New York City Economic Development Corporation

Request for Proposals
Rooftop Farming
Release Date: June 11, 2012
Submission Date: July 9, 2012
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INTRODUCTION/OBJECTIVE

New York City Economic Development Corporation ("NYCEDC"), on behalf of the City of New York (the "City"), is seeking proposals for the development and operation of a rooftop farm at an approximately 200,000 square foot property on Bronx Block 2781, Lot 500 (the "Site"), located in the Hunts Point section of the Bronx. NYCEDC is seeking users or developers of rooftop farms to lease, develop, and operate the rooftop Site (the "Project") into an operational year-round rooftop farm.

A successful response to this Request for Proposals ("RFP") will accomplish the following goals:

- Enable and enhance the growth of the City’s urban agriculture industry through the development of a rooftop farm at the Site;
- Establish a financially feasible and economically viable project;
- Expand and preserve quality jobs for local residents

Each party submitting a proposal in response to this RFP is referred to herein as a "Respondent" and the Respondent that is ultimately selected for the Project through this RFP process is referred to herein as the "Selected Developer.”

NYCEDC expects to execute a contract with the Selected Developer by Summer 2012 and close by Fall 2012. An estimated project timeline is located in Appendix 1.

SITE CONTEXT & DESCRIPTION

One of the original buildings in the Hunts Point Food Distribution Center, the Site, known as 600 Food Center Drive was originally constructed in 1969 for Vita Foods, and was last used as a single tenant building by National Food (Hebrew National) until the late 1990’s. Prior to the construction of the Food Distribution Center, Con Ed operated a Coal Gasification Plant in the acres bounded by East Bay Ave/Food Center Drive on the north, the Bronx River to the east, East River to the south and Halleck Street on the west. In 2003, NYCEDC segmented the building into two warehouse units and a second floor office area. Two tenants, Sultana Distribution and Citarella, fill the first floor warehouse space. Citarella occupies 72,400 square feet of ground floor space, while Sultana occupies 105,100 square feet of ground floor space. In addition, there is a vacant mezzanine office space accessible via a separate lobby entrance with elevator access.
Map 1: Site Location

Site Location

Borough: Bronx
Neighborhood: Hunts Point
Block: 2781 Part of Lot: 1
Community Board: 2

NYCEDC MGIS 04/25/12
Existing Conditions

The Site is located within the Hunts Point area of the Bronx, a peninsula covering nearly 690 acres and comprising the majority of Bronx Community District 2 with convenient access to the rest of the New York City region. With approximately 800 businesses and over 13,000 employees, Hunts Point is a major business center. Approximately half of Hunts Point is occupied by the City’s primary food distribution facility, the 329-acre Food Distribution Center (“FDC”), which serves over 15 million customers in the greater metropolitan region. The FDC is one of the largest such centers in the world, comprised of over 115 private wholesalers operating from the Hunts Point Terminal Produce Market, the Cooperative Meat Market, and the New Fulton Fish Market, who generate more than $3 billion in combined sales annually. The FDC is also comprised of parcels leased to major food and beverage distribution companies like Anheuser-Busch, Baldor Specialty Foods, Citarella, Krasdale Foods, and Sultana Distribution. The remainder of Hunts Point is home to a thriving industrial neighborhood where a diverse mix of food-related businesses, manufacturing, construction, utility, municipal, and auto-related uses
coexist. To the northwest beyond the industrial area and along Hunts Point Avenue lies a commercial district, surrounded by the residential neighborhood of Hunts Point, with approximately 12,000 residents.

The Site offers proximity to a network of regional highways that connect it to the rest of the City, New Jersey, upstate New York and New England. The Site is located less than one mile from the “Hunts Point Avenue – Hunts Point Market” (Exit 50) exit of the Bruckner Expressway, which connects to I-87 (the Major Deegan Expressway and New York Thruway), I-278 (the Brooklyn-Queens Expressway), I-95 (the Cross Bronx Express and New England Thruway), and to the ports of New York and New Jersey. The Site is serviced by both the Hunts Point Avenue stop of the MTA New York City Transit (NYCT) subway 6 line, located approximately 1 mile from the Site, and by the NYCT BX-6 Hunts Point–Riverside Drive bus line, which runs within the FDC, along Food Center Drive. The bus line connects Peninsula employees with the NYCT 1, 2, 4, 6, B, D, and C subway lines, as well as numerous other bus routes.

The Site consists of an approximately 200,000 square foot warehouse building with a parcel area of approximately 9.7 acres. The building is constructed with a steel joist and truss system, with concrete slab and concrete block walls. The Site features surface parking, as well as easy access for trucks and oversized vehicles. Additionally, the Site is fenced with gated access available 24-hours/day, 7-days a week.

Accessibility to the roof is via one stairwell, and there is one elevator to the currently vacant mezzanine office space, which is entered from the lobby with separate entrance. The maximum current live load capacity is 30p/sf, though the Selected Developer will be required to undertake their own engineering assessment to confirm this information, as part of due diligence.
DEVELOPMENT CONTROLS

Proposals for the Site must accomplish the development goals described in the Introduction/Objective section and comport with the guidelines set forth below.

Approvals
The development of the Site will require certain approvals, including, but not limited to, the following:

Dispositions accomplished through NYCEDC are subject to City Environmental Quality Review (“CEQR”). A NYCEDC planner will assist the Selected Developer and its consultants in complying with applicable environmental review procedures, including preparation of an Environmental Assessment Statement (“EAS”) and, if required, an Environmental Impact Statement (“EIS”). The Selected Developer should be prepared to hire a consulting team, including design, land use, transportation, engineering, and environmental consultants. The Selected Developer will be responsible for all costs associated with environmental review documents, as well as any additional costs NYCEDC deems necessary.
All entities that are doing or seeking to do business with the City, as well as their principal officers, owners and senior managers must follow the procedures established in Local Law 34 of 2007 (“LL 34”). In order to avoid the actuality or appearance of a link between governmental decisions and large campaign contributions, lower municipal campaign contribution limits apply to the people listed in the Doing Business Database. Transactions covered by LL 34 include most contracts, concessions, franchises and grants greater than $5,000, economic development agreements, real property transactions, land use actions and pension investment contracts. Entities that propose for or are awarded any of these transactions, with certain exceptions, must complete an agency-supplied Doing Business Data Form before their proposals can be considered or awards made.

**Zoning**

The Site is located in an M3-1 zoning district. M3 districts are designated for areas with heavy industries that generate noise, traffic or pollutants. Typical uses include power plants, solid waste transfer facilities and recycling plants, and fuel supply depots. A rooftop farm, either open-air or enclosed (i.e., greenhouse) is permitted as-of-right under M3 zoning. Zoning and Land Use maps are provided below.

The Site is within the designated boundary of the Hunts Point Market Food Cooperative in the Bronx, and is therefore considered “Market Property” as provided in the State Agricultural and Markets Law (the “Markets Law”). The lease of “Market Property,” similar to the lease of any City-owned property, requires review through the City’s Environmental Quality Review (CEQR) process with the exception that leases for market-consistent (food-related) uses are exempt from the City’s Uniform Land Use Review Procedure (ULURP.)
PROPOSAL REQUIREMENTS

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

Development Goals
- Enable and enhance the growth of the City’s urban agriculture base through the development of the Site for a rooftop farm to be operated year-round;
- Establish a financially feasible and economically viable project;
- Expand and preserve quality jobs for local residents and maximize permanent employment opportunities for the City’s local and disadvantaged residents through participation in HireNYC, a free program that connects the City's workforce development services to economic development projects;

Requirements
Each complete proposal must contain the following elements:

A. **Respondent Questionnaire and Project Description**
   Please answer the Respondent Questionnaire, which can be found in Appendix 3.

B. **Financial Information**
   Please answer the Project Financing Questionnaire, which can be found in Appendix 4. Respondents must provide the following additional financial information:
   - Current operating budget and previous three years of audited financials
   - Pro forma cash flows for the proposed project for ten (10) years (including construction and operations)
   - Respondents must outline all assumptions on which the pro forma document is based, including minimum returns sought. The pro forma document should include all necessary capital improvements over time, reserves, and debt service payments associated with construction financing
   - Evidence of ability to finance project including letters of interest and/or intent from lenders or tenants

   Please provide the pro forma and financial information electronically on a computer disk in Excel format (with working formulas when appropriate, i.e. "soft-coded" only).

C. **Respondent Description**
   Respondents must demonstrate sufficient financial resources and professional ability to develop the Site in a manner consistent with the relevant proposal.
Each proposal must include a description of the Respondent’s team, including:

- Respondent’s day-to-day main point of contact information;
- Current organizational structure. Any proposed partnership or joint venture must be clearly explained and a chart/diagram of the purchaser and/or development entity, showing structure and percentages of ownership and investment must be included;
- Description of any previous experience with urban agriculture projects, such as the development of a facility, as operator, manager, designer and/or builder;
- 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 in a timely manner;

Respondents must complete and submit a NYCEDC Background Investigation Form, which can be found in Appendix 5 and a Doing Business Data Form, which can be found in Appendix 6.

D. Lease Rate and Term
Section 4 of the Respondent Questionnaire, which can be found in Appendix 3, requires the respondent to propose a lease rate and term. The proposed lease rate must be expressed in a fixed, non-contingent dollar amount. Respondent should note if it is applying for discretionary benefits.

The proposed minimum term and any options should be expressed in years.

E. Description of Community Benefits
Respondents must describe and quantify the direct benefits to the community for the proposed project.

F. Site Plan/Architectural Design
Respondents must provide conceptual drawings sufficiently detailed for a design review, including site plans, floor plans, renderings, landscaping, building elevations and sections, and a summary of the proposed building program with all square footages identified. Drawings must indicate the graphic scale.

G. Environmental Review Team
Respondents must provide the names of their proposed environmental, transportation, and land use consultants in preparation for CEQR, which will commence within one (1) week of the execution of the Contract.

H. Construction Plan/Schedule
Respondents must provide a construction schedule and staging area plan for the proposed project.

I. **Minority Women Business Enterprise (“M/WBE”) Utilization Plan**

Respondents must submit a plan to address M/WBE participation in the project (the “M/WBE Utilization Plan”).

NYCEDC is dedicated to furthering the participation of minority and women-owned businesses in its work. The M/WBE component of the plan must include but not be limited to:

- Establishment of numerical M/WBE contracting utilization goals or targets;
- Strategies and methods that will facilitate participation by M/WBE firms such as carve-outs and/or unbundling bid packages;
- Identification of M/WBE firms seeking construction work on the Project;
- Establishment of administrative procedures for implementation, monitoring and reporting of M/WBE participation.

J. **HireNYC Plan (“HireNYC”)**

Respondents must submit a plan to address participation in HireNYC.

NYCEDC recognizes the importance of creating employment opportunities for low-income persons and enabling them to participate in the City’s economic growth. To this end, NYCEDC has developed the HireNYC program. Participation in this program requires the Selected Developer to make good faith efforts to achieve the hiring and workforce development goals described below and to comply with the other programmatic requirements outlined in the Appendix 7.

The hiring and workforce development goals to be incorporated into the Program shall include, at a minimum, the following goals (collectively, the “Goals”):

**Hiring Goal:** 50 percent (50%) of all new permanent jobs created in connection with the Project (including jobs created by tenants but excluding jobs relocated from other sites) will be filled by members of the target population (see Appendix 7 for a definition of the target population) for a period beginning, for each employer, at commencement of business operations and continuing for eight (8) years thereafter.

**Retention Goal:** 40 percent (40%) of all employees whose hiring satisfied the Hiring Goal will be retained for at least nine (9) months from the date of hire.
Advancement Goal: 30 percent (30%) of all employees whose hiring satisfied the Hiring Goal will be promoted to a higher paid position within one (1) year.

Training Goal: All tenants will cooperate with the Department of Small Business Services (“SBS”) to provide skills-training or higher education opportunities to members of the target population.

The Program must include the following elements:
1. Designation of a workforce development liaison to interact with NYCEDC and SBS during the course of the Program.

2. Commitment by the Selected Developer to do the following (and provide in each tenant lease, if any, that the tenant will do the following):
   - make good faith efforts to achieve the Goals with respect to its operations;
   - provide SBS with the approximate number and type of jobs that will become available, and for each job type, a description of the basic job qualifications, at least three (3) months before commencing hiring;
   - notify SBS six (6) weeks prior to commencing business operations;
   - during initial hiring for any new permanent jobs, consider only applicants referred by SBS for the first ten (10) business days, until the Hiring Goal is achieved or until all open positions are filled, whichever occurs first;
   - during ongoing hiring for any new permanent jobs, consider only applicants referred by SBS for the first five (5) business days, until the Hiring Goal is achieved or until all open positions are filled, whichever occurs first (unless SBS reaches a different agreement with the tenant regarding ongoing hiring practices);
   - submit to NYCEDC and SBS, for eight (8) years following the date of the commencement of business operations, an annual employment and benefits survey that will include, but not be limited to: targeted hiring statistics, wages and job retention, training and advancement data;
   - cooperate with annual site visits and satisfaction survey following the date of the commencement of business operations; and
   - Allow information collected by SBS and NYCEDC to be included in public communications, including press releases and other media events.

3. Commitment by the Selected Developer to facilitate targeted hiring by (a) arranging meetings and other events at which SBS staff can introduce potential or actual tenants to the menu of services available from SBS and (b) assisting with information sharing, providing space for hiring activities
and transmitting feedback from tenants regarding results of hiring initiatives.

NYCEDC strongly encourages Respondents to include one or more of the following elements in each such Respondent’s Program:

1. Commitment by the Selected Developer of resources for training efforts, such as making financial investments in employee training and creating a website or other technology-based tools and supports to:
   • promote and track workforce development efforts;
   • notify tenants of potential grant opportunities; and
   • provide assistance to tenants to apply for grants, and share other opportunities or information as may be relevant.

2. Commitment by the Selected Developer to provide temporary space and personnel for a satellite outreach or workforce development site to provide outreach and screening of local jobseekers, including, but not limited to, distributing job applications and informing the public of available job opportunities leading up to the commencement of business operations.

3. Commitment by the Selected Developer to support connections to education and training. The workforce development liaison will work in partnership with SBS to connect individuals interested and in need of education and training to training programs and further education, either at the Workforce1 Career Center, NYC Business Solutions Center, or through relationships with other accredited training providers.

K. 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 therein. (See Appendix 9 for an example.)

SELECTION CRITERIA

In addition to evaluating Respondents on the extent to which they achieve the program goals as described in the Development Goals section, NYCEDC will evaluate each proposal according to the below criteria. NYCEDC will take into account the information provided in the proposal, references, and any other information about the Respondent’s performance available to NYCEDC. Further consideration will be given to Green Building provisions (see Appendix 8), and any Economic Development Benefits proposed (see Appendix 12). Proposals that are not complete or do not conform to the requirements of this RFP will not be considered. NYCEDC reserves the right to request additional information, site visits, interviews, or presentations.
• **Lease Rate and Term** - Inclusion of a lease rate and term, as expressed in the Respondent Questionnaire, which can be found in Appendix 3, that is consistent with the proposed Project;

• **Respondent Team Qualifications** – Experience, development skills, and financial resources necessary to complete a high-quality project on time and within budget; ability to navigate the disposition process and complete the Project, given the constraints set forth in the Development Controls, in an expedited fashion;

• **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. The Project’s ability to provide a reliable revenue stream will also help determine selection;

• **Financial Feasibility** – Respondent’s demonstrated financial condition sufficient 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;

• **Timing Feasibility** – Respondent’s ability to complete the public review process in a timely manner and Respondent’s ability to construct and create jobs in an expeditious timeframe as identified in the Draft Contract;

• **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 will evaluate each proposal to determine the Project’s positive impact on the community and responsiveness to the neighborhood context;

• **M/WBE Hiring Utilization Plan** – Degree to which the Respondent addresses the M/WBE goals outlined in the RFP;

• **HireNYC Plan** – Degree to which Respondent demonstrates a willingness to participate in and provide resources for the HireNYC Plan. Proposals should indicate the elements the Respondent intends to incorporate, how Respondent intends to achieve such goals, if appropriate, and describe any relevant experience;
• **Approvals** – The extent to which the Project achieves the development goals in a manner consistent with regulatory controls.

**DEVELOPER DUE DILIGENCE**

Information provided in the RFP is for general informational purposes only. It is the Respondent’s responsibility to conduct due diligence on the Site.

**Site Information File**

NYCEDC’s Site File, containing important public information regarding the Site, will be available for purchase for $300 or can be viewed for free by appointment at the offices of NYCEDC. Respondents are encouraged to view the Site File prior to submitting a proposal. To review or purchase the Site File, please contact Tiffany Lau at 212.312.3857 or RooftopFarmRFP@nycedc.com.

The File contains:
- Photos of the Site
- Map collection, including the tax map, zoning map and transportation map
- Engineering report (Wank, Adams, Slavin, 1999)
- PHASE I ENVIRONMENTAL ASSESSMENT (HDR)
- Asbestos survey (boiler room only)

**DISPOSITION PROCESS**

**Contract**

After review of the proposals if NYCEDC, in its sole determination, elects to proceed with one of the proposals, NYCEDC will choose a Selected Developer for development of the Site and enter into a Lease Contract.

Notwithstanding any other provisions herein that may be to the contrary, NYCEDC shall not be under any obligation to lease the Site to the Selected Developer unless and until a Lease Contract of the Site is executed and delivered between NYCEDC and such Selected Developer. **Upon execution of the Contract, the Selected Developer must reimburse NYCEDC for the following fees, which are non-refundable, and cannot be credited against Base Rent or any other Rent, or any other costs incurred whatsoever by Selected Developer:**
• Administrative Fee, determined as follows:

**Administrative Fee Schedule**

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<th>Present Value of Lease Payments*</th>
<th>Fee:</th>
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<td>$100,000-$500,000</td>
<td>$20,000</td>
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<tr>
<td>$500,001-$1,000,000</td>
<td>$40,000</td>
</tr>
<tr>
<td>$1,000,001-$5,000,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>More than $5,000,000</td>
<td>1% of capital contribution plus NPV of lease payments</td>
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All of the fees and costs set forth above, along with the costs of all other due diligence items shall be paid solely by the Selected Developer.

• The present value of the Lease payments will be calculated by discounting annual payments at 6.25%.

**QUESTIONS**

Potential respondents can submit initial questions regarding the RFP by emailing RooftopFarmRFP@nycedc.com by 4PM on Monday, June 25, 2012. Answers to these questions will be posted by Friday, June 29, 2012, to 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**

Six (6) copies of the submission and one (1) electronic version of the submission on disk in PDF and Excel formats identified by “Rooftop Farm Proposal” on the envelope, must be submitted to and received by NYCEDC by 4PM on Monday, July 9, 2012. 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, Senior Vice President of Contracts

**CONDITIONS, TERMS & LIMITATIONS**
This RFP and any transaction resulting from such proposals are subject to the conditions, terms and limitations set forth in Appendix 11.

FURTHER INFORMATION

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

Tiffany Lau, Senior Project Manager
New York City Economic Development Corporation
110 William Street, 6th Floor
New York, NY 10038
212.312.3857
tlau@nycedc.com
APPENDIX 1: Project Timeline

- RFP Release       June 11, 2012
- Questions Due     June 25, 2012
- NYCEDC responds to Questions       June 29, 2012
- RFP Responses Due       July 9, 2012
- Respondent Selection/Contract Execution       Summer 2012
- Environmental Review       Summer 2012
- Construction Start       Fall 2012
APPENDIX 2: Intentionally Omitted
**APPENDIX 3: Development Team Information and Applicant Questionnaire**

Please complete the following information:

1. Business Applicant Information

   (if more than one business will occupy the site, please submit multiple pages)

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<thead>
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<th>Business Name</th>
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<td>Business EIN</td>
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<td>Business Address</td>
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<td>Business Phone/Fax</td>
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<td>Business Email/Web Site</td>
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<td>Secondary Business Address</td>
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<th>Principal’s Name, Title, %</th>
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<td>Principal’s Name, Title, %</td>
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<td>Principal’s Name, Title, %</td>
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<p>| Primary Business Activity |  |
| Primary 4-Digit SIC Code  |  |
| Description of Business  |  |
| History of Business  |  |
| Primary Clients |  |
| Location of Clients |  |</p>
<table>
<thead>
<tr>
<th>Year Business was Established</th>
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<td>Number of Years at Present Location</td>
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<td>Block and Lot(s) Currently Occupied by Business</td>
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<td>Number of Square Feet at Present Location</td>
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<td>Rent or Own Current Space</td>
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<td>Description of Expansion or Relocation Needs</td>
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<td>Number of Full-Time Payroll Employees</td>
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<td>Number of Part-Time Payroll Employees</td>
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<td>Number of Contract Employees</td>
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<td>Average Annual Employee Salary</td>
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<td>Describe Benefits Offered to Employees</td>
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<td>Average Length of Employment (in Years)</td>
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2. Developer Information (if different from #1)

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<td>Business Phone/Fax</td>
<td></td>
</tr>
<tr>
<td>Business Email/Web Site</td>
<td></td>
</tr>
<tr>
<td>Principal's Name, Title, Ownership</td>
<td></td>
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<tr>
<td>Principal's Name, Title, Ownership</td>
<td></td>
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<tr>
<td>Principal's Name, Title, % Ownership</td>
<td></td>
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<td>--------------------------------------</td>
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<tr>
<td>Ownership Chart</td>
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<tr>
<td>Principal Business Activity</td>
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<tr>
<td>Primary 4-Digit SIC Code</td>
<td></td>
</tr>
<tr>
<td>Description of Business</td>
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<tr>
<td>History of Business</td>
<td></td>
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<tr>
<td>Description of Recent Development</td>
<td></td>
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<tr>
<td>Projects (in New York City region)</td>
<td></td>
</tr>
<tr>
<td>Proposed Rents (price/square foot)</td>
<td></td>
</tr>
<tr>
<td>Proposed Lease Terms</td>
<td></td>
</tr>
</tbody>
</table>

*Note: If the project is developed as an industrial rental facility, a comprehensive pro forma statement covering 10 years of facility operations must be submitted with the Questionnaire.*
### 3. Development Plan and Development Team Information

<table>
<thead>
<tr>
<th>Detailed Project Description</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Occupant(s)</td>
<td></td>
</tr>
<tr>
<td>Number and Type of Jobs to be Created (i.e. iron worker, welder, secretary, etc.)</td>
<td></td>
</tr>
<tr>
<td>Average Annual Salary for Each Type of Job to be Created</td>
<td></td>
</tr>
<tr>
<td>Describe Benefits Offered to New Employees</td>
<td></td>
</tr>
<tr>
<td>Describe Necessary Skills for New Employees. Are you willing to train New Employees?</td>
<td></td>
</tr>
<tr>
<td>Number and Type of Jobs to be Retained (Full Time Equivalents)</td>
<td></td>
</tr>
<tr>
<td>Number of Construction Jobs (Full Time Equivalents)</td>
<td></td>
</tr>
<tr>
<td>Reasons for Undertaking Proposed Development</td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Details</td>
</tr>
<tr>
<td>-------------</td>
<td>---------</td>
</tr>
<tr>
<td>Relocation or Expansion</td>
<td></td>
</tr>
<tr>
<td>Description of goods to be manufactured or distributed</td>
<td></td>
</tr>
<tr>
<td>Total Square Footage of Building to be Developed</td>
<td></td>
</tr>
<tr>
<td>Total Footprint of Building to be Developed</td>
<td></td>
</tr>
<tr>
<td>Stories</td>
<td></td>
</tr>
<tr>
<td>Height of Building</td>
<td></td>
</tr>
<tr>
<td>Number of Loading Docks</td>
<td></td>
</tr>
<tr>
<td>Floor Load (pounds/square foot)</td>
<td></td>
</tr>
<tr>
<td>Total Number of Anticipated Roundtrip Truck Trips/Day</td>
<td></td>
</tr>
<tr>
<td>Total Number of Anticipated Roundtrip Car Trips/Day (by Employees and Customers)</td>
<td></td>
</tr>
<tr>
<td>Utility Load Needs</td>
<td></td>
</tr>
<tr>
<td>Hazardous Material Disposal Requirements</td>
<td></td>
</tr>
<tr>
<td>Are any permits required from any NYC regulatory agencies? If so, please explain.</td>
<td></td>
</tr>
<tr>
<td>Days and Hours of Operation</td>
<td></td>
</tr>
<tr>
<td>Security Requirements</td>
<td></td>
</tr>
<tr>
<td>Number of Parking Spaces</td>
<td></td>
</tr>
</tbody>
</table>
4. Lease Rate and Term

| Lease Rate | $____________ |
| Leases are expressed in a non-contingent dollar amount. |

| Lease Term |  |
| The proposed lease term and any options must be expressed in years. |
APPENDIX 4: Project Financing Questionnaire

Please fill out the following table, providing a breakdown of the cost of the proposed development and identifying the intended financing sources:

<table>
<thead>
<tr>
<th>USES</th>
<th>Cost per SF</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Acquisition (purchase price offer from above)</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Foundation</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Site Work</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Building Construction</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Parking and Loading</td>
<td>$</td>
<td>$</td>
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<tr>
<td>Landscaping</td>
<td>$</td>
<td>$</td>
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<tr>
<td>Other</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Other</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Construction Contingency (10% of Hard Costs)</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Architectural Fee</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Engineering Fee</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Developer or Construction Manager Fee</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Legal and Accounting Fees</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Financing Costs</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Other</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td>Other</td>
<td>$</td>
<td>$</td>
</tr>
<tr>
<td><strong>TOTAL USES</strong></td>
<td>$</td>
<td>$</td>
</tr>
</tbody>
</table>

| SOURCES                                   |             |            |
| Bank Loan/Mortgage                         |             | $          |
| Reminder: Please submit letter of financing commitment with the Questionnaire. |             | Rate: Term: |
| Equity                                     | $           | $          |
| Other                                      | $           | $          |
| Other                                      | $           | $          |
| **TOTAL SOURCES**                          |             | $          |
APPENDIX 5: NYCEDC Background Investigation Form

Purpose: To satisfy VENDEX requirements for a Company or an Individual entering into a contract under $100,000, land sale, lease, license, permit, or NYCIDA project with NYCEDC. The NYCEDC Project Manager should contact the Contracts Department VENDEX Unit to determine what forms are required.

To Be Completed By: the Company

Fill out the form. The document must be signed and notarized by the Company or Individual that NYCEDC is doing business with.

Return the ORIGINAL documents to the NYCEDC Project Manager.

The NYCEDC Project Manager must submit the documents along with the VENDEX Investigation Request Memorandum to the Contracts Department.

Contact: Regina McCrory 212.312.3594 or Daniel Cwirka 212.312.3736
Investigation Questionnaire

Internal Background
be considered for purposes of determining "Control" under this clause (iii).

For a not-for-profit corporation, "Control" of the Board of Directors and any director who is also an employee of Applicant needs to

For Partnerships: All general partners and All partners performing on the contract or able to bind the Partnership

For Limited Liability Companies: All members

Persons that control the Applicant

Executive Officers

Questions:

each of the following persons is a principal of the Applicant and must be identified in Section B, Page 1 on page 2 of the

"Person"—Any individual, corporation, partnership, joint venture, sole proprietorship, limited liability company, trust or other entity

brothers-in-law, sisters-in-law, and family members living in the same household as such person (except for such individuals as minors).

"Family Member"—With respect to a particular Person, includes spouse, children, grandchildren, parents, parents-in-law, brothers, sisters,

"Executive Officer"—Any individual who serves as chief executive officer, chief financial officer, chief operating officer of the Applicant.

"Affiliate"—A Person is an Affiliate of another Person if the Person either owns 10% or more of the voting interests of the other Person or is a member of that other Person's Board of Directors.

"Board of Directors"—The governing body of the corporation.

"Applicant"—The submitting business entity

1. Please submit with this questionnaire the organizational documents for the submitting business entity.

2. For purposes of determining "Control" under this clause (iii), the following definitions shall have the meanings given to them below (unless provided otherwise with respect to the question above):

INSTRUCTIONS FOR COMPLETING NYCED INTERNAL BACKGROUND INVESTIGATION QUESTIONNAIRE
<table>
<thead>
<tr>
<th>Principal Name</th>
<th>Title</th>
<th>Home Address</th>
<th>Percentage Owned</th>
<th>Interest of Voting Shareholder</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

**SECTION A**

**SECTION B**

**BUSINESS NAME:**

**BUSINESS ADDRESS:**

**BUSINESS TELEPHONE:**

**BUSINESS FAX:**

**TYPE OF ENTITY:**

**IN/NPI:**

Refer to attached instruction sheet for specific instructions and definitions of terms required to complete this questionnaire.

This form may be duplicated for additional space. Please complete this questionnaire carefully and completely.

The following questionnaire is to be completed by Persons desiring to do business with the New York City Economic Development Corporation.
<table>
<thead>
<tr>
<th>Home Address</th>
<th>To Principal</th>
<th>Immediate Family</th>
<th>Principal Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td></td>
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<tr>
<td>(5)</td>
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</table>

Subcontractors, suppliers or employees thereof

Family members who are directly or indirectly providing services and/or supplies with respect to the subject project, (e.g., consultants, subcontractors).

- Family members who are employed by the officers or have a less than 10% voting or ownership interests in the applicant
- Spouse

Note: Only the following family members need to be identified in this Section D, Part II:

- Family members of each individual principal
7. In the past 10 years, has any subject person, any subject family member, any affiliate of any subject family member of any managerial employee of applicant been convicted of a federal or state felony? If yes, please explain on the following page.

8. In the past 10 years, has any subject person, any subject family member, any affiliate of any subject family member of any managerial employee of applicant been convicted of a federal or state misdemeanor? If yes, please explain on the following page.

9. Is any subject person currently the subject of any bankruptcy or similar proceedings (other than domestic relations proceedings)? If yes, please explain on the following page.

10. Is any subject person currently the subject of any administrative or disciplinary proceedings? If yes, please explain on the following page.

11. Does the applicant or any principal have any affiliation with SS/EN and respective addresses and cedentials in the name of the Affiliates? If yes, please identify the Affiliates, with SS/EN and respective addresses.

Provide a detailed response to all questions checked "yes" on the following page.

Section B (continued)
<table>
<thead>
<tr>
<th>Type of ARREAS</th>
<th>Amount of ARREAS</th>
<th>Purchase Date</th>
<th>Street Address</th>
<th>Block/Lot</th>
<th>Borough</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Property Owned in the City of New York

Any current arrears in real estate taxes, sewer fees, water charges, or assessments due and owing to the City of New York, together with a statement as to each such arrears, members have an ownership interest and which are located in the City of New York.

2. The following, together with attachments (herein) if any, is a complete list of properties in which any of the above persons or any of the

Borough of : 

Street Address: 

Block & Lots: 

1. Identification of Property Interests
4. Is any subject person of any subject family member a tenant of the City of New York? Yes, please list below: Agency, Borough, Block, Lot, Account Number, Monthly Rent, and Current Balance.

5. Has any subject person of any subject family member previously purchased property from the City of New York? Yes, please list below: Agency, Borough, Block, Lot, Account Number, Monthly Rent, and Current Balance.

6. Does any subject person of any subject family member have a mortgage with the City of New York? Yes, please list below: Agency, Borough, Block, Lot, Account Number, Monthly Payment, and Current Balance.

Provide a detailed response to all questions checked "Yes" on the following page.
Print Name and Title of Authorized Person

Signature of Authorized Person

By

Mony Public

Name of Applicant

This _____ Day of 2000

Sworn to me this ______ Day of 2000

I, being duly sworn, state that I have read and understand the terms contained in the foregoing 8 pages of this document.

CERTIFICATION

A false statement willfully or fraudulently made or any false information willfully or fraudulently submitted in connection with this questionnaire may result in the rejection of the application and be cause for conviction under any of the laws of the State of New York and the City of New York, and in addition, may subject the person making the false statement to criminal penalties.
APPENDIX 6: Local Law 34 – Doing Business Data Form

Doing Business Data Form: Real Property Transactions

The City of New York
Mayor’s Office of Contract Services
Doing Business Accountability Project

To be completed prior to distribution

Agency: __________________________ Submission Date: __________

Transaction ID: __________________

Check One: □ Competitive Solicitation (P) □ Application or Award (A)

Check One:    □ Acquisition                      □ Disposition
                      □ Leasing to City                  □ Leasing from City

Any entity participating in a transaction for the acquisition or disposition of real property with the City of New York must complete a Doing Business Data Form (see Q&A sheet for more information). Please either type responses directly into this fillable form or print answers by hand in black ink, and be sure to fill out the certification box on the last page. Submission of a complete and accurate form is required for any entity to enter into a real property transaction.

This Data Form requires information to be provided on principal officers, owners and senior managers. The name, employer and title of each person identified on the Data Form will be included in a public database of people who do business with the City of New York; no other information reported on this form will be disclosed to the public. This Data Form is not related to the City’s VENDEX requirements.

Please return the completed Data Form to the City office that supplied it. Please contact the Doing Business Accountability Project at DoingBusiness@cityhall.nyc.gov or 212-788-8104 with any questions regarding this Data Form. Thank you for your cooperation.

Section 1: Entity Information

Entity Name: __________________________

Entity EIN/TIN: __________________________

Entity Filing Status (select one):

□ Entity has never completed a Doing Business Data Form. Fill out the entire form.

□ Change from previous Data Form dated __________. Fill out only those sections that have changed, and indicate the name of the persons who no longer hold positions with the entity.

□ No Change from previous Data Form dated __________. Skip to the bottom of the last page.

Entity is a Non-Profit: □ Yes □ No

Entity Type: □ Corporation (any type) □ Joint Venture □ LLC □ Partnership (any type)

    □ Sole Proprietor □ Other (specify): __________________________

Address: __________________________________________________________

City: __________________________ State: __________ Zip: __________

Phone: __________________________ Fax: __________________________

E-mail: __________________________

Provide your e-mail address and/or fax number in order to receive notices regarding this form by e-mail or fax.

08/25/2009 For information or assistance, call the Doing Business Accountability Project at 212-788-8104. Form /RP
Section 2: Principal Officers

Please fill in the required identification information for each officer listed below. If the entity has no such officer or its equivalent, please check "This position does not exist." If the entity is filing a Change Form and the person listed is replacing someone who was previously disclosed, please check "This person replaced..." and fill in the name of the person being replaced so his/her name can be removed from the Doing Business Database, and indicate the date that the change became effective.

Chief Executive Officer (CEO) or equivalent officer

The highest ranking officer or manager, such as the President, Executive Director, Sole Proprietor or Chairperson of the Board.

First Name: ____________________________ MI: _____ Last: ____________________________
Office Title: ____________________________
Employer (if not employed by entity): _________________________________________________
Birth Date (mm/dd/yy): ____________________________ Home Phone #: ____________________________
Home Address: _________________________________________________________________
☐ This person replaced former CEO: ____________________________ on date: ________________

Chief Financial Officer (CFO) or equivalent officer

The highest ranking financial officer, such as the Treasurer, Comptroller, Financial Director or VP for Finance.

First Name: ____________________________ MI: _____ Last: ____________________________
Office Title: ____________________________
Employer (if not employed by entity): _________________________________________________
Birth Date (mm/dd/yy): ____________________________ Home Phone #: ____________________________
Home Address: _________________________________________________________________
☐ This person replaced former CFO: ____________________________ on date: ________________

Chief Operating Officer (COO) or equivalent officer

The highest ranking operational officer, such as the Chief Planning Officer, Director of Operations or VP for Operations.

First Name: ____________________________ MI: _____ Last: ____________________________
Office Title: ____________________________
Employer (if not employed by entity): _________________________________________________
Birth Date (mm/dd/yy): ____________________________ Home Phone #: ____________________________
Home Address: _________________________________________________________________
☐ This person replaced former COO: ____________________________ on date: ________________

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.
Section 3: Principal Owners

Please fill in the required identification information for all individuals who, through stock shares, partnership agreements or other means, own or control 10% or more of the entity. If no individual owners exist, please check the appropriate box to indicate why and skip to the next page. If the entity is owned by other companies, those companies do not need to be listed. If an owner was identified on the previous page, fill in his/her name and write "See above." If the entity is filing a Change Form, list any individuals who are no longer owners at the bottom of this page. If more space is needed, attach additional pages labeled "Additional Owners."

There are no owners listed because (select one):

☐ The entity is not-for-profit  ☐ There are no individual owners  ☐ No individual owner holds 10% or more shares in the entity
☐ Other (explain): ____________________________

Principal Owners (who own or control 10% or more of the entity):

First Name: ____________________________ Mt: _____ Last: ____________________________
Office Title: ____________________________
Employer (if not employed by entity): ____________________________
Birth Date (mm/dd/yy): ____________________________ Home Phone #: ____________________________
Home Address: ____________________________

First Name: ____________________________ Mt: _____ Last: ____________________________
Office Title: ____________________________
Employer (if not employed by entity): ____________________________
Birth Date (mm/dd/yy): ____________________________ Home Phone #: ____________________________
Home Address: ____________________________

First Name: ____________________________ Mt: _____ Last: ____________________________
Office Title: ____________________________
Employer (if not employed by entity): ____________________________
Birth Date (mm/dd/yy): ____________________________ Home Phone #: ____________________________
Home Address: ____________________________

Remove the following previously-reported Principal Owners:

Name: ____________________________ Removal Date: ____________________________
Name: ____________________________ Removal Date: ____________________________
Name: ____________________________ Removal Date: ____________________________

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.
Section 4: Senior Managers

Please fill in the required identification information for all senior managers who oversee any of the entity’s real property transactions with the City. Senior managers include anyone who, either by title or duties, has substantial discretion and high-level oversight regarding the solicitation, letting or administration of any real property transaction with the City. At least one senior manager must be listed, or the Data Form will be considered incomplete. If a senior manager has been identified on a previous page, fill in his/her name and write “See above.” If the entity is filing a Change Form, list individuals who are no longer senior managers at the bottom of this section. If more space is needed, attach additional pages labeled “Additional Senior Managers.”

Senior Managers:

First Name: ___________________________ MI: _____ Last: ___________________________
Office Title: ___________________________
Employer (if not employed by entity): ___________________________
Birth Date (mm/dd/yy): ___________________________ Home Phone #: ___________________________
Home Address: ___________________________

First Name: ___________________________ MI: _____ Last: ___________________________
Office Title: ___________________________
Employer (if not employed by entity): ___________________________
Birth Date (mm/dd/yy): ___________________________ Home Phone #: ___________________________
Home Address: ___________________________

First Name: ___________________________ MI: _____ Last: ___________________________
Office Title: ___________________________
Employer (if not employed by entity): ___________________________
Birth Date (mm/dd/yy): ___________________________ Home Phone #: ___________________________
Home Address: ___________________________

Remove the following previously-reported Senior Managers:

Name: ___________________________ Removal Date: ___________________________
Name: ___________________________ Removal Date: ___________________________

Certification

I certify that the information submitted on these four pages and __________ additional pages is accurate and complete. I understand that willful or fraudulent submission of a materially false statement may result in the entity being found non-responsible and therefore denied future City awards.

Name: ___________________________
Signature: ___________________________ Date: ___________________________
Entity Name: ___________________________
Title: ___________________________ Work Phone #: ___________________________

Return the completed Data Form to the agency that supplied it.

For information or assistance, call the Doing Business Accountability Project at 212-788-8104.
APPENDIX 7: HireNYC Information

NYCEDC recognizes the importance of creating employment opportunities for low-income persons and enabling them to participate in the City’s economic growth. If a Respondent is proposing development of the Site, it is encouraged to make good faith efforts to achieve the hiring and workforce development goals, comply with the other programmatic requirements outlined below, and submit a plan to NYCEDC to address participation through the HireNYC Program (such plan, the “HireNYC Program Plan”).

For the purposes of this RFP, the target population is defined as persons who have an income that is below two hundred percent (200%) of the poverty level as determined by the New York City Center for Economic Opportunity (a description of the income level meeting this threshold for each household size is available upon request). Program participants may be sourced through the public workforce system managed by the City and in conjunction with the community outreach strategy implemented by HireNYC staff. Program participants will be tracked by residence zip code to allow for clear reporting.

HireNYC Program Plan

The hiring and workforce development goals to be incorporated into the HireNYC Program Plan shall include the following goals (collectively, the “Goals”):

- **Hiring Goal:** 50 percent (50%) of all new permanent jobs created in connection with the Project (including jobs created by tenants but excluding jobs relocated from other sites) will be filled by members of the target population for a period beginning, for each employer, at commencement of business operations and continuing for eight (8) years thereafter.

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

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

- **Training Goal:** All tenants will cooperate with DSBS to provide skills-training or higher education opportunities to members of the target population.

The Program must include the following elements:

1. Designation of a workforce development liaison to interact with NYCEDC and the Designated City Agency during the course of the Program.
2. Commitment by the Selected Respondent (or its successors and assigns, as applicable) to do the following (and provide in each tenant lease, if any, that the tenant will do the following):

   a. make good faith efforts to achieve the Goals with respect to its operations;

   b. provide the Designated City Agency with the approximate number and type of jobs that will become available, and for each job type, a description of the basic job qualifications, at least three (3) months before commencing hiring;

   c. notify Designated City Agency six (6) weeks prior to commencing business operations;

   d. during initial hiring for any new permanent jobs, consider only applicants referred by the Designated City Agency for the first ten (10) business days, until the Hiring Goal is achieved or until all open positions are filled, whichever occurs first;

   e. during ongoing hiring for any new permanent jobs, consider only applicants referred by the Designated City Agency for the first five (5) business days, until the Hiring Goal is achieved or until all open positions are filled, whichever occurs first (unless the Designated City Agency reaches a different agreement with the tenant regarding ongoing hiring practices);

   f. submit to NYCEDC and the Designated City Agency, for eight (8) years following the date of the commencement of business operations, an annual employment and benefits survey that will include, but not be limited to: targeted hiring statistics, wages and job retention, training and advancement data;

   g. cooperate with annual site visits and satisfaction survey following the date of the commencement of business operations; and

   h. allow information collected by the Designated City Agency and NYCEDC to be included in public communications, including press releases and other media events.

3. Commitment by the Selected Respondent (or its successors and assigns, as applicable) to facilitate targeted hiring by (a) arranging meetings and other events at which HireNYC and the Designated City Agency staff can introduce potential
or actual tenants to the menu of services available from the Designated City Agency and (b) assisting with information sharing, providing space for hiring activities and transmitting feedback from tenants regarding results of hiring initiatives.

NYCEDC strongly encourages Respondents to include one or more of the following elements in each such Respondent’s Program:

1. Commitment by the Selected Respondent (or its successors and assigns, as applicable) of resources for training efforts, such as making financial investments in employee training and creating a website or other technology-based tools and supports to:
   a. promote and track workforce development efforts;
   b. notify tenants of potential grant opportunities; and
   c. provide assistance to tenants to apply for grants, and share other opportunities or information as may be relevant.

2. Commitment by the Selected Respondent (or its successors and assigns, as applicable) to provide temporary space and personnel for a satellite outreach or workforce development site to provide outreach and screening of local jobseekers, including, but not limited to, distributing job applications and informing the public of available job opportunities leading up to the commencement of business operations.

3. Commitment by the Selected Respondent (or its successors and assigns, as applicable) to support connections to education and training. The workforce development liaison will work in partnership with HireNYC staff to connect individuals interested and in need of education and training to training programs and further education, at Designated City Agency service provider locations, or through relationships with other accredited training providers.

NYCEDC may impose liquidated damages in the event that the Selected Respondent fails to make good faith efforts to achieve the Goals and/or fails to comply with the other programmatic requirements described herein or in the HireNYC Program.

HireNYC is a free program that connects the City's workforce development services to economic development projects. For more information about HireNYC contact:

**Dalsie Andrade**  
Senior Project Manager, Workforce Development  
Phone: 212-312-3876  
Email: dandrade@nycedc.com
Please explicitly explain how you will address the HireNYC goals stated above. In your response, describe what in-house resources are available to meet the program goals or how you will utilize the services available through the City’s Department of Small Business Services (SBS) or other workforce development agencies.

1. New Jobs and Skill Level:
   a. Number of new hires
   b. Number and type of skilled/semi-skilled jobs
   c. Number and type of unskilled jobs

2. Training and Certifications:
   a. Training required for skilled-semi-skilled jobs

3. Workforce Development Liaison:
   a. Contact information for liaison (include company title)

**Description of Efforts to Meet Program Goals**

1. Discuss how you will facilitate targeted hiring, such as:
   a. arranging meetings and other events at which NYCEDC, through its HireNYC staff, can introduce potential or actual tenants to the menu of services available from the City’s workforce development agencies; and
   b. assisting with information sharing, providing space for hiring activities, and transmitting feedback from tenants regarding results of hiring initiatives.

2. Discuss how you will support connections to education and training either in partnership with SBS or through relationships with other accredited training providers (in your response please reference resources available for training
efforts, such as financial investments in employee training and creating a website or other technology-based tools and supports).

3. Discuss how the workforce development liaison will promote and track workforce development efforts.

4. Discuss options for providing temporary space and personnel for a satellite outreach or workforce development site to provide outreach and screening of local jobseekers.

5. Discuss career advancement opportunities, which may include opportunities to be promoted, to obtain a wage increase, etc.

6. Discuss experience with the implementation of workforce development programs and/or history of collaboration with the City’s workforce development agencies (if applicable).

**Job Type Examples**

Including but not limited to:

Skilled/Semi-skilled: All jobs requiring a Commercial Drivers License (CDL), Courtesy Bus Drivers, Cargo Screeners, Mechanics, Managers, Second-level Assemblers, Machine Operators, Fork Lift Operators, Commercial Vehicle Operators, Bookkeepers, Accountants, and Supervisors;

APPENDIX 8: Green Building Information

NYCEDC supports projects that use fewer raw materials and decrease the total impact on the natural, human and built environment. Two important strategies include using sustainable design principles, as defined by the United States Green Building Council ("USGBC") through Leadership in Energy and Environmental Design ("LEED") and promoting physical activity and health, as defined by the City’s departments of Design and Construction, Health and Mental Hygiene, Transportation, City Planning, and Office of Management and Budget, through Active Design Guidelines (the “Guidelines”).

More information regarding LEED can be found at http://www.usgbc.org and the Guidelines can be found at www.nyc.gov/adg. Please refer to the following list of green building resources, incentive and technical assistance programs and contact information to facilitate your high performance/green building research.

Green Building Resources
American Council for an Energy-Efficient Economy http://www.aceee.org
Energy Star Program (U.S. EPA) http://www.energystar.gov
Environmental Building News http://www.ebuild.com
Environmental Defense Fund http://www.edf.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 Environmental Protection Agency http://www.epa.gov

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 ("NYSERDA")
NYSERDA provides computer modeling, design charrette coordination, assistance in obtaining LEED certification, Executive Order 111 assistance, New York State Green Buildings Tax Credit assistance, green materials recommendations, commissioning and life cycle costing analysis to building design teams to help make new and rehabilitated commercial, industrial, and institutional buildings green. Green Building services are offered under the New Construction program PON 1155. Energy efficiency services to new building construction and renovations are offered under the New Construction Program on a first come first served basis.

Craig Kneeland, Project Manager
518.862.1090 ext. 3311
e-mail: eek@nyserda.org

New York State Department of Environmental Conservation
James Austin, Assistant Commissioner
Phone: 518.485.8437
e-mail: jdaustin@gw.dec.state.ny.us
website: http://www.dec.state.ny.us

United States Department of Energy
For more information about USDOE building programs, contact:

Dru Crawley
Phone: 202.586.2344
Fax: 202.586.1628
e-mail: drury.crawley@ee.doe.gov
website: http://www.doe.gov
APPENDIX 9: Statement of Agreement

SAMPLE

(On company letterhead)

Date:

New York City Economic Development Corporation
110 William Street, 6th Floor
New York, NY 10038
Attn: Maryann Catalano, Agency Chief Contracting Officer

Dear Ms. Catalano:
This letter hereby certifies that [Respondent] has read this RFP and the Appendices fully
and agrees to the terms and conditions set forth in this RFP and Appendices.

Sincerely,

Respondent
Respondent Title [must be authorized principle or officer of the respondent]
APPENDIX 10: CEQR Description and Fee Schedule

Please refer to Subchapter A of Chapter 3 of Title 62 of the Rules of the City of New York

For more information, please visit
APPENDIX 11: Conditions, Terms, and Limitations

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

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

B. The City and NYCEDC, and their respective officers, employees, and agents, make no representation or warranty and assume no responsibility for the accuracy of the information set forth in this RFP, the physical condition of the Site, the status of title thereto, its suitability for any specific use, the absence of hazardous waste, or any other matter. All due diligence is the responsibility of the Respondent and Respondents are urged to satisfy themselves with respect to the physical condition of the Site, the information contained herein, and all limitations or other arrangements affecting the Site. As stated in the RFP, NYCEDC will make available for review, to any Respondent so requesting, the File. Neither NYCEDC nor the City will be responsible for any injury or damage arising out of or occurring during any visit to the Site.

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

D. 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.

No transaction will be consummated if any Principal of any Selected 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.
E. Neither NYCEDC nor the City is obligated to pay and shall not pay any costs incurred by any Respondent at any time unless NYCEDC or the City has expressly agreed to do so in writing.

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

H. This is a Request for Proposals not a Request for Bids. NYCEDC shall be the sole judge of each response’s conformance with the requirements of this RFP and of the merits of the individual proposals. NYCEDC reserves the right to waive any conditions or modify any provision of this letter with respect to one or more applicants, to negotiate with one or more of the applicants with respect to all or any portion of the Site, to require supplemental statements and information from any Respondents, to establish additional terms and conditions, to encourage applicants to work together, or to reject any or all responses, if in its judgment it is in the best interest of NYCEDC and the City to do so. If all proposals are rejected, this RFP may be withdrawn and the Site may be retained, and re-offered under the same or different terms and conditions, or disposed of by another method, such as auction or negotiated disposition. In all cases, NYCEDC shall be the sole judge of the acceptability of the proposals. NYCEDC will enforce the submission deadline stated in the RFP. All proposals become the property of NYCEDC.

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

J. Except as specifically provided herein, the Selected Developer will pay all applicable taxes payable with respect to the Project, including transfer and mortgage recording taxes. Selected Developer will be required to pay the New York City Real Property Transfer Tax and New York State Real Estate Transfer Tax, notwithstanding any exemption from sale on account of the City’s or NYCEDC’s involvement in the transaction.

K. This transaction will be structured as a “net” deal to NYCEDC, with the Selected Developer being responsible for all fees relating to the Project and all costs incurred by NYCEDC including, but not limited to, costs for outside legal counsel, if any, studies, and outside consultants.

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

M. In furtherance of NYCEDC’s mission of economic development, the disposition of the Site will be subject to NYCEDC’s standard provisions for similar transactions. The deed conveying the Site to the Selected Developer shall contain redevelopment obligations as well as restrictions on use and transfer of the Site. Failure to comply with these restrictions will result in a right by NYCEDC or the City to re-enter and re-acquire the Site for no consideration.

N. The Selected Developer will be required to deliver evidence to NYCEDC of the creation of employment opportunities at the Site for the first eight (8) years after the closing of the Project. The Selected Developer must also agree in good faith to consider any proposals made by the City or City-related entities with regard to jobs the Selected Developer is seeking to fill and to provide the City with the opportunity to make job referrals, and create a training program for City residents. The Selected Developer will be required to cause commercial tenants to agree to these provisions at the time it enters into leases with such tenants.
APPENDIX 12: Economic Development Benefits

The following are select economic development benefits that may be available to the Selected Respondent if it meets eligibility requirements, including but not limited to, factors such as site use and location. The descriptions are for general informational purposes only. The potential benefits described herein are subject to approval by the appropriate governmental agencies. Accordingly, neither the Respondents nor any third party should view the contents of this section as a final offer from, or commitment by, the State, City, NYCEDC or any other affiliated or unaffiliated agency or public authority. The below information is subject to change.

Incentives

**Empowerment Zone Benefits**
The Site is located within the South Bronx Empowerment Zone. Businesses located at the Site may be eligible for a package of tax credits including accelerated depreciation, wage tax credit, and various financing and work opportunity programs.


**Industrial and Commercial Abatement Program (“ICAP”)**
ICAP reduces a portion of the increase in real property taxes due to new construction, modernization or rehabilitation of commercial buildings by providing 25-year tax abatements for qualified projects. Certain commercial properties in eligible locations receive additional inflation protection on their assessment base.


**New Markets Tax Credit (“NMTC”) Program**
The Site is also within a NMTC-eligible census tract. Enacted by Congress in 2000, and administered by the U.S. Department of Treasury Community Development Financial Institutions (“CDFI”) Fund, the NMTC Program is a federal program that facilitates private sector financing for acquisition, construction, and major rehabilitation of commercial, industrial, community facility, and mixed-use residential developments in low-income communities.


**Green Infrastructure Programs**

**New York City Green Infrastructure Grant Program**
The New York City Department of Environmental Protection has announced the 2012 Green Infrastructure Grant Program. Up to $4 million was available for green
infrastructure projects such as rain gardens, blue roofs, green roofs and porous pavement on private property.

The application deadline for the 2012 GI Grant Program has passed. DEP is no longer accepting submissions.

For information on future grant programs please email sustainability@dep.nyc.gov.

More information about the 2012 Green Infrastructure Grant Program can be found at: