Area 1,125 Sq. Ft.
 Department of Buildings
 Classification..... V2-VACANT LAND
 Zoning Classification R6