

REQUEST FOR PROPOSALS

New York City Economic Development Corporation



East New York Industrial RFP

Release Date: Monday, November 16, 2009

Information Session: Wednesday, December 9, 2009

Site Visit : Friday, December 11, 2009

Submission Date: Monday, February 1, 2010

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EXECUTIVE SUMMARY

Introduction

New York City Economic Development Corporation (“NYCEDC”), on behalf of the City of New York (the “City”), is seeking proposals for the disposition and development of seven (7) sites varying in size between approximately 2,000 square feet and approximately 19,600 square feet (each, a “Site,” and collectively, the “Sites”) in the East New York section of Brooklyn. The Sites are situated in the East New York Industrial Business Zone (“ENY IBZ”), the East New York II Industrial Urban Renewal Area or the Brownsville II Urban Renewal Area (each, an “Urban Renewal Area”) and the East Brooklyn Empire Zone. As such, NYCEDC seeks users or developers of industrial space to purchase and redevelop all or some of the Sites.

Objectives

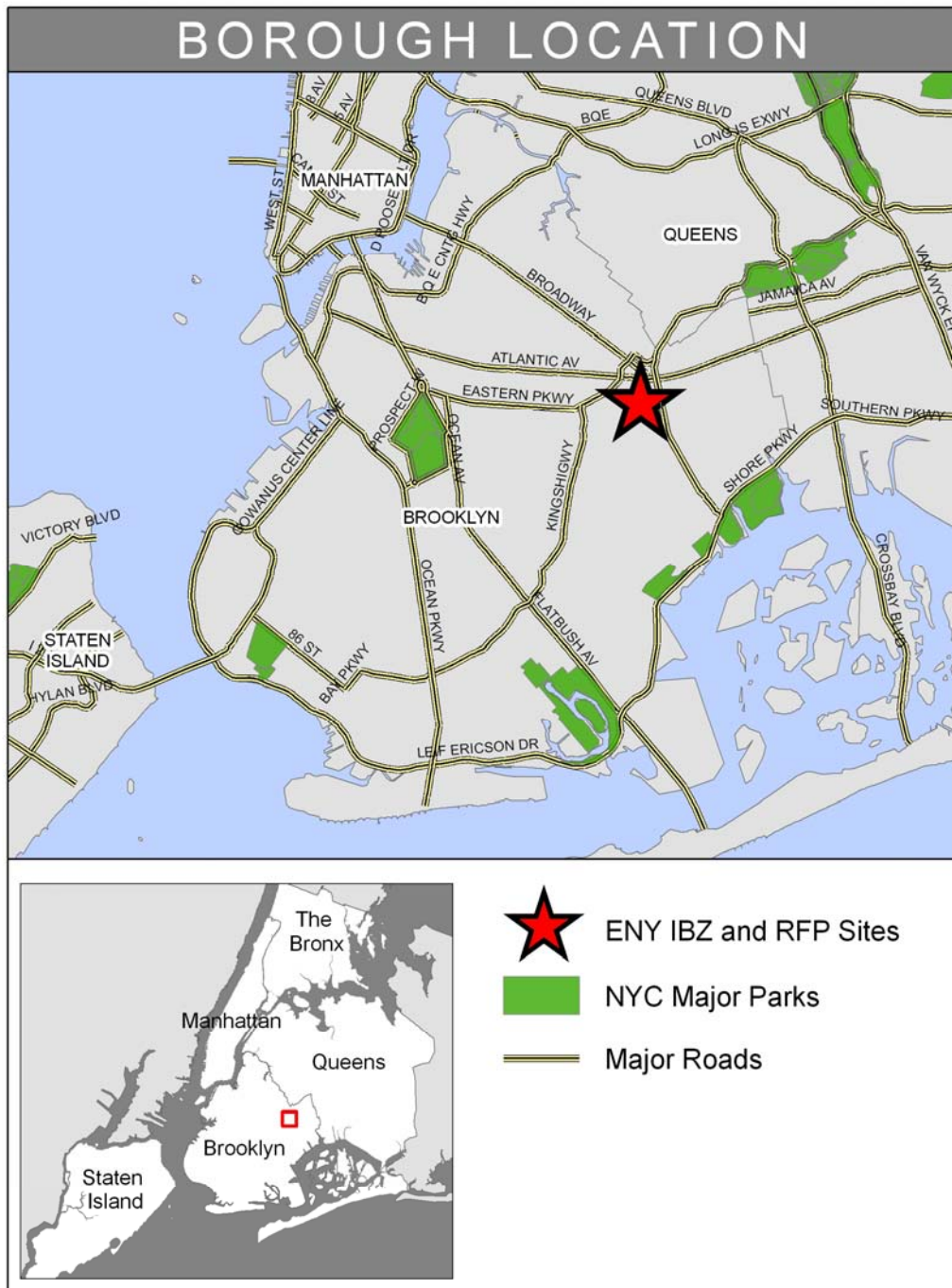
A successful response to this Request for Proposals (“RFP”) will accomplish the following goals:

- Enhance the growth of the City’s industrial base through the redevelopment of a Site, or numerous Site(s) together, for an as-of-right industrial use;
- Establish a financially feasible and economically viable project;
- Generate proceeds through each Site’s purchase price and the tax revenue generated from the development and operation of the Sites;
- Expand and preserve quality jobs for local residents and maximize permanent employment opportunities for the City’s local and disadvantaged 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 each project Site through this RFP process is referred to herein as the “Selected Developer.”

It is anticipated that the Selected Developer will enter into a contract of sale (the “Contract of Sale”) by February 26, 2010 and close on fee title to the Site(s) by August 30, 2010. Achieving these milestones will require the expedient handling of this transaction on the part of NYCEDC and the Selected Developer. In order to meet an expedited schedule, proposals and programs submitted on February 1, 2010 should be designed and detailed adequately as to be ready to begin environmental analyses within three (3) weeks of contract execution and design review within four (4) weeks of contract execution. A project timeline is located in Appendix 1.

Map 1: Regional Map



SITE CONTEXT & DESCRIPTIONS

Location Description

The Sites are comprised of City-owned lots located in a primarily industrial section of the East New York neighborhood in Brooklyn. The Sites are located within eight miles of JFK International Airport and within eleven miles of downtown Manhattan providing a central location opportunity for a business or tenant. The Sites are located within the boundaries of the ENY Industrial Business Zone, which is managed by the Local Development Corporation of East New York (the “LDC of ENY”). The LDC of ENY provides area maintenance, ombudsman services and has the ability to facilitate transactions between prospective purchasers and NYCEDC. The Sites are also located within the East New York II Industrial Urban Renewal Area or the Brownsville II Urban Renewal Area, and the East Brooklyn Empire Zone (see Map 2 below for the boundaries of the ENY IBZ, as well as general Site locations).

Existing Conditions

The Sites are currently vacant. East New York Site 17 and East New York Site 22 are paved with blacktop. However, no structures or improvements exist on either Site 17 or 22.

Brownsville Industrial Site 3, the largest Site, is approximately 19,000 square feet. Site 3 is zoned M1-4 and the adjacent uses are all industrial, including a metal working operation and a bus parking company. The surrounding buildings are either one-story industrial or office buildings. The property has frontage on both Sackman and Powell streets, providing access from both the east and the west. This would enable vehicles to enter the site from Sackman and exit on Powell without a required turnaround within the parcel.

East New York Site 2, an approximately 3,300 square foot parcel, is zoned M1-4. Site 2 is located on the corner of East New York Avenue and Van Sinderen Avenue, adjacent to a private industrial user with a one-story building and a parking lot. An elevated portion of the L subway line is nearby.

East New York Site 5 is an approximately 2,000 square foot, single lot located between two three-story, residential multi-family houses on Hinsdale Street. It is zoned M1-4. At the rear of Site 5 is a parking lot used for bus storage. Across Hinsdale Street is the Trey Whitfield School, a private school for children in Nursery programs through grade 8.

East New York Site 8 is approximately 2,000 square feet and is zoned M1-4. The Site is across Hinsdale Street from East New York Site 5 and is located between a private bus parking lot and the Trey Whitfield School.

East New York Site 17 is zoned M1-4 and contains approximately 9,450 square feet. The Site is a paved lot that is adjacent to a private residential building and the Brooklyn Women’s Shelter parking area on the corner of Glenmore Avenue and Hinsdale Street.

The corner location of this Site has the potential to provide access from either Glenmore or Hinsdale Streets.

East New York Site 22 is approximately 4,100 square feet and is zoned M1-4. Site 22 is also a paved corner lot with multiple access points and is surrounded by vacant privately-owned parcels. This block contains industrial users with one-story, concrete buildings.

East New York Site 34, approximately 2,400 square feet and only 100 feet removed from the nearby Sutter Avenue commercial strip, is zoned C4-3 for commercial uses, unlike the other lots which are all in M1-4 Zoning Districts. Site 34 is adjacent to a one-story private industrial user housed in a brick building and residential buildings with ground floor commercial overlay on Sutter Avenue.

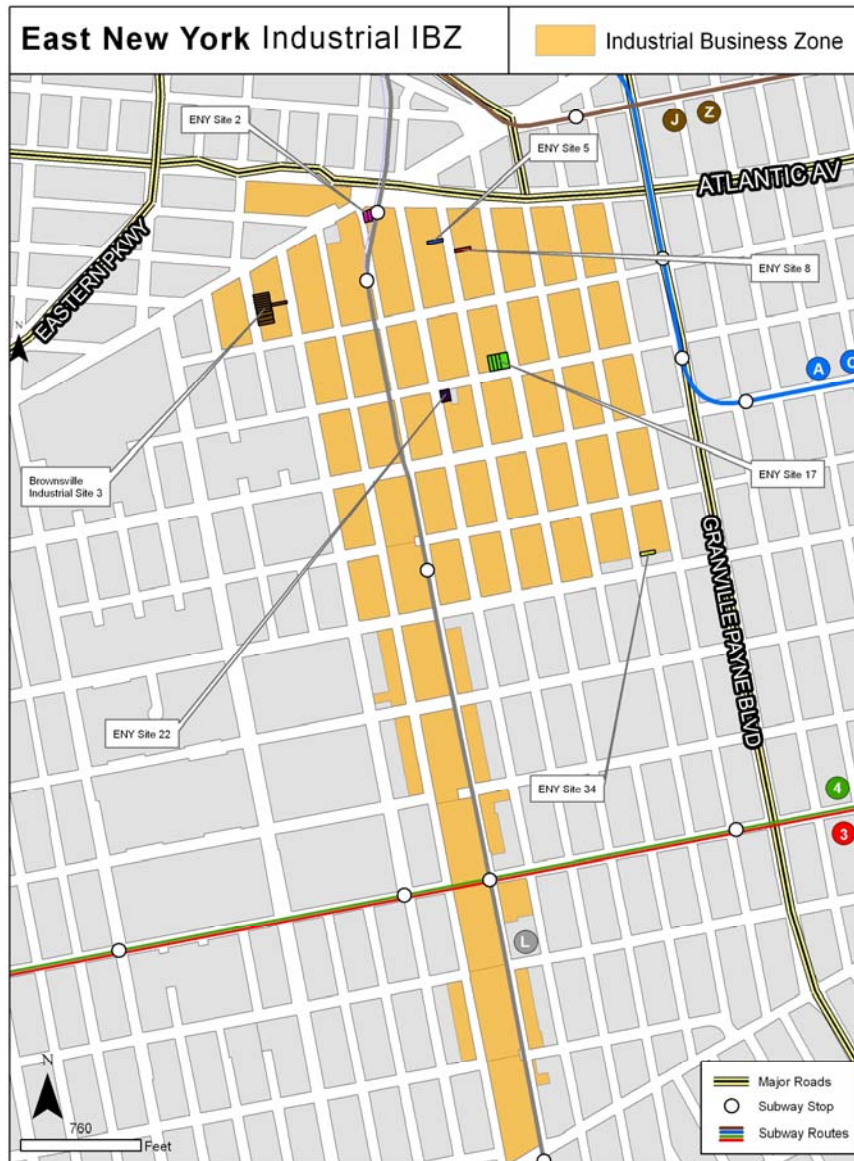
The ENY Industrial Business Zone section of Brooklyn is generally characterized by industrial uses interspersed with small residential and retail uses. Surrounding the ENY IBZ, both private residences and public housing developments exist, including the Samuel J. Tilden Houses, Glenmore Plaza and the Howard Houses. The vast majority of the residential units are outside of the ENY IBZ boundaries but provide a nearby labor pool within walking distance to ENY IBZ industrial businesses. Additionally, there are substantial and varied commercial uses close to the ENY IBZ along Atlantic Avenue to the north and Sutter Avenue to the south including bodegas, dry cleaners, pizzerias and pharmacies. This nearby commercial corridor supplies amenities to employees of the firms located within the ENY IBZ boundaries.

Context

The primary land uses within the ENY IBZ are light industrial and manufacturing – including a cluster of steel and metal working/fabrication, construction, transportation, warehouse/distribution and vinyl manufacturing. Tenants and businesses benefit from this cluster of compatible land uses in many ways. Industrial operators are largely situated adjacent to compatible land uses and benefit from the co-location of similar businesses. The ENY IBZ enables industrial businesses to function according to their specific needs, with uninhibited truck access, freedom from dense pedestrian traffic, as well as minimal potential for conflicts with neighboring residential uses over noise, truck trips and hours of operation.

Additionally, within the IBZs located across New York City, the Bloomberg administration has opposed the rezoning of industrial property for residential use. This policy alleviates real estate uncertainty and promotes long-term industrial use.

Map 2: Site Locations



Transportation

The Sites have nearby access to major transportation corridors such as the Belt Parkway, Route 27, Eastern Parkway, Atlantic Avenue and the Jackie Robinson Parkway. The Sites also offer proximity to public transit for potential employees and are close to stops on the L, A, C, 3, 4, J and Z subway lines (see Map 2 above for each Site's proximity to a specific subway line).

DEVELOPMENT GOALS

NYCEDC aims to achieve the following goals through the disposition of the sites to selected respondents:

- Enable and enhance the growth of the City's industrial base through the redevelopment of a Site, or numerous Sites together, for an as-of-right industrial use;
- Generate proceeds from each Site's purchase price and tax revenue generated from the development and operation of the Sites.
- 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 the Targeted Hiring and Workforce Development Program ("THWDP");
- Plan and build the most energy efficient and environmentally sustainable project possible.

DEVELOPMENT CONTROLS

Approvals

The redevelopment of the Sites will require certain approvals, including, but not limited to, the following:

Dispositions of land accomplished through NYCEDC are subject to City Environmental Quality Review ("CEQR"). An 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 aim to begin the CEQR process within four (4) weeks of Contract of Sale execution (Contract execution is scheduled for the end of February 2010), in order to expedite the project. Respondents' proposals should aim to include sufficient detail and clear information on its project and its components including: design, development size and footprint, number of employees and visitors, traffic trip generation estimates and all applicable information which would be necessary to start the CEQR environmental assessment within one month of Contract of Sale execution. The Selected Developer will be responsible for all costs associated with any environmental review documents.

Dispositions through NYCEDC are also subject to City Charter Section 384(b)(4) for public review of business terms and all applicable public approvals required thereunder. The Selected Developer will present its plans to both Brooklyn Community Boards 5 and/or 16 as well as the Brooklyn Borough Board as a part of the 384(b)(4) review process. Additionally, NYCEDC requires that the disposition of City-owned land be reviewed and approved internally by the NYCEDC Real Estate Committee and NYCEDC Board of Directors.

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 (“LL 34”). In order to avoid the actual or appearance of a link between governmental decisions and large campaign contributions, lower municipal campaign contribution limits apply to any person listed in the Doing Business Database. 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. Respondents that submit proposals for, or Respondents that are awarded any of these transactions must complete an agency-supplied Doing Business Data Form before their proposals can be considered or awards made. Respondents must complete Appendix 6 and **submit an original** as part of their proposal.

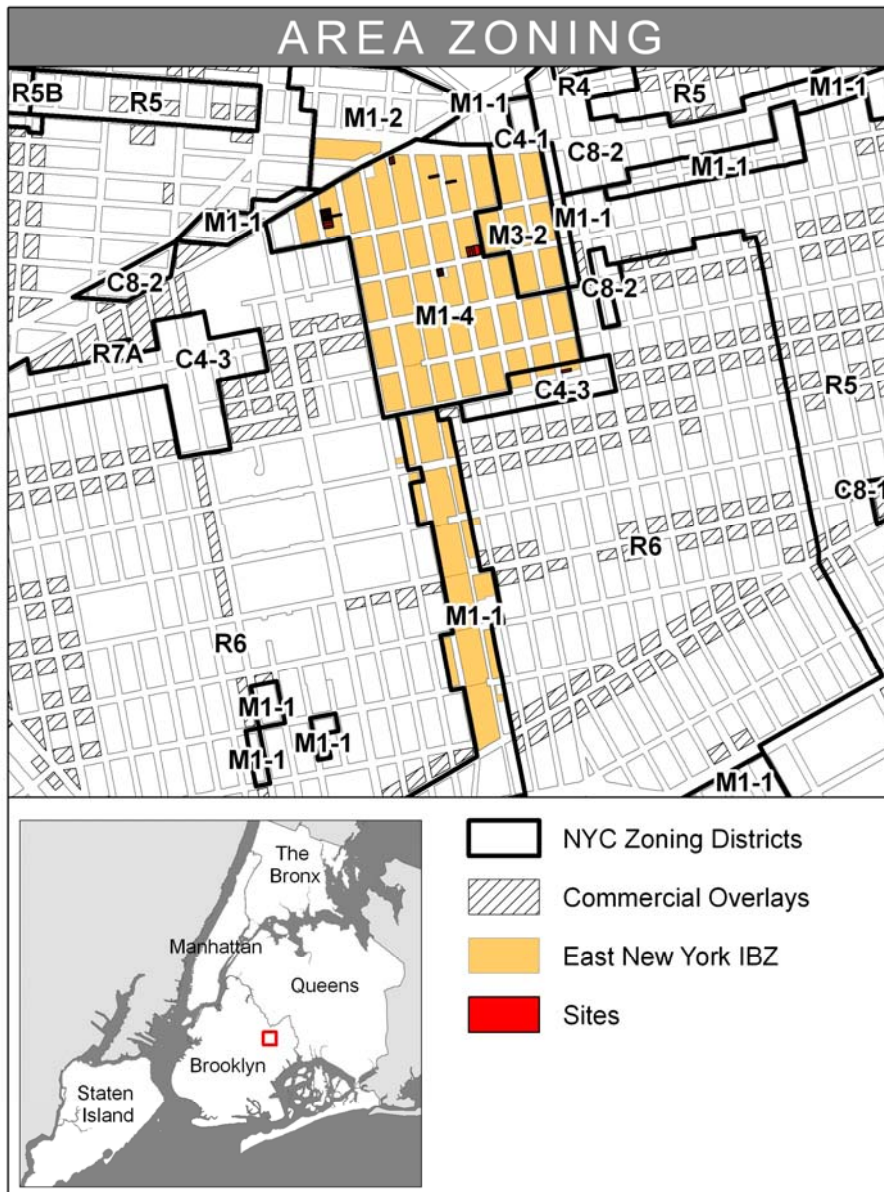
Zoning and Land Use

Site Name	Zoning	Urban Renewal Plan	Square Footage
East New York Site 2	M1-4	ENY II URP	3,300
East New York Site 5	M1-4	ENY II URP	2,000
East New York Site 8	M1-4	ENY II URP	2,000
East New York Site 17	M1-4	ENY II URP	9,450
East New York Site 22	M1-4	ENY II URP	4,100
East New York Site 34	C4-3	ENY II URP	2,400
Brownsville Industrial Site 3	M1-4	Brownsville II URP	19,600

The Sites are located in M1-4 and C4-3 districts. M1-4 districts are high performance light industrial districts, which allow light industrial uses and a limited range of commercial, community facility, and retail uses. The complete list appears in the New York City Zoning Resolution (“Zoning Resolution”) (see Map 2: Area Zoning). The C4-3 zoning district allows a wide range of commercial, residential, and community facility uses, which are specified in the Zoning Resolution.

Additional information on zoning, including an online version of the Zoning Resolution, may be found on the City’s Department of City Planning (“DCP”) website at <http://www.nyc.gov/html/dcp/home.html>.

Map 3: Area Zoning Map



Green Building/Sustainable Design

NYCEDC supports green building, also referred to as sustainable design, and seeks proposals that enhance the energy efficiency of buildings, use fewer raw materials, incorporate natural lighting where appropriate, improve indoor air quality, and decrease total impact on natural and human environments. While sustainable design conveys benefits to both natural and built environments, it is also shown to reduce long term operating costs through increased energy efficiency.

Where applicable, Respondents should clearly articulate sustainability principles for the project and define the sustainability goals the project will seek to achieve.

NYCEDC will look favorably on Respondents that include green design elements and LEED certification in their development program but will not require that the proposal include such information for consideration.

East New York II Industrial Urban Renewal Area

The Sites, except for Brownsville Industrial Site 3, are designated Sites within the bounds of the East New York II Urban Renewal Area, and the relevant Urban Renewal Plan limits these Sites to industrial uses and other uses allowable in manufacturing zoning districts.

The Urban Renewal Plan sets forth the additional regulations, controls, and restrictions for selected aspects of the site plan and design, including parking, loading, utilities, open space and yard regulations, landscaping, enclosure and screening requirements, sign regulations, and architectural aesthetics. Design review by the City's Department of Housing Preservation & Development ("HPD") may also be required (see Site File for the First Amended Urban Renewal Plan: East New York II Industrial Urban Renewal Area, July 1987).

It is contemplated that no additional approvals through the Uniform Land Use Review Procedure ("ULURP") will be necessary to proceed with the project. It is anticipated that all proposed industrial and commercial uses for the Sites will conform to the provisions of the Urban Renewal Plan and the as-of-right M1-4 or C4-3 zoning specifications included in the Zoning Resolution. Proposals that include alternative uses for the Site and do not conform to the provisions of the Urban Renewal Plan and Zoning Resolution will be considered but will require ULURP.

Brownsville II Urban Renewal Area

Site 3, located in the Brownsville II Urban Renewal Area, is subject to the regulations, controls, and restrictions, which appear in the Brownsville II 2nd Urban Renewal Plan, November 1995 (see Site File for Brownsville II 2nd Urban Renewal Plan, November 1995). The proposed project at Site 3 will require design review by HPD.

PROPOSAL REQUIREMENTS

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

Requirements

Each complete proposal must address the following elements:

A. Project Description

The project description should be a detailed narrative describing the project (the "Project"), including type and size of development, an explanation of how the proposed project relates to the neighboring space, proposed uses and

corresponding square feet, development plans and schedule, and the Respondent's operation assumptions. The project description should address each of the issues detailed in the Development Controls section of this RFP. Employment generation projections (direct and indirect, construction and permanent jobs) must also be supplied (see Appendix 11 for a job creation table).

B. Respondent Description

Respondents must demonstrate sufficient financial resources and professional ability to develop the Site in a manner consistent with the relevant proposal. In addition, Respondents must complete and submit an Industrial Development Team Information and Applicant Questionnaire, a copy of which is attached as Appendix 2 and a NYCEDC Background Investigation Form, a copy of which is attached as Appendix 8. Each proposal must include a description of the Respondent's team, including:

- Current operating budget and previous three years of audited financials
- Current organizational structure. Any proposed partnership or joint venture must be clearly explained, including a chart/diagram of the purchaser and/or development entity showing structure and percentages of ownership;
- 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 in a timely manner;
- Respondent's day-to-day main point of contact information;
- Completed Doing Business Data Form for compliance with Local Law 34. (see Appendix 6).

C. Financial Information

Respondents must provide the following financial information:

- 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 is based, including minimum returns sought. The pro forma should include all necessary capital improvements over time, reserves, and debt service payments associated with construction financing. The cash flows should be submitted in Excel format and link to the section clearly outlining assumptions on which all calculations were based;
- Construction sources and uses of funds, including details of equity and financing sources and a break out of all soft and hard costs and development and financing fees to be paid on the "uses" side. Please clearly indicate

escalation rates to account for any increases in construction costs in your budget or contingencies;

- A detailed description of proposed equity investment and construction and permanent financing;
- Letters of interest and/or intent from lenders, if applicable.
- Letters of interest and/or intent from tenants, if applicable.

Please provide the pro forma and financial information electronically on a computer disk in Excel format (soft-coded only).

D. Contract of Sale Including Purchase Price Offer

Each respondent must submit a contract which they would execute if accepted by NYCEDC, substantially in the form of the draft contract of sale, which must be requested by emailing eastnyindustrialrfp@nycedc.com.

The proposed purchase price must be expressed in a fixed, non-contingent dollar amount.

The proposed purchase price will be confirmed by appraisal, and the final purchase price will be the higher of the offering price or the appraised value. This appraised value will be determined through an independent appraisal commissioned by NYCEDC and paid for by the Developer. Respondent's financial offer for the Site(s) should assume that it will be disposed of in as-is condition.

E. Site Plan/ Architectural Design

Respondents should provide conceptual drawings sufficiently detailed for a design review as per the requirements of the relevant Urban Renewal Plan for the redeveloped Site, including site plans, floor plans, renderings of the redeveloped Site, landscaping, building elevations and sections, parking, and a summary of the proposed building program with all square footages identified. Drawings must indicate the graphic scale.

F. Environmental Review Team

Respondents will select and provide to NYCEDC information about its team of environmental, transportation, and land use consultants in preparation for CEQR which must commence within one (1) month of the execution of the Contract of Sale in late February 2010.

G. Zoning and Urban Renewal Plan Analyses

Respondents shall provide a zoning analysis showing all calculations, as well as identify any and all permits and authorizations required for the proposed redevelopment. In addition, the proposal shall provide an analysis showing compliance with the requirements of the relevant Urban Renewal Plan, including site plan, parking, landscaping, signage and other design specifics.

H. Construction Plan/Schedule

Respondents must provide a construction schedule and staging area plan for the proposed project.

I. Description of Community Benefits

Respondents must describe and quantify the direct benefits to the community for the proposed project.

J. 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 without limitation:

- 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.

K. Targeted Hiring and Workforce Development Program (“THWDP”)

NYCEDC recognizes the importance of creating employment opportunities for low-income persons, enabling them to participate in the City’s economic growth. To this end, NYCEDC has developed the Targeted Hiring and Workforce Development Program (THWDP). 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 (see Appendix 10).

The hiring and workforce development goals to be incorporated into the Program shall include, at a minimum, the following goals or, at each Respondent’s discretion, higher goals (collectively, the “Goals”):

Hiring Goal:	Fifty percent (50%) of all new permanent jobs created in connection with the project (including jobs created by tenants but excluding jobs relocated from other sites) will be filled by members of the target population (<u>see Appendix 10</u> 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.
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Retention Goal: Forty 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: Thirty 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 City's Department of Small Business Services ("SBS") to provide skills-training or higher education opportunities to members of the target population.

L. Statement of Agreement

The Respondent must submit a notarized statement signed by an authorized principal or officer of the Respondent which states that the Respondent has read this RFP and the Appendices fully and agrees to the terms and conditions set forth therein (see Appendix 7 for example of a notarized and signed statement).

DEVELOPER DUE DILIGENCE

Information provided in the RFP is for general informational purposes only. It is the Respondent's responsibility to conduct its own due diligence on the Site(s).

Site Information File

NYCEDC's Site Information File (the "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 File prior to submitting a proposal. To review or purchase the File, please contact Anifia Binns at 212.618.5721 or eastnyindustrialrfp@nycedc.com.

The File contains:

- Photos of the Site
- Site survey
- Map collection, including the tax map, zoning map and Sanborn map
- Phase I Environmental Site Assessment (prepared for NYCEDC) included to provide a general idea only, but not for specific references
- Phase II Environmental Site Investigation Report (prepared for NYCEDC) included to provide a general idea only, but not for specific references *
- Amended East New York II Industrial Urban Renewal Plan (July 1987)
- Amended Brownsville II Urban Renewal Plan (November 1995)
- IPIS report (Integrated Property Information System) containing basic site information and restrictions

* Site survey and Phase II Environmental Site Investigation may not be included in the File upon RFP release date on November 16, 2009. Prospective Respondents will be notified when these documents are added to the File if not immediately available following RFP release.

SELECTION CRITERIA

In addition to evaluating Respondents on the extent to which they achieve the program goals as described in the Development Goals section (above), NYCEDC will evaluate each Respondent's proposal according to the criteria listed below. NYCEDC will take into account the information provided in the proposal, references, and any other information about the Respondent's performance available to NYCEDC. 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.

- **Purchase Price & Financial Feasibility** - Inclusion of a competitive purchase price that is consistent with the proposed project. The Respondent'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.
- **Contract of Sale** – Each respondent must submit a contract of sale for each parcel for which a proposal is submitted. Adherence to NYCEDC's proposed contract terms will be looked upon favorably in selection process. A draft contract must be requested by emailing eastnyindustrialrfp@nycedc.com.
- **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;
- **Land Use and Design** – Thoughtful and innovative architecture and design that responds to the Site(s) and the Development Goals listed in the RFP. The extent to which Respondent maximizes development potential 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 and Preparedness** – Experience, development skills, and financial resources necessary to complete a high-quality project on time and within budget.

- **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;
- **Schedule** – Ability to navigate the disposition process and complete the project, in a expedited fashion;
- **M/WBE Hiring Utilization Plan**– Degree to which the Respondent addresses the M/WBE goals outlined in the RFP;
- **Targeted Hiring and Workforce Development** – Degree to which Respondent demonstrates a willingness to participate in and provide resources for the THWDP. Proposals should indicate the elements the Respondent intends to incorporate, how Respondent intends to achieve such goals, if appropriate, and describe any relevant experience;
- **Green Building Plan** – The extent to which proposals incorporate green building and sustainable development concepts and technologies in order to enhance overall design and construction, while simultaneously making the building environmentally responsible;

DISPOSITION PROCESS

Contract of Sale

After review of the proposals, if NYCEDC, in its sole determination, elects to proceed with one or more of the proposals, NYCEDC will choose Selected Developer(s) for disposition of the Site(s) and enter into a Contract of Sale, which Respondents may review, comment on and revise. Respondents are encouraged to fill in all business terms (e.g., purchase price, down payment) of the Contract of Sale, and submit such marked up Contract of Sale with its proposal. A draft form of the Contract of Sale is attached hereto as Appendix 12. The draft Contract of Sale contains standard terms and conditions contained in NYCEDC contracts and shall be subject to limited negotiation. However, Respondents should note that the draft Contract of Sale does not contain the specifics of any proposal nor does it fully address all of the concepts to be included in the final Contract of Sale. NYCEDC shall not be bound to the terms of the draft Contract of Sale and shall use such draft form, including any comments provided by Respondents, as a basis of negotiating a final Contract of Sale with Selected Developer(s). Notwithstanding any other provisions herein that may be to the contrary, NYCEDC shall not be under any obligation to sell the Site to the Selected Developer unless and until a Contract of Sale is

executed and delivered between NYCEDC and such Selected Developer. **Upon execution of the Contract of Sale, the Selected Developer must reimburse NYCEDC for the following costs/fees, which are non-refundable and cannot be used to offset the purchase price (with the exception of (a) the down payment which is non-refundable, but will be credited towards the purchase price and (b) the CEQR or ULURP fees which are due as described below):**

- Administrative Fee, determined as follows:

<u>Administrative Fee Schedule</u>	
Purchase Price:	Fee:
Less than \$100,000	\$5,000
\$100,001-\$500,000	\$20,000
\$500,001-\$1,000,000	\$40,000
\$1,000,001-\$5,000,000	\$50,000
More than \$5,000,000	1% of purchase price

- A down payment equal to 10% of the purchase price
- All fees related to the CEQR and/or ULURP processes. The CEQR fee is due upon submission of a Draft EAS and the ULURP fee is due upon ULURP certification (if applicable). Fee schedules are outlined in Appendix 9.
- Costs of Phase I environmental site assessment
- Costs of Phase II environmental site investigation report, if necessary
- Cost of survey
- Cost of an independent appraisal

The proposed purchase price will be confirmed by an appraisal, and the final purchase price will be the higher of the offering price or the appraised value. The appraised value will be determined by NYCEDC through an independent appraisal of the highest and best use of the Site, paid for by the Selected Developer. The expense of the appraisal is non-refundable and cannot be used to offset the purchase price.

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.

QUESTIONS/ INFORMATIONAL MEETING

Potential respondents can submit questions regarding the RFP by emailing eastnyindustrialrfp@nycedc.com starting at 4PM on **November 24th, 2009**. Answers to these questions will be posted by **the end of the following week**, at www.nycedc.com/RFP.

There will be an information session held on **December 9, 2009 at 1 PM** at NYCEDC's offices at 110 William Street, New York, New York 10038. Those who wish to attend should RSVP by contacting Anifia Binns at 212.618.5721 or eastnyindustrialrfp@nycedc.com on or before **December 7, 2009 at 4PM**. Interested Respondents 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 **December 18, 2009**. There will be a site tour on **December 11, 2009**. Further information regarding the site tour will be provided at the information session.

Following the information session, Respondents may submit final questions and/or request clarifications by emailing eastnyindustrialrfp@nycedc.com. No questions will be accepted after 4PM on **January 15, 2010**. Answers to all questions will be posted by **January 22, 2010**, at 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

Five (5) copies of the submission and one (1) electronic version of the submission on disk in PDF and Excel formats, identified by "East New York Industrial Site Proposal" on the envelope, must be submitted to and received by NYCEDC by **4PM on Monday, February 1, 2010**. 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 4.

FURTHER INFORMATION

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

Connor Wilson, Senior Project Manager
New York City Economic Development Corporation
110 William Street, 5th Floor
New York, NY 10038
212.618.5752
owilson@nycedc.com

APPENDIX 1: Project Timeline

o RFP Release	November 16, 2009
o Information Session	December 9, 2009
o Site Tour	December 11, 2009
o Final Questions Due	January 15, 2010
o NYCEDC responds to Final Questions	January 22, 2010
o RFP Responses Due	February 1, 2010
o Respondent Interviews	February 11-12, 2010
o Contract of Sale Execution	February 26, 2010
o CEQR EAS	March 19, 2010
o Design Review	March 26, 2010
o 384(b)(4)	March, 2010 - July, 2010
o NYCEDC Real Estate Committee	July 2010
o NYCEDC Board Approval	August 2010
o Mayoral Authorization	August 2010
o Closing	August 2010

APPENDIX 2: INDUSTRIAL DEVELOPMENT QUESTIONNAIRE

1. Business Applicant Information

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

Business Name	
Business EIN	
Business Address	
Business Phone/Fax	
Business Email/Web Site	
Secondary Business Address	
Principal's Name, Title, % Ownership	
Principal's Name, Title, % Ownership	
Principal's Name, Title, % Ownership	
Primary Business Activity	
Primary 4-Digit SIC Code	
Description of Business	
History of Business	
Primary Clients	
Location of Clients	
Year Business was Established	
Number of Years at Present Location	
<u>Block and Lot(s) Currently Occupied</u>	
Number of Square Feet at Present	

Location	
Rent or Own Current Space?	
Description of Expansion or Relocation Needs	

Number of Full-Time Payroll Employees	
Number of Part-Time Payroll Employees	
Number of Contract Employees	
Average <u>Annual</u> Employee Salary	
Average Length of Employment	

2. Developer Information (if different from #1)

Business Name	
Business EIN	
Business Address	
Business Phone/Fax	
Business Email/Web Site	
Principal's Name, Title, % Ownership	
Principal's Name, Title, % Ownership	
Principal's Name, Title, % Ownership	
Ownership Chart	
Principal Business Activity	
Primary 4-Digit SIC Code	
Description of Business	
History of Business	
Description of Recent Development	

Projects (in New York City region)	
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1. 3. Development Plan and Development Team Information

Detailed Project Description	
Development Occupant(s)	
Number and Type of Jobs to be Created	
<u>Average Annual Salary for Each Type of Job to be Created</u>	
Number and Type of Jobs to be Retained	
<u>Number of Construction Jobs</u>	
Reasons for Undertaking Proposed Development	
Relocation or Expansion?	
Description of goods to be manufactured or distributed	

--	--

Total Square Footage of Building to be Developed	
Total Footprint of Building to be Developed	
Stories	
Number of Loading Docks	
Floor Load (pounds/square foot)	
Number of Anticipated Roundtrip Truck Trips/Day	
Number of Anticipated Roundtrip Car Trips/Day by Employees and Customers	
Peak Hours of Traffic	
Utilization of Freight Rail or Barge? <i>(describe)</i>	
Utility Load Needs	
Hazardous Material Disposal Requirements	
Days and Hours of Operation	
Security Requirements	
Number of Parking Spaces	
Proposed Construction Start Date	
Construction Period <i>(respondents may optionally attach separate development schedule, indicating commencement to completion of the proposed development, including time frame from approval and permitting processes).</i>	
Contact Person for this Project	
Project Developer/Construction Manager	
Project Architect	

Project Attorney	
Additional Project Team Members	

4. Lease Payment Terms / Purchase Price

Proposed Annual Ground Lease Payment The proposed annual ground lease payments must be expressed in a fixed, non-contingent dollar amount. The lease payments must be confirmed by appraisal, and the final ground lease rental rates will be the higher of the proposed annual ground lease payments or the appraised value. The appraised value will be determined by NYCEDC through an independent appraisal paid for by the selected developer. Respondent's financial offer for the Site should assume that it will be disposed of in as-is condition.	\$ _____ (price/square foot) \$ _____ (total)
Proposed Lease Term	
Proposed Lease Provisions	
Proposed Purchase Price* <i>NYCEDC will consider proposals that include a purchase option at some point after completion of construction. Proposed terms of a purchase option must be included below.</i> The purchase price must be expressed in a fixed non-contingent dollar amount. The purchase price must be confirmed by an appraisal, and the final purchase price will be the higher of the offering price or the appraised value.	\$ _____
Proposed Terms of Purchase	

* Sale of the Site will be subject to review under both ULURP and Section 384(b)4 of the City Charter.

5. Project Financing (uses and sources)

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

USES	Cost per SF	Total Cost
Ground Lease (proposed annual ground lease payments, from above)		
Property Acquisition (purchase price offer from above, if applicable)	\$	\$
Foundation	\$	\$
Site Work	\$	\$
Building Construction	\$	\$
Greenway construction and maintenance contribution	\$	\$
Parking and Loading	\$	\$
Landscaping	\$	\$

Other	\$	\$
Other	\$	\$
Construction Contingency (10% of Hard Costs)	\$	\$
Architectural Fee	\$	\$
Engineering Fee	\$	\$
Developer or Construction Manager Fee	\$	\$
Legal and Accounting Fees	\$	\$
Financing Costs	\$	\$
Other	\$	\$
Other	\$	\$
TOTAL USES	\$	\$
SOURCES		
Bank Loan/Mortgage Reminder: Please submit letter of financing commitment with the Questionnaire.		\$ Rate: Term:
Equity		\$
Other		\$
Other		\$
TOTAL SOURCES		\$

APPENDIX 3: Green Building Information

Background Information for High Performance/Green Building Development

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

USGBC LEED for New Construction and Major Renovation Checklist



LEED for New Construction v2.2 Registered Project Checklist

Project Name:
Project Address:

Yes ? No

			Sustainable Sites	14 Points
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Y			Prereq 1	Construction Activity Pollution Prevention	Required
			Credit 1	Site Selection	1
			Credit 2	Development Density & Community Connectivity	1
			Credit 3	Brownfield Redevelopment	1
			Credit 4.1	Alternative Transportation , Public Transportation Access	1
			Credit 4.2	Alternative Transportation , Bicycle Storage & Changing Rooms	1
			Credit 4.3	Alternative Transportation , Low-Emitting & Fuel-Efficient Vehicles	1
			Credit 4.4	Alternative Transportation , Parking Capacity	1
			Credit 5.1	Site Development , Protect or Restore Habitat	1
			Credit 5.2	Site Development , Maximize Open Space	1
			Credit 6.1	Stormwater Design , Quantity Control	1
			Credit 6.2	Stormwater Design , Quality Control	1
			Credit 7.1	Heat Island Effect , Non-Roof	1
			Credit 7.2	Heat Island Effect , Roof	1
			Credit 8	Light Pollution Reduction	1

Yes ? No

			Water Efficiency	5 Points
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			Credit 1.1	Water Efficient Landscaping , Reduce by 50%	1
			Credit 1.2	Water Efficient Landscaping , No Potable Use or No Irrigation	1
			Credit 2	Innovative Wastewater Technologies	1
			Credit 3.1	Water Use Reduction , 20% Reduction	1
			Credit 3.2	Water Use Reduction , 30% Reduction	1

			Energy & Atmosphere	17 Points
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Y	Prereq 1	Fundamental Commissioning of the Building Energy Systems	Required
Y	Prereq 2	Minimum Energy Performance	Required
Y	Prereq 3	Fundamental Refrigerant Management	Required

***Note for EAc1:** All LEED for New Construction projects registered after June 26th, 2007 are required to achieve at least two (2) points under EAc1.

			Credit 1		
			Optimize Energy Performance		1 to 10
			10.5% New Buildings or 3.5% Existing Building Renovations	1	
			14% New Buildings or 7% Existing Building Renovations	2	
			17.5% New Buildings or 10.5% Existing Building Renovations	3	
			21% New Buildings or 14% Existing Building Renovations	4	
			24.5% New Buildings or 17.5% Existing Building Renovations	5	
			28% New Buildings or 21% Existing Building Renovations	6	
			31.5% New Buildings or 24.5% Existing Building Renovations	7	
			35% New Buildings or 28% Existing Building Renovations	8	
			38.5% New Buildings or 31.5% Existing Building Renovations	9	
			42% New Buildings or 35% Existing Building Renovations	10	
			Credit 2		1 to 3
			On-Site Renewable Energy		
			2.5% Renewable Energy	1	
			7.5% Renewable Energy	2	
			12.5% Renewable Energy	3	
			Credit 3		1
			Credit 4		1
			Credit 5		1
			Credit 6		1

continued...

			Materials & Resources	13 Points
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Y	Prereq 1	Storage & Collection of Recyclables	Required
	Credit 1.1	Building Reuse , Maintain 75% of Existing Walls, Floors & Roof	1
	Credit 1.2	Building Reuse , Maintain 95% of Existing Walls, Floors & Roof	1
	Credit 1.3	Building Reuse , Maintain 50% of Interior Non-Structural Elements	1
	Credit 2.1	Construction Waste Management , Divert 50% from Disposal	1
	Credit 2.2	Construction Waste Management , Divert 75% from Disposal	1
	Credit 3.1	Materials Reuse , 5%	1
	Credit 3.2	Materials Reuse , 10%	1
	Credit 4.1	Recycled Content , 10% (post-consumer + ½ pre-consumer)	1
	Credit 4.2	Recycled Content , 20% (post-consumer + ½ pre-consumer)	1
	Credit 5.1	Regional Materials , 10% Extracted, Processed & Manufactured Regionally	1
	Credit 5.2	Regional Materials , 20% Extracted, Processed & Manufactured Regionally	1
	Credit 6	Rapidly Renewable Materials	1
	Credit 7	Certified Wood	1

			Indoor Environmental Quality		15 Points
Y			Prereq 1	Minimum IAQ Performance	Required
Y			Prereq 2	Environmental Tobacco Smoke (ETS) Control	Required
			Credit 1	Outdoor Air Delivery Monitoring	1
			Credit 2	Increased Ventilation	1
			Credit 3.1	Construction IAQ Management Plan , During Construction	1
			Credit 3.2	Construction IAQ Management Plan , Before Occupancy	1
			Credit 4.1	Low-Emitting Materials , Adhesives & Sealants	1
			Credit 4.2	Low-Emitting Materials , Paints & Coatings	1
			Credit 4.3	Low-Emitting Materials , Carpet Systems	1
			Credit 4.4	Low-Emitting Materials , Composite Wood & Agrifiber Products	1
			Credit 5	Indoor Chemical & Pollutant Source Control	1
			Credit 6.1	Controllability of Systems , Lighting	1
			Credit 6.2	Controllability of Systems , Thermal Comfort	1
			Credit 7.1	Thermal Comfort , Design	1
			Credit 7.2	Thermal Comfort , Verification	1
			Credit 8.1	Daylight & Views , Daylight 75% of Spaces	1
			Credit 8.2	Daylight & Views , Views for 90% of Spaces	1
Yes	?	No			
			Innovation & Design Process		5 Points
			Credit 1.1	Innovation in Design : Provide Specific Title	1
			Credit 1.2	Innovation in Design : Provide Specific Title	1
			Credit 1.3	Innovation in Design : Provide Specific Title	1
			Credit 1.4	Innovation in Design : Provide Specific Title	1
			Credit 2	LEED® Accredited Professional	1
Yes	?	No			
			Project Totals (pre-certification estimates)		69 Points
Certified: 26-32 points, Silver: 33-38 points, Gold: 39-51 points, Platinum: 52-69 points					

Green Building Funding Sources:

New York State Green Building Tax Credit

Legislation passed in 2000 established a Green Building Tax Credit to be used against various business and personal income taxes. The Green Building Tax Credit provides for tax credits to owners and tenants of eligible buildings and tenant spaces which meet certain "green" standards. These standards increase energy efficiency, improve indoor air quality, and reduce the environmental impacts of large commercial and residential buildings in New York State, among other benefits.

The 2000 legislation (Period one) allowed applicants to apply for a Credit Component Certificate in years 2001-2004 and to claim the credits over five years. It provided for \$25 million in credit certificates. New legislation passed in 2005 (Period two) to amend the Green Building Tax Credit Program provided an additional \$25 million in credits. The aggregate amount of credit components that will be permitted for each building is \$2 million. Under the new legislation, the

New York State Department of Environmental Conservation (“DEC”) has from 2005 through 2009 to accept applications for and issue initial credit component certificates for this additional \$25 million. If certificates have not been issued for the entire amount of \$25 million by the end of 2009, the program will be extended into 2010. Taxpayers who are issued an Initial Credit Component Certificates for Period two will have nine taxable years (2006-2014) to claim the credits. The existing GBTC regulations are being updated and Respondents should refer to the contacts below for more information.

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@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

web site: <http://www.dec.state.ny.us>

New York State Energy and Research 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. Capital cost incentives are calculated using energy performance and technical assistance is provided on a cost-shared basis.

Since 1999, NYSERDA has given more than \$92 million in federal and State funds to provide assistance for projects affecting more than 137 million square feet of building space in New York State. Its clients have included the Durst Organization, Hearst Corporation, New York Times, Blue Cross/Blue Shield, Frito Lay, NYS Teachers’ Retirement System, Enable, Common Fire Foundation, Octagon Park, Goldman Sachs, the Center for Discovery, Upstate Farms Cooperative, Strong National Museum of Play, World Trade Center 7, the New York City Department of Design and Construction, Board of Education, and Office of Management and Budget, etc.

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.nyserda.org>

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.nyserda.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
web-site: <http://www.doe.gov>

Green Building Resources:

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 4: 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’s Uniform Land Use Review Procedure (“ULURP”), if not already completed, completion of the City Environmental Quality Review (“CEQR”), approval by the applicable Community Board, compliance with Section 384(b)(4) of the New York City Charter, and approval by NYCEDC’s Board of Directors. ULURP and CEQR compliance shall be solely at the expense of the 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 5: Industrial Development Benefits

The following are industrial development benefits that may be available to certain types of projects if the project 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 and incentives described herein are subject to approval by the appropriate government agencies. Accordingly, neither the RFP respondents nor any third party should view the contents of this section as a final offer from, or commitment of, the City, NYCEDC or other agencies. For more information on these and other economic development benefits, please refer to www.nycedc.com.

Empire Zone

The Site is within the Hunts Point Empire Zone (“EZ”) and therefore eligible projects may qualify for credits against State corporate and personal income taxes. For information on available incentive programs, contact:

Hunts Point Local Development Corporation
Jeremie Sautter, 718.842.1717 Ext. 226
www.hpedc.org

Industrial Business Zone (“IBZ”)

The City provides a one-time tax credit for manufacturing firms moving for expanding into targeted IBZs. Businesses are credited for eligible moving costs up to the lesser of \$1,000 per full-time employee relocated or \$100,000. For information on IBZ incentives, contact:

Mayor’s Office of Industrial and Manufacturing Businesses
212.618.8768

Relocation Employment Assistance Program (“REAP”)

REAP encourages businesses to relocate from Manhattan south of 96th Street, or from outside the city, to eligible premises in Manhattan north of 96th Street and all other boroughs. Qualified businesses are entitled to a credit against a city business income tax liability of up to \$3,000 per eligible employee per year for up to 12 years. Businesses must relocate either to a building improved by at least 50% of its assessed value or sign a lease of at least three years and spend a minimum of \$25 per square foot on improvements. The city business income taxes against which the credit can be taken include the general corporation tax, unincorporated business tax, banking corporation tax or the utility tax. Credits are refundable for the year of relocation and the succeeding four years. Unused credits from subsequent years may be carried forward for five years.

For more information, please visit:

http://www.nyc.gov/html/dof/html/property/property_tax_reduc_reap.shtml

Industrial and Commercial Abatement Program (“ICAP”)

The ICAP program provides abatements of real property taxes for varying periods up to 25 years for eligible industrial and commercial buildings that are built, modernized, rehabilitated, expanded, or otherwise physically improved.

For more information, please visit:

http://www.nyc.gov/html/dof/html/property/property_tax_reduc_incentive.shtml

New York City Industrial Development Agency (“NYCIDA”)

NYCEDC administers the programs of the NYCIDA. NYCIDA programs provide companies with access to tax-exempt bond financing or tax benefits to acquire or create capital assets, such as purchasing real estate, constructing or renovating facilities, and acquiring new equipment.

Industrial Incentive Program

The Small Industry Incentive Program (“SIIP”) and Industrial Incentive Program (“IIP”) provide eligible industrial companies with real estate tax reductions, mortgage recording tax waivers and sales tax exemptions on purchases of materials used to construct, renovate or equip facilities. Eligible companies include manufacturers, distributors, warehousemen and other industrial companies seeking to acquire, construct or renovate facilities for their own operations.

Manufacturing Facilities Bond Program

Manufacturers of tangible personal property acquiring, developing, renovating or equipping facilities for their own use can access triple tax-exempt bond financing and real estate, mortgage and sales tax reductions.

Recover NYC Program

The Recover NYC Program provides financial assistance to private-sector for-profit companies seeking lower-cost financing for shovel-ready construction projects. Available assistance is mainly in the form of access to triple tax-exempt bond financing authorized under the American Recovery and Reinvestment Act of 2009. Eligible projects must also demonstrate the ability to utilize the federal bond allocation in a timely manner, but no later than its expiration on December 31, 2010. The program is administered by NYCIDA and New York City Capital Resource Corporation (“NYCCRC”), both staffed by NYCEDC.

For more information regarding NYCIDA programs, contact
New York City Industrial Development Agency
110 William Street
New York, NY 10038
NYCIDA@nycedc.com
212.312.3600

New Markets Tax Credit Program (“NMTC Program”)

The NMTC Program permits taxpayers to receive a credit against Federal income taxes for making qualified equity investments in designated Community Development Entities (“CDEs”). Substantially all of the qualified equity investment must in turn be used by the CDE to provide investments in low-income communities. The credit provided to the investor totals 39% of the cost of the investment and is claimed over a seven-year credit allowance period.

The NMTC Program is administered by the Community Development Financial Institutions (“CDFI”) Fund. For more information regarding the program’s eligibility requirements and restrictions, as well as a complete listing of CDEs with an allocation of the tax credits that may be used in the financing of projects and businesses located in low-income areas of New York City please visit:

http://www.cdfifund.gov/what_we_do/programs_id.asp?programID=5

Energy Cost Savings Program (“ECSP”)

The ECSP reduces electricity and natural gas bills. Qualifying businesses must either (1) relocate to the Site from outside of New York City or from Manhattan below 96th Street; or (2) make an investment that is greater than 10 percent of the Site’s Assessed Value.

For more information regarding these requirements, contact:

Energy Cost Savings Program
New York City Department of Small Business Services
110 William Street
New York, NY 10038
212.513.6415
www.nyc.gov/sbs

Con Edison Economic Development Incentive Rates

For information on the Con Edison Economic Development Incentive Rates contact:

Con Edison
James B. Hartwick
511 Theodore Fremd Ave.
Rye, NY 10580
914-925-6459
hartwickj@coned.com

Small Business Administration (“SBA”)

The SBA offers a variety of financing programs to small businesses, typically in the form of loan guarantees. Contact the SBA Answer Desk or your local bank for additional information. Phone 800-8-ASK-SBA or check out their web site at www.sba.gov

APPENDIX 6: Local Law 34 – Doing Business Data Form

Doing Business Data Form: Real Property Transactions

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.

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☐ This position does not exist

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☐ This position does not exist

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☐ This position does not exist

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: _____ 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 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.



Printed on paper containing 30% post-consumer material

APPENDIX 7: 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 8: NYCEDC Background Investigation Form



Internal Background Investigation Questionnaire

THIS FORM IS FOR:

Contracts under \$100,000,
Land Sales, Leases, Licenses, Permits,
NYCIDA Projects and any Discretionary Reviews

New York City Economic Development Corporation • New York City Industrial Development Agency • Apple Industrial Development Corp.
110 William Street, New York, NY 10038

INSTRUCTIONS FOR COMPLETING NYCEDC INTERNAL BACKGROUND INVESTIGATION QUESTIONNAIRE

1. Please submit, with this Questionnaire, the organizational documents for the submitting business entity.
2. For purposes of completing this Questionnaire, the following defined terms shall have the meanings given to them below (unless provided otherwise with respect to specific questions in the Questionnaire):
 - “Affiliate” – A Person is “affiliated with” or an “affiliate” of another Person if the Person controls, is controlled by or is under common control with that other Person.
 - “Applicant” – The submitting business entity.
 - “Control” – A Person controls another Person if the Person (i) owns ten percent (10%) or more of the voting interest or has a ten percent (10%) or greater ownership interest in that other Person or (ii) directs or has the right to direct the management or operations of that other Person or (iii) is a member of that other Person’s Board of Directors*.
 - “Executive Officer” – Any individual who serves as chief executive officer, chief financial officer, or chief operating officer of the Applicant, by whatever titles known, and all other executive officers of Applicant.
 - “Family Member” – With respect to a particular Person, includes spouse, children, grandchildren, parents, parents-in-law, brothers, sisters, brothers-in-law, sisters-in-law, and all family members living in the same household as such Person (except if such individuals are minors).
 - “Person” – Any individual, corporation, partnership, joint venture, sole proprietorship, limited liability company, trust or other entity.
 - “Principal” – each of the following Persons is a Principal of the Applicant and must be identified in Section B, Part I on page 2 of the Questionnaire.
 - Executive Officers
 - Persons that “Control” the Applicant
 - For Limited Liability Companies, ALL members
 - For Partnerships, ALL general partners and ALL partners performing on the contract or able to bind the Partnership

*For a not-for-profit corporation, ONLY the Chairperson of the Board of Directors and any director who is also an employee of Applicant needs to be considered for purposes of determining “Control” under this clause (iii).

SECTION A

The following questionnaire is to be completed by Persons desiring to do business with the New York City Economic Development Corporation or the New York City Industrial Development Agency or Apple Industrial Development Corp.

This form may be duplicated for additional space. **PLEASE COMPLETE THIS QUESTIONNAIRE CAREFULLY AND COMPLETELY.**

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

BUSINESS NAME: _____ EIN/SSN: _____

BUSINESS ADDRESS: _____ City _____ State _____ Zip Code _____

BUSINESS TELEPHONE: _____ TYPE OF ENTITY: _____

BUSINESS FAX: _____ BUSINESS E-MAIL: _____

SECTION B

I. PRINCIPALS OF APPLICANT

PRINCIPAL NAME	TITLE	HOME ADDRESS	PERCENTAGE OF VOTING INTEREST	PERCENTAGE OF OWNERSHIP	DATE OF BIRTH	SOCIAL SECURITY NUMBER/EMPLOYER IDENTIFICATION NUMBER
(1)			%	%		
(2)			%	%		
(3)			%	%		
(4)			%	%		
(5)			%	%		

II. FAMILY MEMBERS OF EACH INDIVIDUAL PRINCIPAL

Note: Only the following Family Members need to be identified in this Section B, Part II:

- Spouse
- Family Members who are employed by, are officers of or have a less than 10% voting or ownership interest in the Applicant
- Family Members who are directly or indirectly providing services and/or supplies with respect to the subject project (e.g. consultants, subcontractors, suppliers or an employee thereof)

PRINCIPAL NAME	IMMEDIATE FAMILY MEMBER	RELATIONSHIP TO PRINCIPAL	HOME ADDRESS
(1)			
(2)			
(3)			
(4)			
(5)			

SECTION B (Continued)

PROVIDE A DETAILED RESPONSE TO ALL QUESTIONS CHECKED "YES" ON THE FOLLOWING PAGE

NO	YES	
☐	☐	1. Does the Applicant or any Principal have any Affiliates? If yes, please identify the Affiliates, with SSN/EIN and respective addresses, and describe the nature of the affiliation, on the following page.
☐	☐	2. In the past 7 years, has the Applicant, any Principal, or any entity affiliated with the Applicant (each of the foregoing individually, a "Subject Person" and collectively, the "Subject Persons") been adjudicated bankrupt or placed in receivership, filed bankruptcy, or is any Subject Person currently the subject of any bankruptcy or similar proceedings? If yes, please explain on the following page.
☐	☐	3. In the past 5 years, has any Subject Person been a plaintiff or defendant in any civil proceeding (including any court and federal, state and local regulatory agency proceedings) other than a domestic relations proceeding (e.g., divorce, separation, support, alimony, maintenance, adoption, custody)? If yes, please identify all adjudicated, settled and pending lawsuits on the following page.
☐	☐	4. In the past 5 years, has any Subject Person or any Family Member identified in Section B, Part II (a "Subject Family Member"):
☐	☐	• been disqualified as a bidder, or defaulted or terminated, on a permit, license, concession, franchise, lease, or other agreement with the City of New York or any governmental agency? If yes, please explain on the following page. • failed to file any required tax returns or to pay any applicable federal, state, or New York City taxes or other assessed New York City charges or fines, including but not limited to water and sewer charges and administrative fees? If yes, please explain on the following page.
☐	☐	5. In the past 10 years, has any Subject Person or any Subject Family Member used an EIN, SSN, name, trade name, or abbreviation other than the name or number provided in response to Section A or Section B, Part I or II of this Questionnaire or provided in response to question 1 above, as the case may be? If yes, please specify on the following page.
☐	☐	6. In the past 5 years, has any Subject Person, any Subject Family Member, any Affiliate of any Subject Family Member or any managerial employee of Applicant:
☐	☐	• been the subject of any criminal investigation and/or civil anti-trust investigation (by any federal, state or local prosecuting or investigative agency) and/or investigation by any governmental agency (including, but not limited to federal, state and local regulatory agencies)? If yes, please explain on the following page. • had any judgment, injunction or sanction obtained against it in any judicial or administrative action or proceeding other than a domestic relations proceeding or motor vehicle proceeding? If yes, please explain on the following page.
☐	☐	7. In the past 10 years, has any Subject Person, any Subject Family Member, any Affiliate of any Subject Family Member or any managerial employee of Applicant been convicted, after trial or by plea, of any criminal offense and/or are there any felony or misdemeanor charges pending against any of them? If yes, please explain on the following page.

**INDICATE
QUESTION #**

BELOW PROVIDE A DETAILED EXPLANATION TO ALL QUESTIONS CHECKED "YES". IF YOU NEED MORE SPACE, PHOTOCOPY THIS PAGE AND ATTACH IT TO THIS QUESTIONNAIRE.

[illegible]

Section C – IDENTIFICATION OF PROPERTY INTERESTS

1. Identify Project Property:

Block & Lot(s): _____

Street Address: _____

Borough of _____

2. The following, together with attachment(s) hereto, if any, is a complete list of properties in which any of the Subject Persons or any of the Subject Family Members have an ownership interest and which are located in the City of New York, together with a statement as to each such property of any current arrears in real estate taxes, sewer rents, sewer surcharges, water charges or assessments due and owing to the City of New York.

PROPERTY OWNED IN THE CITY OF NEW YORK

PROPERTY OWNER	BOROUGH	BLOCK/LOT	STREET ADDRESS	DATE OF PURCHASE	AMOUNT OF ARREARS	TYPE OF ARREARS

SECTION C (Continued)

PROVIDE A DETAILED RESPONSE TO ALL QUESTIONS CHECKED "YES" ON THE FOLLOWING PAGE

- | NO | YES | |
|--------------------------|--------------------------|--|
| ☐ | ☐ | 3. In the past 5 years, has any Subject Person or any Subject Family Member, been a former owner of the Project Property? |
| ☐ | ☐ | 4. Is any Subject Person or any Subject Family Member a tenant of the City of New York? If yes, please list below: Agency, Borough, Block, Lot, Account Number, Monthly Rent, and Current Balance. |
| ☐ | ☐ | 5. Has any Subject Person or any Subject Family Member previously purchased property from the City of New York? If yes, please list below: Agency, Borough, Block, Lot, Sale Date, Parcel Number, and Closing Date. |
| ☐ | ☐ | 6. Does any Subject Person or any Subject Family Member have a mortgage with the City of New York? If yes, please list below: Agency, Borough, Block, Lot, Account Number, Principal Amount, Monthly Installment, and Current Balance. |

**INDICATE
QUESTION #**

BELOW PROVIDE A DETAILED EXPLANATION TO ALL QUESTIONS CHECKED "YES". IF YOU NEED MORE SPACE, PHOTOCOPY THIS PAGE AND ATTACH IT TO THIS QUESTIONNAIRE.

[illegible]

CERTIFICATION

A FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE OR ANY FALSE INFORMATION WILLFULLY OR FRAUDULENTLY SUBMITTED IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE APPLICANT NOT RESPONSIBLE WITH RESPECT TO THE PRESENT PROJECT OR FUTURE PROJECTS INVOLVING THE NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION, THE NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY, APPLE INDUSTRIAL DEVELOPMENT CORP. AND THE CITY OF NEW YORK AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

I, _____, being duly sworn, state that I have read and understand the items contained in the foregoing 8 pages of this questionnaire and _____ pages of attachments, if any, and that, having made due inquiry, I supplied full, complete, and truthful answers to each item therein to the best of my knowledge, information and belief; that I will notify the New York City Economic Development Corporation, the New York City Industrial Development Agency, or Apple Industrial Development Corp., as the case may be, in writing of any change in circumstance occurring after the submission of this Questionnaire and before (i) the execution of any contract or agreement with any of them and/or the City of New York and (ii) in the case of an agreement to purchase or enter into a ground lease for real property and/or a financing through or straight lease or retention transaction with the New York City Industrial Development Agency, the closing of the transaction; and that all information supplied by me is true to the best of my knowledge, information and belief. I understand that the New York City Economic Development Corporation, the New York City Industrial Development Agency, or Apple Industrial Development Corp., as the case may be, will rely on the information supplied by me in this Questionnaire as an inducement to enter into a contract or agreement and to close a transaction with the Applicant.

Sworn to me

This _____ Day of _____ 200 _____

Name of Applicant

Notary Public

By: _____
Signature of Authorized Person

Print Name and Title of Authorized Person

Date

APPENDIX 9: CEQR/ULURP Description and Fee Schedule

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

City Environmental Quality Review (CEQR) (Department of City Planning and Department of Environmental Protection)

§3-01 Fee for CEQR Applications

Except as specifically provided in this section, every application made pursuant to Executive Order 91 (August 24, 1977) and Chapter 5 of these rules, on or after June 29, 2007, shall include a non-refundable fee which shall be submitted to the lead agency for the action or to an agency that could be the lead agency pursuant to §5-03 of the rules of the Commission, and shall be in the form of a check or money order made out to the "City of New York".

The fee for an application shall be as prescribed in the following Schedule of Charges, §3-02 of these rules. The fee for modification for an action, which modification is not subject to §197-c of the New York City Charter, shall be twenty percent of the amount prescribed in the Schedule of Charges for an initial application. The fee for any modification for an action, which modification is subject to § 197-c of the New York City Charter, shall be the amount set forth in the Schedule of Charges (§3-02) as if the Modification were an initial application for the action. Where the fee for an application is set pursuant to §3-02(a) and the square footage of the proposed modification is different from the square footage of the original action, the fee for an application for the modification shall be based upon the square footage of the modified action or as set forth in §3-02(b), as determined by the lead agency.

Agencies of the federal, state or city governments shall not be required to pay fees, nor shall a neighborhood, community or similar association consisting of local residents or homeowners organized on a non-profit basis be required to pay fees, if the proposed action for purposes of CEQR review consists of a zoning map amendment for an area of at least two blocks in size, in which one or more of its members or constituents reside. Fees shall be paid when the application is filed, and these fees may not be combined in one check or money order with fees required pursuant to other land use applications submitted to the Department of City Planning or the City Planning Commission. No application shall be processed by the lead agency until the fee has been paid and twenty-five copies of the application have been filed with the lead agency.

§3-02 Schedule of Charges

Effective Date 5/26/07

(a) Projects measurable in square feet (square footage of total project).

Less than 10,000 square feet	\$425
10,000 to 19,999 square feet	\$1,250
20,000 to 39,999 square feet	\$2,720
40,000 to 59,999 square feet	\$5,060

60,000 to 79,999 square feet	\$7,590
80,000 to 99,999 square feet	\$12,650
100,000 to 149,999 square feet	\$25,300
150,000 to 199,999 square feet	\$44,275
200,000 to 299,999 square feet	\$66,125
300,000 to 499,999 square feet	\$119,025
500,000 to 1,000,000 square feet	\$178,535
over 1,000,000 square feet	\$290,950

- (b) Projects not measurable in square feet (Ex. bus franchises) -- \$1,740
Type II Actions -- \$100

FEES FOR APPLICATIONS PURSUANT TO CITY CHARTER § 197-C AND OTHER APPLICATIONS

Except as specifically provided in this section, every type of application listed in Section 3.07, Schedule of Charges, made on or after [Insert effective date], shall include a non- returnable fee which shall be paid by check or money order made out to the City of New York.

The fee of an initial application, or for a modification, renewal or follow-up action, shall be as prescribed in the following Schedule of Charges, provided that if an applicant simultaneously submits applications for several actions relating to the same project, the maximum fee imposed shall be two hundred percent of the single highest fee. However, an additional fee shall be charged for any application later filed in relation to the same project, while such project is pending review and determination.

Agencies of the federal, state or city governments shall not be required to pay fees nor shall any fees be charged if a neighborhood, community or similar association consisting of local residents or homeowners organized on a non-profit basis applies for a zoning map amendment for an area of at least two blocks in size, in which one or more of its members or constituents reside.

SCHEDULE OF FEES FOR ULURP APPLICATIONS

Effective 5/26/07

§ 3-07 Schedule of Charges

- (a) Applications for Special Permits and Zoning Map Amendments pursuant to Section 197-c of the City Charter:

1. Applications relating for special permits:

For special permits, the total amount of floor area, or in the case of open uses, area of the zoning lot:

Less than 10,000 square feet	\$1,890
10,000 to 19,999 square feet	\$2,870

20,000 to 39,999 square feet	\$3,780
40,000 to 69,999 square feet	\$4,830
70,000 to 99,999 square feet	\$5,670
100,000 to 239,999 square feet	\$6,300
240,000 to 500,000 square feet	\$16,450
over 500,00 square feet	\$27,300

For this purpose, the amount of floor area shall be calculated based upon the floor area for the entire development or enlargement.

2. Applications for zoning map amendments, the area of all zoning lots in the area to be rezoned:

Less than 10,000 square feet	\$2,030
10,000 to 19,999 square feet	\$3,010
20,000 to 39,999 square feet	\$3,990
40,000 to 69,999 square feet	\$5,040
70,000 to 99,999 square feet	\$5,950
100,000 to 239,999 square feet	\$6,580
240,000 to 500,000 square feet	\$17,080
over 500,00 square feet	\$28,350

(b) Applications for changes to the City Map, Landfills:

Except for applications to eliminate a mapped but unimproved street from the property of an owner-occupied, one-or two family residence, for which no fee shall be charged, fees are as follows:

Elimination of a paper street	\$1,610
Establishment of a Landfill	\$3,150
Any other change in The City Street Map	\$5,040

(c) Applications for franchises and revocable consents:

1. Applications pursuant to Section 197-c of the City Charter -- \$3,150
2. Sidewalk cafes pursuant to New York City Administrative Code section 20-225: \$50 per seat/minimum of \$1,260

(d) Applications for amendments to the text of the Zoning Resolution pursuant to Section 201 of the City Charter -- \$5,040

(e) Applications for Zoning Certifications and Zoning Authorizations:

- (1) For certification for public school space pursuant to Section 107-123 of Article X, Chapter 7 (Special South Richmond Development District) of the Zoning Resolution, the fee shall be \$150.
- (2) Pursuant to Article VI, Chapter 2 (Special Regulations Applying in The Waterfront Area), Article X, Chapter 5 (Natural Area District), Chapter 7 (Special South Richmond Development District) and Article XI, Chapter 9 (Special Hillside Preservation District) of the Zoning Resolution.

Certifications For an application for one zoning lot with no more than two existing or proposed dwelling units...\$350

For all other applications the fee for each zoning lot shall be \$400.

Authorizations For an application for one zoning lot with no more than two existing or proposed dwelling units...\$700

For all other applications the fee shall be based upon the number of dwelling units being proposed, in the amount of \$770 per dwelling unit, however, in cases of open uses, the area of the zoning lot, as follows:

Less than 10,000 square feet	\$980
10,000 to 19,999 square feet	\$1,470
20,000 to 39,999 square feet	\$1,890
40,000 to 69,999 square feet	\$2,450
70,000 to 99,999 square feet	\$2,870
100,000 square feet and over	\$3,150

(3) Pursuant to Section 95-04 (Transit Easements) of the Zoning Resolution -- \$250

(4) Pursuant to all other sections of the Zoning Resolution:

Total amount of floor area, or in the cases of open uses, area of the zoning lot:

Less than 10,000 square feet	\$980
10,000 to 19,999 square feet	\$1,470
20,000 to 39,999 square feet	\$1,890
40,000 to 69,999 square feet	\$2,450
70,000 to 99,999 square feet	\$2,870
100,000 square feet and over	\$3,150

In the case of area transfer of development rights or floor area bonus, the fee shall be based upon the amount of floor area associated with such transfer or bonus.

(f) Modifications, follow-up actions and renewals

(1) The fee for an application which requests a modification of a previously approved application, where the new application is subject to 197-c of the New York City

Charter, shall be the same as the current fee for an initial application, as set forth in this Schedule of Charges.

(2) The fee for an application which requests a modification of a previously approved application, where the new application is not subject to 197-c of the New York City Charter, shall be one-half of the current fee for an initial application, as set forth in this Schedule of Charges.

(3) The fee for a follow up action under the Zoning Resolution, or a restrictive declaration or other legal instrument shall be one-quarter of the amount prescribed in this Schedule of Charges for an initial application.

(4) The fee for the renewal of a previously approved enclosed sidewalk café shall be one-half of the amount prescribed in this Schedule of Charges for an initial application.

(5) The fee for the renewal pursuant to Section 11-43 of the Zoning Resolution of a previously approved special permit or authorization which has not lapsed shall be one-half of the amount prescribed in this Schedule of Charges for an initial application.

Section 6. Section 3-08 of subchapter C of chapter 3 of Title 62 of the Rules of the City of New York is renumbered section 3-10, and new sections 3-08 and 3-09 are added to Subchapter B of chapter 3 of Title 62 of the Rules of the City of New York, to read as follows:

3-08 Natural Feature Restoration Fee.

In the event that an application, pursuant to 105-45, 107-321, 107-65, and 119-40 of the Zoning Resolution, for the restoration of trees that have been removed or topography that has been altered without the prior approval of the City Planning Commission pursuant to 105-40, 107-60, 119-10, 119-20, or 119-30 of the Zoning Resolution is filed, the fee for such application shall be \$.10 per square foot, based upon the total area of the zoning lot, but in no case to exceed \$17,500.00

This section shall not apply to developments for which zoning applications have been approved by the City Planning Commission prior to January 6, 1983 and for which an application for a building permit has been filed prior to January 6, 1983.

3-09 Fee for Zoning Verification

The fee for a request that the Department of City Planning verify in writing the zoning district(s) in which a property is located shall be \$100 per request. Each zoning verification request shall be made in writing, and shall include the address, borough, tax block and lot(s) of the property. Each separate property shall be a separate request; however, a property comprised of multiple contiguous tax lots shall be treated as a single request.

Source: NYC Department of City Planning

APPENDIX 10: THWDP Information

Targeted Hiring and Workforce Development Program (THWDP)

Each Respondent must include within its Proposal a Targeted Hiring and Workforce Development Program (a “Program”) explaining how it will seek to achieve the Goals and other requirements below and describing its experience, if any, conducting similar hiring and workforce development programs or undertaking other efforts to create employment opportunities for low-income persons in order to assist NYCEDC in its assessment of each Respondent’s capacity in this area. The Program should describe all programmatic details, including, as applicable, collaboration with the City’s Department of Small Business Services (“SBS”), implementation, record-keeping and monitoring processes and any other relevant information.

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 SBS and in conjunction with the community outreach strategy implemented by SBS. Program participants will be tracked by residence zip code to allow for clear reporting.

The hiring and workforce development goals to be incorporated into the Program shall include, at a minimum, the following goals or, at each Respondent’s discretion, higher 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 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 (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 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;
 - c. notify SBS six (6) weeks prior to commencing business operations;
 - d. 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;
 - e. 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);
 - f. 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;
 - g. cooperate with annual site visits and satisfaction survey following the date of the commencement of business operations; and
 - h. 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 (or its successors and assigns, as applicable) 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 (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 Developer (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 Developer (or its successors and assigns, as applicable) 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 Centers, or through relationships with other accredited training providers.

[NYCEDC may impose liquidated damages in the event that the selected Developer 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 Program.]

Targeted Hiring and Workforce Development Program Description

Project Name: _____

Respondent Name: _____

Date: _____

Please explicitly explain how you will address the Targeted Hiring and Workforce Development Program (THWDP) goals stated previously (see page XX). 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).

Description of efforts to meet program goals, please include as much detail as possible:

1. New Jobs and Skill Level:

Number of new hires: _____

Number and type of skilled jobs: _____

Number and type of semi-skilled jobs: _____

Number and type of unskilled jobs: _____

2. Training and Certifications:

Training required for skilled jobs: _____

Training required for semi-skilled jobs: _____

3. Workforce Development Liaison:

Contact information for liaison (include company title): _____

1) Discuss how you will facilitate targeted hiring, such as (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.

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 SBS (if applicable).



Job Type Examples (including, but not limited to):

- Skilled: Advanced Machine Operators, Welders, Cutters, Solderers, Managers, and Supervisors;
- Semi-skilled: Second-level Assemblers, Machine Operators, Fork Lift Operators, Commercial Vehicle Operators, Bookkeepers, and Accountants;
- Unskilled: Warehouse Clerks, Office Clerks, Production Helpers, Laborers, Packers, Assemblers, Cashiers, Customer Service Representatives, and Food Preparation Workers.

APPENDIX 11: Job Creation Table

INITIAL EMPLOYMENT REPORT

In order to comply with Local Law reporting requirements, the Company is required to complete and return this form to NYCEDC, 110 William Street, Attention: Compliance, New York, NY 10038 on or before the execution and delivery of its Project Agreement. **The Company shall submit one report that covers (i) the Company and its Affiliates and (ii) Tenants and subtenants of Tenants.** Each Tenant must complete a copy of this form with respect to itself and any of its subtenants and return it to the Company.

1. Please provide the total number of Full-Time Employees, Part-Time Employees, and Contract Employees that will be employed at the Project Location(s) by the Company and its Affiliates and any Tenants and subtenants of Tenants on or about the date of the Project Agreement (for land sales please use the date of the deed):

Full-Time Equivalent

Full-Time Employees: _____ Part-Time Employees: _____ Employees: _____ Contract Employees: _____

2. Please estimate the total number of Full-Time Employees, Part-Time Employees, and Contract Employees that will be employed (both retained and created jobs) at the Project Location(s) by the Company and its Affiliates and any Tenants and subtenants of Tenants on June 30th of the next eight (8) years following the Closing date:

Projected Retained and Created Employment for (i) the Company and its Affiliates and (ii) Tenants and subtenants of Tenants on an Annual basis:

	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th year
Full-Time Employees								
Part-Time Employees								
Full-Time Equivalent Employees								
Contract Employees								

DEFINITIONS:

"Affiliate" is (i) a business entity in which more than fifty percent is owned by, or is subject to a power or right of control of, or is managed by, an entity which is a party to a Project Agreement, or (ii) a business entity that owns more than fifty percent of an entity which is a party to a Project Agreement or that exercises a power or right of control of such entity.

"Company" includes any entity that is a party to a Project Agreement.

"Contract Employee" is a person who is an independent contractor (i.e., a person who is not an "employee"), or is employed by an independent contractor (an entity other than the Company or its Affiliate, a Tenant or a subtenant of a Tenant), who provides services at a Project Location.

"Full-Time Employee" is an employee who works at least 35 hours per week at a Project Location.

"Full-Time Equivalent Employee" is two or more Part-Time Employees who collectively work at least 35 hours per week at a Project Location.

"Part-Time Employee" is an employee who works less than 35 hours per week at a Project Location.

"Project Agreement" is any agreement or instrument (such as a lease agreement or deed) pursuant to which an entity purchases or leases (directly or by assignment from NYCEDC) property from NYCEDC.

"Project Location" is any location that is leased (directly or by assignment from NYCEDC) or purchased by the Company from NYCEDC.

"Tenant" is a tenant or subtenant (excluding the Company and its Affiliates) that leases or subleases facilities from the Company or its Affiliate at any Project Location.

Certification: I, the undersigned, an authorized officer or principal owner of the Company/Affiliate/Tenant, hereby certify to the best of my knowledge and belief, that all information contained in this report is true and complete. This form and information provided pursuant hereto may be disclosed to the New York City Economic Development Corporation ("NYCEDC") and may be disclosed by NYCEDC in connection with the administration of the programs of NYCEDC and/or the City of New York; and, without limiting the foregoing, such information may be included in (x) reports prepared by NYCEDC pursuant to New York City Charter Section 1301 et. seq., (y) other reports required of NYCEDC, and (z) any other reports or disclosure required by law.

Entity Name: _____
 Signature By: _____ Date: _____
 Name (print): _____ Title: _____

Table

