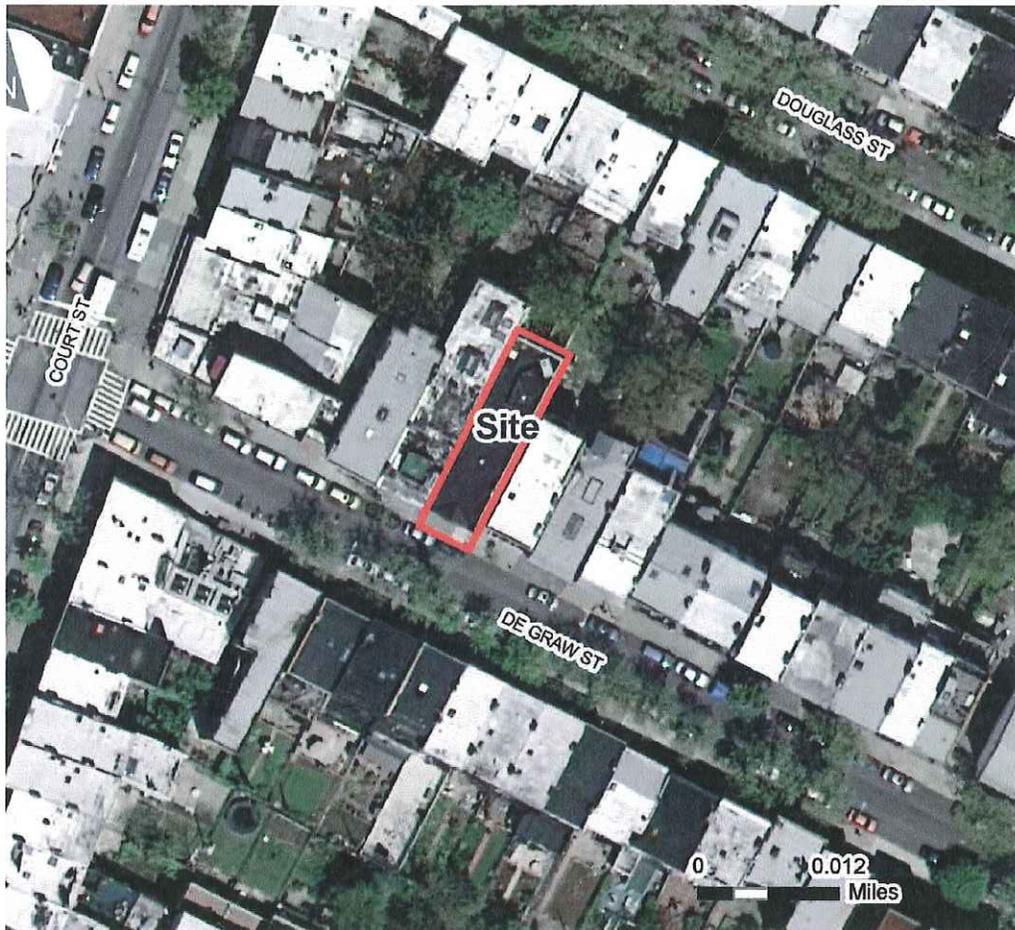


New York City Economic Development Corporation

# Request for Proposals



## DeGraw Street Firehouse Redevelopment

Release Date: Friday, July 27, 2007

Submission Date: Monday, September 17, 2007



NEW YORK CITY. MAKE IT HERE.



The City of New York Department of  
Housing Preservation and Development

# TABLE OF CONTENTS

TABLE OF CONTENTS .....	1
INTRODUCTION/OBJECTIVE .....	2
Map 1: Site Location.....	3
SITE CONTEXT & DESCRIPTION.....	4
Existing Conditions.....	4
Zoning and Land Use.....	4
Transportation and Parking.....	4
Map 2: Area Zoning.....	5
Map 3: Area Land Use.....	6
Map 4: Transportation.....	7
DEVELOPMENT GOALS AND GUIDELINES.....	8
Development Goals:.....	8
Development Guidelines:.....	8
Development Process:.....	8
PROPOSAL REQUIREMENTS.....	9
SELECTION CRITERIA.....	11
DISPOSITION PROCESS.....	12
Public Review Process/Environmental Review.....	12
Negotiation Period.....	12
INFORMATIONAL MEETING/QUESTIONS.....	13
HOW TO SUBMIT.....	13
CONDITIONS, TERMS, AND LIMITATIONS.....	13
FURTHER INFORMATION.....	13
APPENDIX 1: Development Team Information and Applicant Questionnaire.....	14
APPENDIX 2: Green Building Information.....	26
APPENDIX 3: Conditions, Terms, and Limitations.....	28

## INTRODUCTION/OBJECTIVE

New York City Economic Development Corporation (“NYCEDC”) and New York City Department of Housing Preservation and Development (“HPD”) are jointly seeking proposals for the rehabilitation and redevelopment of the former DeGraw Firehouse (the “Site”) located at 299 DeGraw Street in Brooklyn, New York.

The purpose of this Request for Proposals (“RFP”) is to solicit proposals from prospective respondents (“Respondents”) interested in leasing and redeveloping the Site as a community facility. This RFP seeks only proposals to lease the Site; the Site will not be sold. The Respondent ultimately selected for the project through this RFP is referred to herein as the “Selected Developer”. Only proposals from not-for-profit community entities and not-for-profit cultural institutions will be accepted. Potential uses for the Site may include office, workshop, classroom and multi-purpose space; community exhibition and meeting space; and performance and rehearsal space, among other uses.

The development for the Site should accomplish several important goals:

- Redevelop the Site into an active space for community, educational, and/or cultural use
- Reuse the Site in such a manner that directly benefits the surrounding community
- Preserve the character and appearance of the Site
- Create a financially feasible and economically viable project
- Rehabilitate the Site in accordance with existing zoning, and other regulatory controls
- Serve as a clear example of high-quality, sustainable design and construction

**Map 1: Site Location**

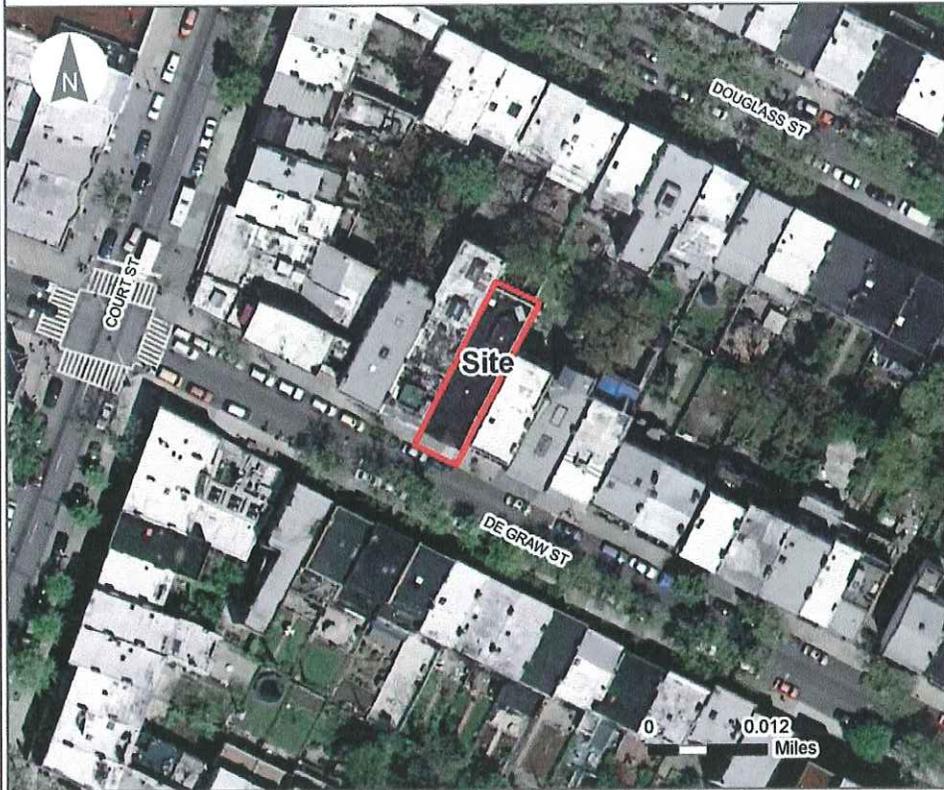
# MAP 1: SITE LOCATION

## DeGraw Street

Borough: Brooklyn  
Neighborhood: Cobble Hill  
Address: DeGraw Street  
Block: 414 Lot: 61  
Community District: 6



New York City  
Economic Development  
Corporation



Source: NYCEDC

## **SITE CONTEXT & DESCRIPTION**

Home to former Engine Company 204, the Site was decommissioned in May 2003 and is currently vacant. The 2-story building has 4,250 square feet of floor area and is located between Court and Smith Streets in the Cobble Hill neighborhood of Brooklyn; the building likely dates from the late 19th Century.

Cobble Hill was historically Italian and is renowned for its private Italianate style brownstone and brick row houses. Cobble Hill is primarily residential with commercial uses on the main streets including Court and Smith Streets.

In early 2007, the Deputy Mayor for Administration established a community steering committee ("Steering Committee") to develop plans and an adaptive reuse strategy for the Site, and to ensure that its future use would fit the needs of the local community. The Steering Committee includes representatives from the Mayor's Office, local City Council Members, various city agencies, the Borough President, and the Community Board. It is co-chaired by the local City Council Member. The goals, guidelines, and uses set forth in this RFP were developed by the Steering Committee.

### **Existing Conditions**

The Site is located on Block 414, Lot 61, in Community District 6 with a lot square footage of approximately 2,500 square feet and a building square footage of approximately 4,250 square feet. Based on a visual inspection conducted by HPD's Division of Architecture, Construction and Engineering (DACE), the structure appears to be in very good condition.

### **Zoning and Land Use**

The building is located in a residential R6 district, permitting residential and community facilities as of right. The maximum floor area ratio (FAR) is 2.43 for residential use and 4.8 for community facilities. A small portion of the site is located within a C1-3 commercial overlay district, which allows local retail uses at a maximum FAR of 2.0, but limited to one floor with a mixed-use building. Existing land uses surrounding the building are primarily residential. Additionally, the Site is located just east of the Cobble Hill Historic District.

DeGraw Street is a residential street with 3 and 4-story rowhouses and lot 61 is located between two 3-story residential buildings. Area land uses are primarily residential with local retail corridors located nearby on Court and Smith Streets.

### **Transportation and Parking**

The Site is within walking distance of the F and G trains at the Bergen Street and Carroll Street subway stations and the B75, B71, and B65 buses. There is a limited amount of on-street parking. The Brooklyn-Queens Expressway is located to approximately ¼ to ½ mile to the west.

Map 2: Area Zoning

# MAP 2: ZONING

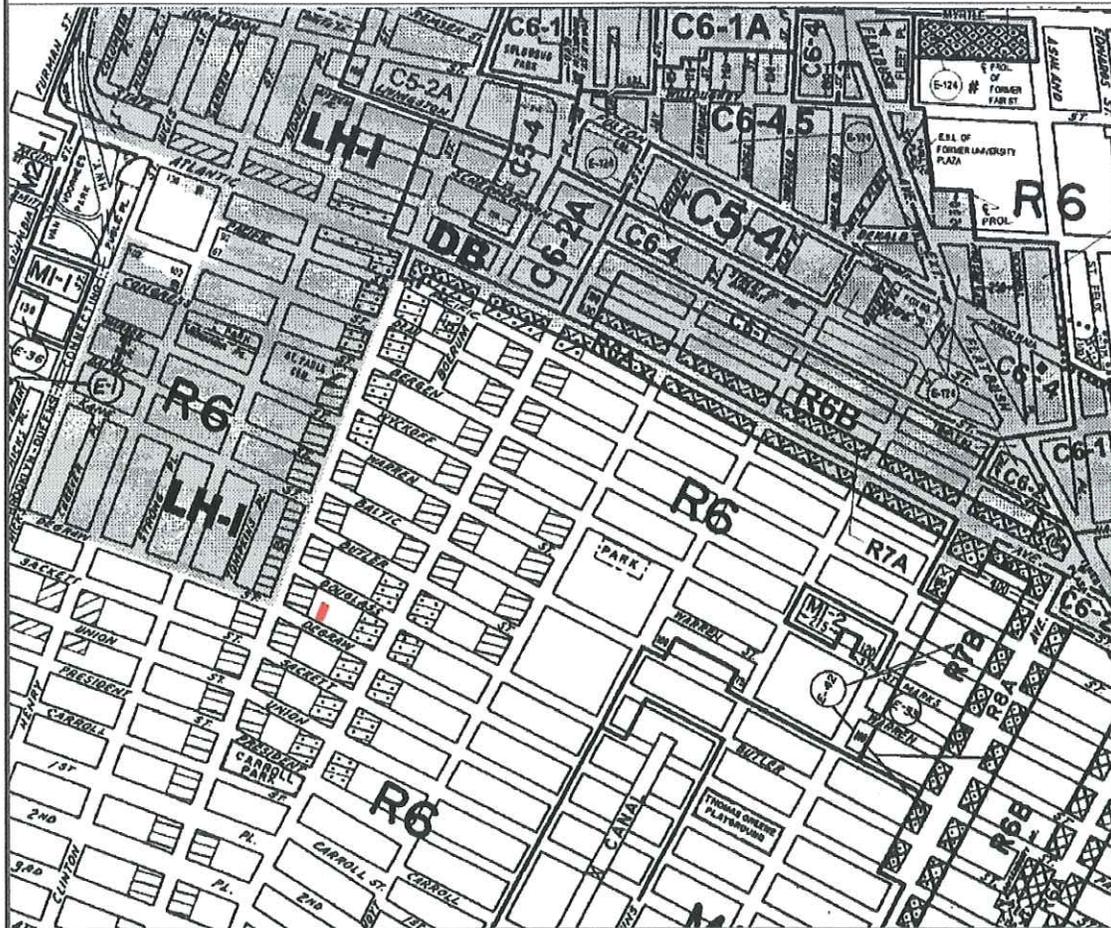
## DeGraw Street

**Borough:** Brooklyn  
**Neighborhood:** Cobble Hill  
**Address:** DeGraw Street  
**Block:** 414 Lot: 61  
**Community District:** 6

**Site** 



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Corporation



Source: NYCEDC

Map 3: Area Land Use



Source: NYCEDC

## Map 4: Transportation

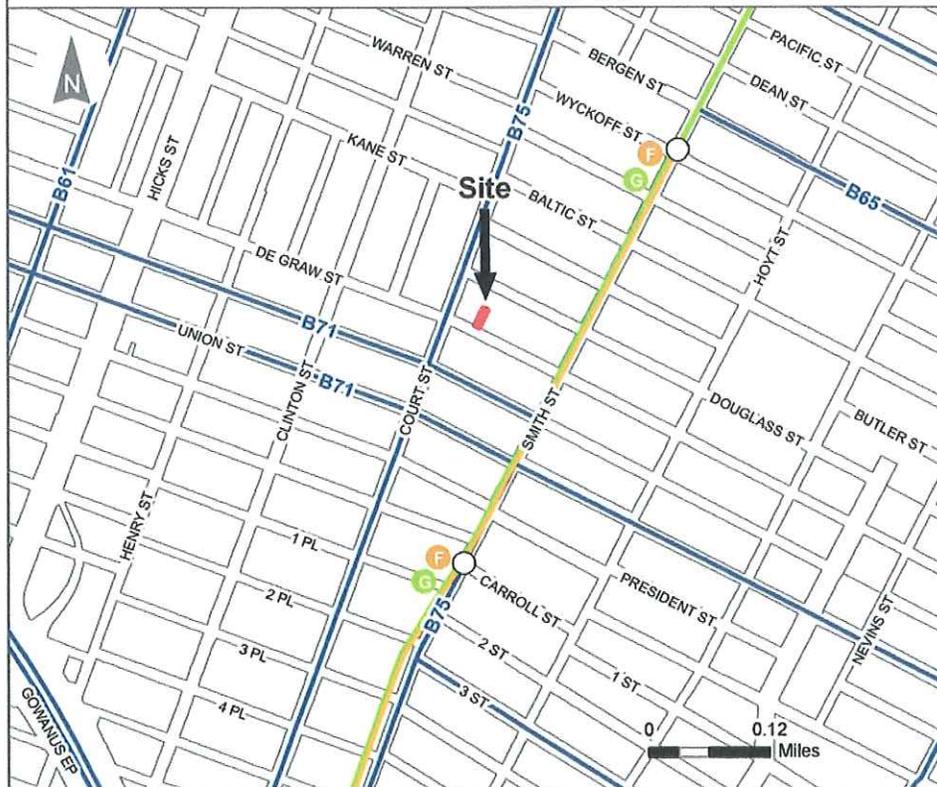
# MAP 4: TRANSPORTATION

## DeGraw Street

- City Bus Routes
- Subway Stations
- Carroll Street F G
- Bergen Street F G



New York City  
Economic Development  
Corporation



Source: NYCEDC

## DEVELOPMENT GOALS AND GUIDELINES

Proposals for the Site must be developed according to the goals and guidelines listed below.

### Development Goals:

- Redevelop the Site into an active community/cultural use
- Reuse the Site in such a manner that directly benefits the local community
- Preserve the character and appearance of the Site
- Create a financially sustainable and economically viable project
- Rehabilitate the Site in accordance with existing zoning, and other regulatory controls
- Serve as a clear example of high-quality, sustainable design and construction

### Development Guidelines:

*Design* – Design must be context-sensitive, considering the project’s relationship to the surrounding community. The project must be an asset to the area. Architectural design, urban design, and the extent to which the redevelopment is realized must be consistent with applicable zoning, environmental, and other regulatory controls. The design shall maximize the sustainable performance of the project by integrating high performance measures and sustainable design practices where appropriate, while preserving the character and appearance of the Site. Various forms of reconstruction are allowable if consistent with the development goals outlined above.

*Ownership Structure*– Respondents may seek to redevelop the Site under a 10-year lease term with two 5-year extension options to be made available at the City’s discretion. The Site will be leased at \$1 per year. Respondents may seek to sublease space to other not-for-profit community entities and not-for-profit cultural institutions. The Selected Developer will be responsible for maintenance costs, scheduled payments related to capital contributions, and reserve fund contributions.

*Funds and Financing*– The Selected Developer will be responsible for obtaining a certificate of occupancy. Any and all improvements and maintenance during the lease term are the sole responsibility of the Selected Developer and must be in compliance with local building codes and regulations. Potential sources of revenue may include corporations, foundations, government, special events, donations, program revenue/earned income and other miscellaneous income.

### Development Process:

NYCEDC and HPD will jointly recommend and HPD will select and enter into negotiations with the Selected Developer. HPD will take the project through its public approval process for the approval of disposition.

# PROPOSAL REQUIREMENTS

Each complete proposal must contain the following elements:

**A. Project Description**

The project description should be a detailed narrative describing relevant aspects of the project, including redevelopment plans and schedule, and the Respondent's operation assumptions. The project description must address each of the issues detailed in the Development Guidelines.

**B. Financial Information**

Respondents must provide the following financial information:

- Pro forma cash flows for five years. Please outline all assumptions on which the pro forma document is based, including minimum returns sought. The pro forma document should include all necessary capital improvements over time and reserves and debt service payments associated with construction financing;
- A construction budget defining specific hard and soft costs, and sources and uses of funds;
- A detailed description of proposed equity investment and construction and permanent financing;
- Letters of interest and/or intent from lenders, if applicable.

In order to complete our analysis in a timely manner, the pro forma document must be submitted on a computer disc in Excel.

**C. Respondent Description**

Respondents must demonstrate sufficient financial resources and professional ability to redevelop the Site in a manner consistent with its proposal. In addition, Respondents must complete and submit a HPD Development Team Information and Applicant Questionnaire, a copy of which is attached as **Appendix 1**. Each proposal must include a description of the Respondent's team, including:

- Current organizational structure, including members of Board of Directors and staff.
- Respondent's programming and mission including, as applicable, community outreach and educational programs.
- Documentation of a record of accomplishments.
- Description of any previous experience with capital projects, such as the development or redevelopment of a facility, as operator, manager, designer and/or builder; and debt offerings or other borrowings.
- Background information on all members of the Respondent's team, including the relevant experience of all principal members thereof and their availability for commitment to the project. This information must be submitted for every participant in a joint venture.
- Any additional documentation or information evidencing the strength of the Respondent's team and their ability to complete the project.

**D. Description of Community Benefits**

Respondents must describe and quantify the direct benefits to the community from the

proposed project. Specifically, Respondents must provide a narrative detailing the anticipated clientele and approximate number of clientele to be serviced, and a description of programs available to such persons.

**E. Site Plan & Architectural Design**

Respondents must provide conceptual drawings for the redeveloped Site, including site-use plans, floor plans, rendering of the redeveloped Site, and a summary of the proposed building program with all square footages identified. Ten (10) copies of the conceptual drawings for the Site must be provided. Drawings must indicate the graphic scale.

**F. Zoning Calculation**

Respondents must provide a preliminary zoning analysis showing all calculations, and must also identify all permits and authorizations required for the proposed redevelopment.

**G. Green Building/Sustainable Design**

Respondents must submit a Green Building Plan that includes a narrative describing the proposed project's sustainable design goals and declaration of commitment to incorporate the specific criteria into the overall project design.

A list of Green Building resources and contact information can be found in **Appendix 2**.

**H. Construction Schedule**

Respondents must provide a construction schedule for the proposed project.

**I. MWBE/Local Hiring and Utilization Plan**

Respondents must submit a plan to address both MWBE and local business participation in the project and local hiring (the "MWBE/Local Hiring and Utilization Plan" or "LHUP").

NYCEDC and HPD are dedicated to furthering the participation of minority and women-owned businesses in its work. The MWBE component of the LHUP must outline methods to facilitate the participation of women-owned and minority-owned businesses (as certified by the New York City Department of Small Business Services) in the project.

The local hiring component of the LHUP must outline methods for encouraging local hiring during and post construction, and address items such as, but not limited to:

- Identification of local businesses seeking construction work on the project;
- Sizing of bid packages to facilitate participation of smaller enterprises;
- Recruitment of local employees seeking construction work on the project and the provision of training programs, apprenticeships, and other professional development opportunities for such employees;
- Targeting of recruitment to currently unemployed or underemployed segments of the population;
- Participation in local trade fairs;
- Ideas for ongoing implementation and monitoring of proposed LHUP components.

The LHUP must also detail the anticipated number, type, and wage level of post-construction jobs to be created at the Site.

**J. Statement of Agreement**

The Respondent must submit a statement signed by an authorized principal or officer of the Respondent that states that the Respondent has read this RFP and the Appendices fully and agrees to the terms and conditions set forth in this RFP and in the Appendices.

## **SELECTION CRITERIA**

In addition to achieving the program goals as described in the Development Goals, Guidelines, and Process section, NYCEDC and HPD will jointly evaluate each proposal according to the criteria listed below, taking into account the information provided in the Proposal, references, and any other information about the Respondent's performance available to NYCEDC and HPD. Proposals that are not complete or do not conform to the requirements of this RFP will not be considered. NYCEDC and HPD reserve the right to request additional information, site visits, interviews, or presentations.

- *Economic Impact on / Spending in New York City* – projected expenditures, total project costs, annual operating costs; temporary (construction) and permanent on-site employment and payroll; and any applicable New York City taxes such as real property, sales, and personal income taxes, reduced by any as-of right and discretionary incentives and benefits assumed;
- *Land Use and Design* – thoughtful and innovative architecture and design that responds to the site and the Development Goals and Guidelines listed in the RFP; extent to which development potential is maximized in a manner consistent with applicable zoning, environmental, and other regulatory controls; overall quality of design and construction will be given significant consideration;
- *Respondent Team Qualifications* – experience, development skills, and financial resources necessary to complete a high-quality project on time and within budget; previous experience in managing and operating not-for-profit community and/or cultural institutions 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 experience in managing non-profit tenants, including record keeping, and reporting requirements of subsidy programs for such tenants;
- *Financial Feasibility* – the Respondent Team's demonstrated financial condition to complete the project; availability of identifiable funding sources to finance the project; and sufficient revenue to support operating expenses, scheduled payments related to capital costs, reserve fund contributions and debt service;
- *Relationship to Surrounding Community* – project design and programming offered to the community must be context-sensitive, considering the project's relationship to the surrounding community and neighborhood. The project must be an asset to the area and consider the development's relationship to the surrounding community and existing

neighborhood. NYCEDC and HPD will evaluate each proposal to determine the Project's positive impact on the community and responsiveness to the neighborhood context;

- *Local Hiring Utilization Plan* – degree to which the LHUP addresses the goals outlined in the RFP;
- *Schedule* – demonstration of ability to complete the project, given the constraints set forth in the development guidelines, in a timely fashion;
- *Green Building Plan* – to the maximum extent possible, proposals should incorporate green building, sustainable development, and “smart building” concept and technologies in order to enhance overall design and construction, while simultaneously making the building environmentally responsible.

#### DEVELOPER DUE DILIGENCE

It is the Respondent's responsibility to conduct due diligence on the Site.

## DISPOSITION PROCESS

### Public Review Process/Environmental Review

Site disposition will be subject to approval as an Urban Development Action Area Project (UDAAP). Such approval is subject to review by the City Planning Commission, and City Council, with approval by the City Council and Mayor. HPD shall initiate the necessary UDAAP approvals following developer designation. While disposition of the site was previously approved pursuant to the Uniform Land Use Review Procedure (ULURP), HPD nevertheless will need to initiate the UDAAP process given statutory requirements pertaining to HPD-initiated dispositions.

### Negotiation Period

After review of the proposals NYCEDC and HPD will jointly select and HPD will commence negotiations with the Selected Developer.

During the negotiation period, the Selected Developer will be expected to complete its due diligence, including ordering a title report from a reputable title insurance or abstract company if applicable. NYCEDC commissioned a Phase I environmental analysis report, which is expected to be available by the end of August, 2007. These due diligence items must be prepared at the sole cost and expense of the Selected Developer. All work products shall become property of NYCEDC and HPD upon submission. These expenses are non-refundable.

By the end of the negotiation period, the Selected Developer will be expected to have entered into a lease with a City agency to be determined.

## INFORMATIONAL MEETING/QUESTIONS

There will be an information session/site tour held on **Wednesday, August 15, 2007 at 11 am at the Site**, located at 299 DeGraw Street. Those who wish to attend should RSVP by contacting Liliana Ruiz at 212-312-3840 or [Lruiz@nycedc.com](mailto:Lruiz@nycedc.com) on, or before, **Wednesday, August 8, 2007**. Directions and specific information will be provided upon RSVP. Interested parties are strongly encouraged to attend this event. For those who aren't able to attend, the questions asked and answered at the session will be posted on the website by **Wednesday, August 22, 2007**.

Respondents may submit questions and/or request clarifications by emailing [degrowstreetrfp@nycedc.com](mailto:degrowstreetrfp@nycedc.com); all questions will be answered within a week. No questions will be accepted after 4:00 p.m. on **Monday, September 10, 2007**. Answers to all questions will be posted by **Friday, September 14, 2007**, to [www.nycedc.com/RFP](http://www.nycedc.com/RFP). For all questions that do not pertain to the subject matter of this RFP please contact NYCEDC's Contracts Hotline at 212.312.3969.

## HOW TO SUBMIT

Ten (10) copies of the submission and one (1) electronic version of the submission on disc in .pdf format identified by "DeGraw Street Firehouse Redevelopment" on the envelope must be submitted to and received by NYCEDC by **Monday, September 17, 2007**. Such proposals must be delivered to the following address:

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

## CONDITIONS, TERMS, AND LIMITATIONS

This RFP and any transaction resulting from such proposals are subject to the conditions, terms and limitations set forth in **Appendix 3**.

## FURTHER INFORMATION

For further information regarding the proposal requirements or the Site, please contact:

Beth Silverman, Project Manager  
NYC Economic Development Corporation  
110 William Street  
New York, NY 10038  
212.312.4257  
[bsilverman@nycedc.com](mailto:bsilverman@nycedc.com)

# APPENDIX 1: Development Team Information and Applicant Questionnaire

## Development Team Information

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			

**Principal Questionnaire**

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 [ ]
8. 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- Not-For-Profit Organization: Applicant Description**

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



**Form – Not-For-Profit Organization: Major Sources of Funding**

Name of Organization: \_\_\_\_\_

Provide the following information regarding your major sources of funding during the past two years preceding the deadline for submission of proposals under this RFP.

Funding Source (Agency Department, etc.)	Name of Program	Contact Person (Name and Phone Number)	Purposes of Funding	Dates of Funding		Funding Amount
				From	To	


## **APPENDIX 2: Green Building Information**

### **Background Information for High Performance/Green Building Development**

Please refer to the following list of Internet resource sites to facilitate with high performance/green building research. In addition, please refer to LEED and the New York State Green Building Tax Credit guidelines.

### **Green Building Funding Sources: New York State Green Building Tax Credit**

#### New York State Department of Taxation and Finance

Business Tax Hotline:  
1-800-972-1233  
General Tax Information Hotline:  
1-800-225-5829

#### New York State Energy Research and Development Authority

Craig Kneeland, Project Manager  
(518) 862-1090 ext. 3311  
e-mail: [cek@nyserdera.org](mailto:cek@nyserdera.org)

#### New York State Department of Environmental Conservation

James Austin, Assistant Commissioner  
Phone: (518) 485-8437  
e-mail: [jdaustin@gw.dec.state.ny.us](mailto:jdaustin@gw.dec.state.ny.us)  
web-site: <http://www.dec.state.ny.us>

### **Green Building Program Information:**

#### New York State Energy and Research Development Authority

For more information about NYSERDA's building Programs, contact:

NYSERDA  
Technical Communications Unit  
Corporate Plaza West  
286 Washington Avenue Extension  
Albany, NY 12203-6399  
Phone: (518) 862-1090 ext 3250  
web-site: <http://www.nyserdera.org>

#### United States Department of Energy

For more information about USDOE building programs, contact:

Dru Crawley  
1000 Independence Avenue, SW  
Washington, DC 20585

Phone: (202) 586-2344  
Fax: (202) 586-1628  
e-mail: [drury.crawley@ee.doe.gov](mailto:drury.crawley@ee.doe.gov)  
web-site: <http://www.doe.gov>

Green Building Resources:

**Web-Sites:**

American Council for an Energy-Efficient Economy  
<http://www.aceee.org>

Energy Efficiency and Renewable Energy Network (EREN)  
<http://www.eren.doe.gov>

Energy Star Program (U.S. EPA)  
<http://www.energystar.gov>

Environmental Building News  
<http://www.ebuild.com>

Environmental Defense Fund  
<http://www.edf.org>

National Resources Defense Council  
<http://www.nrdc.org>

New York State Energy and Research Development Authority  
<http://www.nyserda.org>

Rocky Mountain Institute  
<http://www.rmi.org>

Southface Energy Institute  
<http://www.southface.org>

US Department of Energy  
<http://www.doe.gov>

US Environmental Protection Agency  
<http://www.epa.gov>

US Green Building Council  
<http://www.usgbc.org>

## APPENDIX 3: 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 selection of an Applicant 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 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 twelve (12) 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 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 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.