Request for Proposals ("RFP") for:
COMMERCIAL DEVELOPMENT PROJECT
Prospect Avenue and Brooklyn Avenue
Westbury, NY

Issued by:

Town of North Hempstead
Town of North Hempstead Community Development Agency

July 23, 2015

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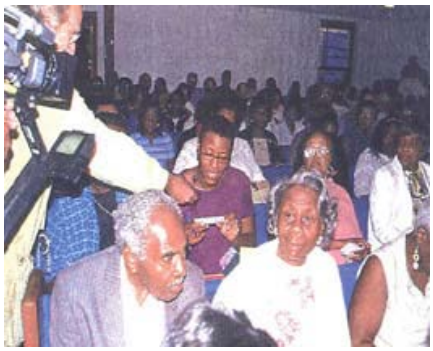
I. INTRODUCTION AND AREA HISTORY

The Town of North Hempstead (the "Town") and the Town of North Hempstead Community Development Agency (the "CDA") (together, the "Project Sponsors") hereby request proposals for the purchase and development of the properties (the "Site") known as 985 Prospect Avenue (Section 11, Block 10, Lot 45), Zoning A(B-A) Commercial, 987 Prospect Avenue (Section 11, Block 10, Lot 46), Zoning A(A-B) Commercial, and 215 Brooklyn Avenue (Section 11, Block 10, Lots 29, 30 and 31), Zoning R-C Residential.

The site is located in the Unincorporated Hamlet of New Cassel, in Westbury within the Town of North Hempstead, state of New York. The Site is identified on the Nassau County Land and Tax Map as stated above.

The Site is easily accessible to and from major, and regional highways as well as major local thoroughfares. Regional access is provided from the Northern State Parkway (Brush Hollow Road exit) and the Wantagh Parkway via the Brush Hollow Road or Old Country Road exits. New Cassel is also readily accessible to commercial vehicles via the Long Island Expressway and Jericho Turnpike (New York State Route 25). In addition, the Site is well served by public transportation. The Westbury Long Island Railroad station on Post Avenue is less than two miles from the Site. The Site is also close to a stop along the route of the N22, Nassau Inter-County Express Bus (which runs along Prospect, Union, and Westbury Avenues west through Roosevelt Field to Jamaica, Queens and east to the Hicksville Long Island Railroad station).

Throughout the 1990's and continuing to the present, major investments of public resources have been made to redevelop New Cassel. Both the public and private sectors have joined to create a revitalization plan for the entire area. The collaboration of New Cassel's business, residential, and civic community was coordinated by the Town and Unified New Cassel Community Revitalization Corporation ("UNCCRC"). UNCCRC is a New York not-for-profit corporation and community-based development organization with widespread representation from all segments of New Cassel, with a mission to facilitate community revitalization, sustainable development and a shared vision within the New Cassel community.



Working in partnership with the Town and the CDA, UNCCRC co-sponsored "Seeking a Shared Vision". "Seeking a Shared Vision" was a "charette" conducted between July 25, 2002 and July 29, 2002, during which some 600 New Cassel residents, government officials, and other community stakeholders collaborated to initiate development of the Vision Plan. The result was the composition of the New Cassel Vision Plan, entitled *Seeking a Shared Vision for New Cassel*. The Vision Plan outlines a series of design guidelines, changes in zoning ordinances, and an implementation plan to revitalize Prospect Avenue according to the principles of sustainable development (including mixed-use housing, transit-oriented development, and downtown revitalization).

To further facilitate the redevelopment of New Cassel, the North Hempstead Town Board (the "Town Board") created and approved the *New Cassel Urban Renewal Plan.* The urban renewal plan introduces new "Smart Growth" initiatives that allow mixed-use development along Prospect and Union Avenues with design standards to create a cohesive and consistent visual context for the area.

With *Seeking a Shared Vision for New Cassel* and the *New Cassel Urban Renewal Plan* as guidance and planning documents, the Town and the CDA, since January 2003, have sponsored the redevelopment of seven (7) sites along Prospect Avenue and Union Avenue, New Cassel's primary commercial thoroughfares. The projects have resulted in the construction of approximately 140 affordable rental housing.

Additionally, in 2012, the Town opened a 60,000 square feet community center along Broadway between Magnolia Avenue and Garden Street. The community center has earned a platinum designation under the Leadership in Energy and Environmental Design (LEED) standards established by the United States Green Building Council.

The Town has also completed

the redevelopment of the streetscape along Prospect Avenue, including sidewalk paving, street lighting, enhanced pedestrian crosswalks, landscaping, and the installation of street furniture. The new streetscape is anchored on the western end by a new 2,980 square foot park.

II. DESIGN PRINCIPLES

We encourage creative and high quality proposals for the development of the Site. Response to this RFP should focus on landscaping, lighting, building types, materials and facades. *Seeking a Shared Vision Plan for New Cassel* and the *New Cassel Urban Renewal Plan* contain sections devoted to design guidelines aimed at improving the character of the street by redefining the public space, creating an atmosphere that attracts people to the street and creates a safe and pedestrian friendly environment.

Streetscape and facades should be aesthetically pleasing to the community. Blank walls are discouraged. Design(s) for the Site should recognize the potential for roof forms and landscaping to create a visual interest, and to enhance community pride. Mechanical equipment, television antennas, satellite dishes, or other communications antennas visible from Site-adjacent streets must be screened from view. Storage of materials, equipment, garbage containers, etc. shall also be screened from view. All land not covered by structures should be landscaped with lawn, ground cover, shrubs, trees, or appropriate pedestrian walkways or amenities.

Prefabricated, modular structures and energy efficient structures and use of "green" materials, along with energy efficient mechanical systems, utilities, and appliances are encouraged. The incorporation of LEED standards established by the United States Green Building Council is encouraged.

III. DESIGN PROGRAM

A. The development shall consist of the design and construction of up to 4,000 sq. ft. of commercial space. Special consideration will be given to any proposer who can provide a signed letter of intent from a retail bank or credit union to occupy the commercial space and provide banking services to the community.

B. The Developer shall design, engineer, make application(s), obtain approvals, and build the commercial building in accordance with (i) the Zoning Code of the Town of North Hempstead, (ii) *New Cassel Urban Renewal Plan*, (iii) this request for proposals, and (iv) the requirements of all other departments and agencies having jurisdiction. If a proposal requires variances under the Town Code, there is no guaranty that such variances will be granted by the Town Board of Zoning and Appeals.

C. The Developer shall be responsible for obtaining, at its sole cost and expense, all architectural and engineering services, permits, surveys, zoning appeals, subdivision approvals, other approvals, appraisals, and environmental studies required by law and in connection with this RFP.

D. Plans and specifications for demolition, alteration, or new construction, including, without limitation, final architectural design, layout of the Site, landscaping, parking and related Site plans must be approved by the CDA's Executive Director prior to their submission to the Town's Department of Building Safety, Inspection and Enforcement for the issuance of building permits, and to other departments and agencies having jurisdiction.

IV. TIMELINE

A. SUMMARY OF EVENTS

Advertisement:	July 23, 2015
Date for obtaining RFP:	July 23, 2015
Pre-Proposal Conference & Site Visit:	August 5, 2015
Due date for all questions:	September 9, 2015
Date for Responses to questions	September 16, 2015
Deadline for Submission of Proposals:	September 23, 2015 by 2:00 P.M.
Date for Opening Proposals:	September 23, 2015

Above dates and times are subject to change.

B. DETAILS OF EVENTS

1. ISSUE DATE

The issue date of this RFP is the 23th of July 2015.

2. PRE-PROPOSAL CONFERENCE AND SITE VISIT

A Pre-Proposal Conference, followed by a visit to the Site, will be held on **August 5, 2015** beginning at 10:00 A.M. in the Town Board Meeting Room on Second Floor of North Hempstead Town Hall, 220 Plandome Road, Manhasset, New York. Attendance is not mandatory. However, information presented may be valuable in the preparation of proposals, and all interested developers are urged to attend. Developers are limited to no more than four (4) representatives. If you plan to attend, you must notify the CDA before 3:00 p.m. on July 31, 2015.

3. QUESTIONS AND INQUIRIES

Questions and inquiries, both verbal and written, will be accepted from developers attending the Pre-Proposal Conference. A summary of all substantive questions and answers asked before or after the Pre-Proposal Conference will be distributed to all developers receiving the RFP and posted on the CDA's webpage, found at http:\\www.northhempsteadny.gov. Questions and inquiries should be directed to the person referenced with the CDA. The closing date for submitting questions is 2:00 p.m. on September 9, 2015. Responses to all questions received will be issued on or before September 20 16, 2015.

4. DEADLINE FOR SUBMISSION OF PROPOSALS; LOCATION AT WHICH TO SUBMIT PROPOSALS

The closing time and date for receipt of proposals is 2:00 p.m. on September 23, 2015. Participants must submit two (2) original proposals and three (3) copies no later than 2:00 p.m. on September 23, 2015. Participants who submit their proposals by mail or delivery service should allow sufficient mailing and delivery time to ensure receipt on or before the time and date stated above. Proposals must be mailed or hand delivered to:

Mr. Dermot F. Kelly, Executive Director
Town of North Hempstead Community Development Agency
51 Orchard Street
Roslyn Heights, NY 11577

5. OPENING OF PROPOSALS

Proposals will not be opened publicly but will be monitored by a CDA employee and/or CDA's outside Counsel. The date for the opening of proposals is September 23, 2015.

C. CONDITIONS FOR SUBMISSION AND CONSIDERATION OF PROPOSALS

1. EXPENSES INCURRED BY DEVELOPER(S)

Neither Project Sponsor shall be responsible for any cost incurred by any proposing developer ("Proposer") in preparing and submitting a proposal or requested supplemental information in response to the RFP.

2. DURATION OF PROPOSAL

Proposals are to be valid and irrevocable for a period of one hundred and twenty (120) days following final date for submission of proposals as set forth in Section IV (A) above. The period may be extended by written mutual agreement between the CDA and each Proposer.

3. PUBLIC INFORMATION ACT NOTICE

Proposers should give specific attention to identifying those portions of their proposals that they deem to be confidential, proprietary information, or trade secrets, and provide any justification of why such material, upon request, should not be disclosed by the Project Sponsors under the Freedom of Information Law of the State of New York.

4. COMPLIANCE WITH THE LAW

By submitting an offer in response to this RFP, the Redeveloper agrees that it will comply with all Federal, State, County and Local Laws, Rules, Regulations and Ordinances, including building and zoning codes, applicable to its activities and obligations under this RFP and any applicable contractual agreements.

V. LOCAL AND GOVERNMENT PARTNERS

A. THE TOWN OF NORTH HEMPSTEAD:

The Town of North Hempstead is a municipality covering 58 square miles, roughly 14.5 miles east of Manhattan. It is bounded on the north by the Long Island Sound (along with the Little Neck and Manhasset Bays, and Hempstead Harbor), to the south by the Town of Hempstead, to the west by the Borough of Queens, and to the east by the Town of Oyster Bay. The Unincorporated Hamlet of New Cassel is located in the southeastern corner of the Town (Please see the Due Diligence Booklet for a map of the area).

This suburban community has a population of over 250,000 and approximately 80,000 year round households.

The Town's governing body, which is the Town Board, is currently headed by the Town Supervisor, Judi Bosworth, and includes six Town Councilmen/women representing six Town Council Districts:

District One: Viviana Russell (includes New Cassel, where the Site is located)

District Two: Peter Zuckerman

District Three: Angelo P. Ferrara

District Four: Anna Kaplan

District Five: Lee Seeman

District Six: Dina DeGiorgio

B. THE TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY (THE "CDA"):

The CDA is the Town's community development and revitalization entity. Consisting of a staff of three (3) full-time employees. The CDA conducts housing and economic development activities utilizing Community Development Block Grant ("CDBG") funds.

VI. DEVELOPMENT INCENTIVES

Incentives and financial assistance may be available from various sources, including, but not limited to, the following:

A. Federal Funding Sources Administered by Nassau County OCD

Nassau County Office of Community Development ("OCD") administers a range of Federal programs that can be used to fill the gaps of eligible projects. The CDBG Program may be used in conjunction with conventional financing mechanisms in the form of loans that will be primarily subordinate to conventional loans issued from traditional sources. In limited circumstances, financing in the form of forgivable loans and/or grants may be available. These sources of funds are limited and subject to the Federal regulations of the programs.
Use of CDBG funds by a Developer for construction, assistance if contracted though the developer will trigger the application of Davis-Bacon Wage Rate requirements.

B. Other Possible Sources of Funds

- *Nassau County Industrial Development Agency New York State*

- *Empire State Development Corporation*
- *The Town of North Hempstead – possible core deposits for retail banks*
  The Town of North Hempstead Community Development Agency – Low Interest loan assistance is available for the acquisition of the property to qualified purchasers.

C. Town of North Hempstead Permit Fee Reductions:

CDA will submit a request to the Town Board to reduce the Town Building Department permitting fees for the redevelopment of the Site in an amount 35% of what is ordinarily charged under the Town Code.

VII. PROPOSAL CONTENT

Proposers are required to submit the following information in sufficient detail to enable the Project Sponsors to consider the proposal.

A. General Description of Proposed Project

A description of the proposed project, including, for each improvement, the number of stories, and the number of square feet.

B. Purchase Price

Set forth the proposed purchase price for the Site The Project Sponsors are interested in obtaining the optimal development for the property. **This is not a bidding procedure; however, a minimum proposed purchase price of $400,000.00 will be required.** While price will be a factor in selecting the Redeveloper, it will not be the controlling factor. A Proposer can submit multiple proposed purchase prices.

Please take note that the aforementioned properties were acquired by the CDA with CDBG funds. Therefore, redevelopment of the Site is subject to the rules and regulations issued by the United States Department of Housing and Urban Development ("HUD") for these programs.

C. Site Planning and Design

In accordance with Sections II and III of this RFP, Proposer is to provide architectural and engineering documents that illustrate zoning analysis through schematic design, renderings and a list or schedule of interior and exterior finishes, fixtures, equipment, and electrical and mechanical systems for all aspects of the development. The documents shall be accurate as to boundaries, height elevations and the zoning envelope and acceptable for initial application submission(s) to the Town Department of

Building Safety, Inspection and Enforcement for the purpose of obtaining permits, or a permit-denial notice, and then for preparation and submission(s) to the Town Board of Zoning and Appeals for the purpose of obtaining a variance(s) decision, if required.

D. **Schedule**

Provide a bar or critical path schedule (the "Schedule") in a digital amendable form that illustrates sequential and simultaneous events and processes and number of days over calendar period(s) of the overall development starting with submittal of the proposal and ending with occupancy of the commercial space. Phasing of the construction and occupancy of the commercial units, if any, must be reflected in Schedule. Disclose schedule-time-assumptions for obtaining governmental approvals. The Schedule must be consistent with the milestones for the project development set forth in the Land Disposition Agreement contained in the Due Diligence Booklet (the "LDA") and shall include and not be limited to the following events and processes and shall be illustrated in greater detailed in the schedule submitted:

Redeveloper Selection and LDA Countersigning Period

a. Proposal Opening
b. Proposal Review and Recommendation
c. Agency Notice of Award (including Notice of Land Transfer Pursuant to Public Authorities Accountability Act of 2005 and Public Authorities Reform Act of 2009).
d. Agency Notice of Publication of Sale (on 10 days' written notice)
e. Town Board Approval of Disposition, following public hearing held on no less than 10 days' notice of Agency's Publication of Notice of Sale (it is expected, but not guaranteed, that the Town Board approval will be secured within sixty (60) days of Agency Notice of Award.
f. Agency Countersigning of LDA

Post- LDA Countersigning Period

g. Building Dept. Application for Permit (and possible Denial Notice)
h. Zoning Application and Notice of Approval (if required)
i. Complete Design Development Documents (including roadway development)
j. Agency Approval of Design Development Documents.
k. Complete Construction Documents
l. Agency Approval of Construction Documents
m. Application for Site Plan Approval, if required
n. Application for Subdivision
o. Financing
p. Land Transfer Closing

Site Control Period

q. Site Mobilization through Certificates of Occupancy
s. Ribbon Cutting(s)

E. Economic Feasibility and Financial Disclosure

1. A detailed estimate of construction costs.

2. A detailed development budget.

3. A detailed Sources and Uses Statement clearly identifying the amount of public and private debt and equity financing by source.

4. Evidence satisfactory to the Project Sponsors that Purchaser has the equity capital and/or the mortgage commitments or other financing necessary for the purchase of the Site and construction of its proposed development. Such evidence shall disclose the terms and sources for all debt and equity financing.

5. A minimum of two bank and credit references.

6. Disclosure of the marketing plan and sales processes, which must be compliant with all HUD regulations. Describe how the application process and lottery for the sale of the units will be conducted. The CDA reserves the right to approve and monitor the process, including but not limited to by being present at the lottery opening.

7. A narrative statement explaining why the proposed use is economically feasible, including the market assumptions that support sales projections and an affordability analysis

8. Potential or intended tenants. (include letters of intent, if possible).

F. Qualifications of Proposer

1. A detailed narrative statement describing the previous experience of the Proposer and project team, especially with regard to projects that are relevant to the development proposed and emphasizing aspects in which the Proposer's qualifications are believed to be exceptional or unique.

2. Examples of relevant projects undertaken by the Proposer, including the dollar value of the development and the name, address, and telephone number of the project manager. If possible, relevant projects should be of the same or similar size, scale, and dollar value of the proposed development.

3. A resume of the names (and description of the experience of) the project team, including, if applicable, architects, engineers, contractors, attorneys,

financial advisor, and accountants. If this team has worked together before, please indicate length of this association.

G. <u>Purchasing Entity</u>

1. Name of purchasing entity.

2. Business type of purchasing entity (e.g., corporation, general partnership, limited partnership, limited liability company, not-for-profit corporation, etc.). List of principal stockholders, members or partners, if any, that own five (5%) percent or more of equity in the purchasing entity. For all persons, or group of persons, that own an interest equal to or greater than fifty (50%) percent of the purchasing entity ("Controlling Interest"), a list of all other entities which are related to the purchasing entity by virtue of such persons or group of persons owning a Controlling Interest in such entities.

3. List all other entities that the purchasing entity is related to by reason of fifty (50%) percent or more of common ownership.

4. List all parent corporations, affiliates, and subsidiaries of the purchasing entity.

5. If any member of the Proposer's project team (including any related entity or person) or any principal(s) of the Proposer's project team or its related entities are involved in any litigation that would have a material adverse effect on the proposed project, the purchasing entity's financial condition or the financial condition of said principals, please describe the nature and details of such litigation.

6. If any member of the Proposer's project team (including any related entity or person) or any principal(s) of the Proposer's project team or its related entities, or any other business with which such entities, persons or principal(s) have been connected have ever been involved, as debtor, in a bankruptcy, creditors' rights or receivership proceedings or sought protection from creditors, please indicate and provide details of same.

7. If any member of the Proposer's project team (including any related entity or person) or any principal(s) of the Proposer's project team or its related entities have ever been convicted of a felony or misdemeanor (other than minor traffic offenses), or if any such related persons or principal(s) ever held positions or ownership interests in any firm or corporation convicted of a felony or misdemeanor (other than minor traffic offenses), please indicate and provide details of same.

8. If any member of the Proposer's project team (including any related entity or person) or any principal(s) of the Proposer's project team or its related entities are a party to any pending criminal proceeding (other than minor traffic offenses), or if any such related persons or principal(s) held positions or ownership interests in any

firm or corporation that is currently a party to a pending criminal proceeding (other than minor traffic offenses), please indicate and provide details of same.

9. If any member of the Proposer's project team (including any related entity or person) or any principal(s) of the Proposer's project team or its related entities, or any other concern with which such entities, persons or principal(s) have been connected with or cited for a violation of Federal, State or local laws or regulations with respect to labor practices, hazardous wastes, environmental pollution or other operating practices, please indicate and provide details of same.

10. For each principal (including, in the case of corporations, officers and members of the board of directors) of the purchasing entity, please provide name, title, social security number and other business affiliations.

11. If any of the principals listed in the preceding item number 10 above ever held elected or appointive public positions, please indicate and provide details of same.

12. If any of the principals listed in the preceding item number 10 are employed by any Federal, State or local government or any agency, authority, department, board, or commission thereof or any other governmental or quasi-governmental organization, please indicate and provide details of same.

H. Redeveloper Statement for Public Disclosure

The Redeveloper's Statement for Public Disclosure and the Redeveloper's Statement of Qualifications and Financial Responsibility (HUD Form 6004) is contained in the Due Diligence Booklet. *All proposals must include a completed PART 1. PART 2 will have to be prepared by the Redeveloper.*

I. Land Disposition Agreement ("LDA")

1. *All proposals must include three (3) copies of the LDA,* **executed** *by the Proposer.* ***This document is non-negotiable and cannot be amended or altered in any way by the Proposer. If the document is altered or amended in any manner whatsoever, the proposal will be deemed non-conforming and will not be considered.***

2. ***The LDA requires the Proposer to submit, with its proposal, a good faith deposit, in the form of a bank or certified check, equivalent to twenty (5%) percent of the proposed purchase price for the parcel, but in no event less than $20,000 (the "Deposit").***

3. If the Proposer is selected as the Redeveloper, the Deposit will be accepted and maintained in an escrow account in accordance with the LDA. If the Proposer is not selected as the Redeveloper, the Deposit will

be returned to the Proposer within one hundred and twenty (120) days following the final date for submission of proposals as set forth in Section IV (A) above. A Proposer may submit multiple proposals with different unit sizes, finishes, number of units, financing and schedules. Only one (deposit will be require from the Proposer).

4. The LDA is contained in the Due Diligence Booklet.

VIII. SELECTION CRITERIA

Each Proposer will be evaluated based on the information submitted, on follow-up interviews, and on information gathered upon investigation into the Proposer's integrity, reputation, and past performance. Submitted Proposals will be judged based on the following factors:

A. Vision for the Development Project & Consistency with RFP and the *Seeking the Shared Vision for New Cassel* Development Objectives.

1. Overall appeal of development plan, and vision and consistency with the objectives set forth in this RFP.
2. Development Schedule.
3. Identification of relevant issues, constraints, and challenges in carrying out the proposed development vision.
4. Strength and feasibility of financing and development strategy.
5. Proposals submitted with a letter of intent from a bank or credit union to occupy the space as a retail bank will be given special consideration.

B. Development Team Experience and Qualifications.

1. Competitive advantage in executing the contemplated financing and development strategy.
2. Demonstration of key strengths, skills, and competencies.
3. Successful completion and marketing of comparable projects.
4. Experience working with a variety of financing tools in complex capital structures.
5. Experience working in public/private partnerships.
6. Quality of past projects, including, without limitation, architectural and urban design quality.
7. Demonstrated ability to overcome expected and unexpected challenges.
8. Timeliness of performance on past projects.
9. Experience in development of project cost estimates, financial analyses, economic feasibility analyses, and market analysis.
10. Strength of references.

C. Financial Capacity.

1. Financial soundness and integrity.
2. Demonstrated ability to obtain debt and equity for past projects.
3. Ability and willingness to provide sufficient capital to complete necessary pre-development activities and proposed development plan.

IX. SUBMISSION REQUIREMENTS, PROPOSAL ACCEPTANCE, REJECTION, ADDENDA AND SUPPLEMENTS

Proposals should provide a clear and concise demonstration of the Proposer's capability of satisfying the requirements and objectives of this RFP within a stated time period. Proposals need not be elaborate or costly, but should be prepared in a professional manner. Proposals may include any background or other supporting information that the Proposer feels necessary, and must include, at a minimum, the response requirements listed in Section VII of this RFP.

The Project Sponsors will not be limited solely to the information provided by the Proposer, but may utilize other sources of information useful in evaluating the capabilities of the Proposer and the proposal. Special or unique capabilities or advantages of the Proposer should be clearly stated in the proposal.

A. SUBMISSION REQUIREMENTS

1. Two (2) originals plus three (3) copies of each proposal must be submitted to the Executive Director, Town of North Hempstead Community Development Agency before the due date for Proposals stated in Section IV (A) of this RFP, in sealed envelopes or packages and clearly marked as to their contents. In addition, ten (10) CD-ROM's containing the proposal must be submitted. Further, project financial information requested in Section VII of this RFP shall be submitted in a spreadsheet program compatible with Microsoft Excel for Windows.

2. Administrative

a) An officer authorized to make a binding, contractual commitment for the Proposer shall sign each proposal.

b) Acknowledgement of all addenda issued by the Project Sponsors shall be included in each proposal.5

c) Additional information or modifications to proposals may be requested from any Proposer.

d) **Oral, facsimile, telegraphic, electronic mail or mail-gram proposals will not be accepted.**

e) Proposals or unsolicited amendments to proposals arriving after the closing date any time will not be accepted.

f) Failure to submit a proposal(s) in the manner described above will result in the proposal being rejected as non-compliant.

B. PROPOSAL REVIEW AND ACCEPTANCE/REJECTION

The Project Sponsors' staff will review the submissions, and the Proposer will be notified in writing of acceptance or rejection. In addition, subsequent to submission of proposals in response to this RFP, CDA, in the exercise of its sole and absolute discretion, may enter into parallel negotiations with two or more proposers, may designate two or more proposers for "short list" consideration, may request best and final proposals or offers, and/or may conduct other additional competitive proceedings with respect to the potential award of this RFP. In the event the "Designated Proposer" is unable to close on this transaction or to perform pursuant to the terms of the LDA, CDA may also, at its sole discretion, choose an alternate proposal that was submitted pursuant to the terms of this RFP without issuing another RFP.

C. ADDENDA AND SUPPLEMENTS TO THE RFP

Should it become necessary to revise any part of this RFP, provide additional information necessary to adequately interpret provisions and requirements of this RFP, or respond to written inquiries concerning the RFP, an Addendum, if necessary, to the RFP shall be provided to all Proposers who received and/or responded to the initial RFP, and posted on the CDA's webpage at http://www.northhempsteadny.gov/content/7358/7129/4244/5011/default.aspx

Proposers are responsible to check the web site for updates, amendments or addendums and to submit the Addenda Acknowledgement Form with their proposal.

D. CANCELLATION OF THE RFP AND/OR REJECTION OF ALL PROPOSALS

The Project Sponsors may, in their sole discretion, cancel this RFP, in whole or in part, or reject all proposals submitted when this action is determined to be in the best interest of the Project Sponsors.

X. ADVISORY PANEL

The Project Sponsors may, in their sole discretion, seek the assistance of an advisory panel for evaluating proposals. If a panel is utilized, it shall make its recommendations based on adherence to the criteria outlined in this RFP.

XI. ORAL PRESENTATIONS

The Project Sponsors, in their sole discretion, may invite one or more Proposers to make oral presentations to clarify proposals. Oral presentations will be held at the CDA's offices, located at 51 Orchard Street, Roslyn Heights, New York. At the CDA's discretion, oral presentations may also be conducted before the North Hempstead Town Board and other agencies and organizations.

XII. DEPOSITS AND FEES

In addition to the deposit accompanying the Land Disposition Agreement, the Redeveloper will also be required to pay the following fees:

1. CDA Disposition Counsel Fee.

2. Reimbursement to the Project Sponsors for expenses incurred in obtaining appraisals, surveys, environmental site assessments, or other reports pertaining to the Site and a review of the proposal for the redevelopment thereof.

XIII. MBE / WBE PARTICIPATION

It is the policy of the Project Sponsors that minority individuals/women and minority/women owned business enterprises should have maximum opportunity to participate in any and all components of this development opportunity, including, but not limited to, ownership, financing, design, construction, management, and operations.

The Project Sponsors encourage the use of local and minority/women labor.

XIV. RIGHTS RESERVED BY THE PROJECT SPONSORS

The Project Sponsors reserve the right in their sole discretion to recommend the awarding of an LDA related to this RFP based upon the written proposals received by the Project Sponsors without prior discussion or negotiation with respect to those proposals. All portions of this RFP will be considered part of the LDA and will be incorporated by reference. Any contract awarded by the Project Sponsors in connection with the RFP will be subject to approvals as required by applicable Federal, State or local laws, rules, regulations and ordinances.

As part of the evaluation process, the Project Sponsors specifically reserve the right to review and approve the drawings, plans, and specifications for redevelopment with respect to their conformance with the goals and requirements of this RFP.

The Project Sponsors also reserve the right to refuse to approve any such drawings, plans or specifications that are not suitable or desirable, in their sole opinion, for aesthetic or functional reasons; and in so reviewing such drawings, plans and

specifications, they shall have the right to take into consideration, but shall not be limited to, the suitability of the site plan, architectural treatment, building plans and elevations, materials and color, construction details, access, and parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, design of streetscape, and the harmony of the plan with the surroundings.

The Project Sponsors reserve the right to request additional information from any or all Proposers if necessary to clarify information contained in the proposal.

XV. FURTHER CONDITIONS, TERMS AND LIMITATIONS

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

A. The Site shall be disposed of in "as is" condition, and the Project Sponsors make no representations whatsoever as to the physical condition of the Site or the structures, if any, thereon or their suitability for any specific uses.

B. Selection of a Proposer as the Developer will depend upon satisfaction of the review requirements described in this RFP, and will be subject to review by the CDA.

C. No transaction will be consummated if any principal of the Proposer with whom the Project Sponsors have commenced negotiations is in arrears, or in default upon any debt, lease, contract, or obligation to any of the Project Sponsors, including, without limitation, real estate taxes and any other municipal liens or charges. The Project Sponsors reserve the right not to review any proposal by any such Proposer.

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

E. The Project Sponsors shall not be obligated to pay, nor shall they in fact pay, any costs or losses incurred by any Proposer at any time, including any costs incurred by the Proposer in connection with the Proposer's response to this RFP.

F. This RFP does not represent any obligation or agreement whatsoever on the part of the Project Sponsors , which may only be incurred or entered into by written agreement, subject to any applicable Federal or State approval.

G. Selection of a proposal will not create any rights on the Proposer's part, including, without limitation, rights of enforcement, equity or reimbursement, until the LDA, Deed and all related documents are fully executed and approved. The terms of the LDA and Deed, after execution, shall govern the relationship between the Project

Sponsors and the Developer. In the event of any variance between the terms of this RFP and the LDA or Deed, the terms of the LDA or Deed shall govern.

H. The Project Sponsors reserve the right, in their sole and absolute discretion and at any time, to reject any or all proposals, to withdraw this RFP, to negotiate with one or more Proposers, and/or to negotiate and dispose of the Site on terms other than those set forth herein (including, without limitation, to parties other than those responding to this RFP). The Project Sponsors likewise reserve the right, at any time, to waive compliance with, or to change any of the terms and conditions of, this RFP, or to entertain modifications or additions to selected proposals.

I. All determinations as to the completeness or compliance of any proposals, or as to the eligibility or qualifications of any Proposer, will be within the sole and absolute discretion of the Project Sponsors.

J. The Project Sponsors advise all Proposers that there is no legal obligation on the part of the Project Sponsors to use the proposals submitted pursuant to this RFP as a basis for negotiation with such Proposer as the Project Sponsors deem appropriate.

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

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XVI. DUE DILIGENCE BOOKLET (see Appendix A)

A Due Diligence Booklet (see Appendix A) shall be available for viewing and reference at various locations throughout the Town, including Town Hall, the CDA, the Town's Planning and Environmental Protection Department offices, and the Westbury Library.

The Due Diligence Booklet shall include the following:
environmental assessments and site maps.

- Maps of New Cassel and the New Cassel area
- A Map of the Town of North Hempstead
- Brief History of New Cassel
- A copy of *Seeking A Shared Vision For New Cassel*
- Relevant sections from the Town's Zoning Code
- A map of the Site
- A copy of the New Cassel Urban Renewal Plan, as amended
- Redeveloper's Statement for Public Disclosure and the Redeveloper's Statement of Qualifications and Financial responsibility (HUD Form 6004)
- LDA (which must be returned executed by the Proposer with the appropriate deposit)

XVII. PROPOSER'S REGISTRATION FORM

REDEVELOPMENT PROJECT
Prospect Avenue, New Cassel, NY

A non-refundable registration fee of $100 payable to the order of the Town of North Hempstead Community Development Agency **must be included with the submission of this form**. Only registered Proposers will receive due diligence information. The Proposer is responsible for conducting its own due diligence and should not rely solely on the information provided by the Town of North Hempstead Community Development Agency.

Date: _____

Name of Proposer: _____

Address of Proposer: _____

_____

Telephone Numbers of Proposer: _____

E-Mail Address of Proposer: _____

Name and Title of Proposer's Authorized Representative: _____

_____

Address of Authorized Representative: _____

_____

Telephone Numbers of Authorized Representative: _____

E-Mail Address of Authorized Representative: _____