

RESOLUTION NO. _____

~~January 18, 2022~~ January 27, 2022

A RESOLUTION AUTHORIZING THE MAYOR TO ISSUE A REQUEST FOR PROPOSALS FOR ADAPTIVE RE-USE OF THE DUNN WAREHOUSE PROPERTY

WHEREAS, on August 1, 2017, Governor Andrew Cuomo announced that the City of Hudson was a “Round 2” Downtown Revitalization Initiative (DRI) winner, receiving \$10,000,000.00 for investments in Hudson’s BRIDGE District; and

WHEREAS, the City of Hudson created the Local Planning Commission comprised of twenty-three (23) local business people, citizens, NYS officials from Empire State Development Corporation, Department of State, Office of Community Renewal, as well as a national planning firm, that evaluated dozens of projects; and

WHEREAS, the culmination of the Local Planning Commission efforts resulted in five (5) municipal projects being designated to receive DRI funding, one being structural rehabilitation of the Dunn Warehouse building for future re-use; and

WHEREAS, the Common Council previously authorized the issuance of a Request for Expressions of Interest (RFEI) for the adaptive re-use of the Dunn Warehouse; and

WHEREAS, the Common Council is now interested in progressing the project by issuing a Request for Proposal (RFP); and

WHEREAS, the Common Council will have to review and approve any developer chosen as a result of the Request for Proposals (RFP).

NOW THEREFORE, LET IT BE RESOLVED, that the Mayor is hereby authorized to issue a Request for Proposals (RFP) for the adaptive re-use of the Dunn Warehouse property.

Introduced: _____

Seconded: _____

Approved: _____
Kamal Johnson, Mayor

Dated: _____

CITY OF HUDSON



REQUEST FOR PROPOSALS

INVESTOR / DEVELOPER ADAPTIVE RE-USE FORMER DUNN WAREHOUSE



City of Hudson
520 Warren St., Hudson, NY 12534

Issue Date: January xx, 2022
Proposal Due Date: February xx, 2022

A. PURPOSE

The City of Hudson, located in western Columbia County, approximately 120 miles north of New York City, and 40 miles south of Albany, on the eastern shore of the Hudson River, is requesting proposals for a public/private partnership from qualified investors-developers to stabilize and repurpose the City-owned Dunn Warehouse building on the corner of Broad Street and Water Street near the City’s waterfront.

The Dunn Warehouse redevelopment project is a priority project selected by New York State for Downtown Revitalization Initiative (DRI) funding. Returning the Dunn Warehouse to an active and vibrant role in the community is a natural next-step in reconnecting the Hudson River to community life.

The City of Hudson seeking to lease/sell the Dunn Warehouse site to a qualified investor-developer and will provide limited funding as an incentive to achieve the City’s vision to:

- Enhance the City's quality of life as a place to live, work and recreate through revitalization of Hudson's Core - Warren Street, Fourth Street, and the waterfront.
- Conserve historical and natural resources along the Hudson River waterfront and strengthen the link to Warren Street and the core of Hudson.
- Encourage compatible forms of economic development, including commercial development and tourism, which maintaining the overall historic character.

The adaptive reuse of the Dunn Warehouse is intended to increase city revenue, employment opportunities for residents (particularly living-wage jobs) and improve quality of life. The reuse of the Dunn Warehouse is a pivotal opportunity to expand waterfront usage while connecting that area to Downtown. Hudson has seen considerable development and this project can build on that momentum.

B. RFP KEY EVENTS AND DATES

<u>Event</u>	<u>Date</u>
Issuance of RFP	01/XX/2022
Building Walk-Through / Site Visit	02/XX/2022 @ 12:00 PM
Deadline for RFP Questions	02/XX/2022 (5:00PM)
Post Responses to RFP Questions	02/XX/2022
Proposal Due Date	02/XX/2022 (5:00PM)
Interviews/Presentations (not earlier than)	03/XX/2022
Notice of Award (not earlier than)	03/XX/2022

C. HISTORY OF THE DUNN WAREHOUSE BUILDING

The Dunn Warehouse site was previously home to a manufactured gas plant built in 1853, which occupied 1.6 acres. The 1884 Sanborn maps show the property was occupied by Hudson Gas Works with adjacent coal and flour storage to the west, and Foundry and Molding operated by Hudson Stove Works to the northeast. The area to the north was an oil storage facility. In 1889, the Sanborn maps indicate use of the site by Hudson Light and Power, with the flour storage and Stove Works remaining as adjacent users. In 1895, the maps indicate that the flour storage transitioned to a machine shop, but other uses remained. As of 1903, the power company gas plant remained, but the Stove Works had closed, becoming Weaver Lumber and Building Materials yard by 1911. The Gas Works and Lumber Yard continued through the 1923 and 1949 maps, but the gas works had transitioned into storage by 1961.

Due to the building’s age and historical significance, it is eligible for designation on the State and National Registers of Historic Places. If placed on the registers the building can be preserved with the help of Historic Rehabilitation Tax Credits.

D. BACKGROUND

In January 2017, the Governor of New York State announced the award of nearly \$40 million in Round 4 of “Restore NY Communities Initiative grant funding”. Among the recipients of the funding was the City of Hudson, which received \$500,000 for the rehabilitation of the Dunn building on the waterfront.

Dunn Building Rehabilitation (\$500,000):

Restore New York funding is for projects involving the demolition, deconstruction, rehabilitation and/or reconstruction of vacant, abandoned, condemned and surplus properties. The program encourages community development and neighborhood growth through the elimination and redevelopment of blighted structures.

Later in 2017, the City of Hudson, was selected by New York State’s Capital Region Regional Economic Development Council (CREDC) for a Downtown Revitalization Initiative (DRI) award. The City of Hudson was awarded \$10 million in state DRI funding to revitalize the designated BRIDGE (Build-Renew-Invent-Develop-Grow-Empower) District on the western side of downtown Hudson.

New York State selected a DRI consultant to assist the City of Hudson in developing a Strategic Investment Plan (SIP) to secure funds allocated by the DRI. Hudson established a Local Planning Committee (LPC) that was made up of a cross-section of community members. The LPC assumed a highly active role, establishing sub-committee groups that met separately to develop the DRI Goals and Strategies. In addition to the LPC, hundreds of Hudson residents contributed to the formation of Hudson’s DRI Strategic Investment Plan (SIP). Key stakeholders were engaged individually, and the general public was invited to participate in a series of events, as well as through online media. The input from these conversations was incorporated as the plan developed.

In April 2018, the LPC published the Hudson SIP outlining nineteen (19) projects that were recommended for funding. New York State subsequently identified the planned investments and five (5) public projects were selected. One of the municipal and private projects selected for advancement included the Dunn Warehouse Building described as follows:

Stabilize the Dunn Warehouse for Future Re-Use (\$1,000,000):

“Stabilize the historic Dunn Warehouse, the City's last remaining central waterfront building. The City of Hudson will issue a request for proposal (RFP) for a public/private partnership to adaptively reuse Dunn Warehouse based on recommendations in a 2015 Adaptive Reuse study.”

The City of Hudson is interested in developing this key downtown site and its transformation into an activated space that complements the waterfront and supports a walkable community as part of these DRI projects.

E. BUILDING / SITE INFORMATION

Property and Building Description:

The Dunn Warehouse site is located on the corner of Broad Street and Water Street. The property consists of two (2) parcels totaling approximately 0.63 acres. The site is located adjacent to the Hudson Amtrak Station, across the street from Henry Hudson Riverfront Park, and near housing and shops.

The City of Hudson owns the site and structure and currently utilizes the site for storage purposes.

The building is composed of three (3) sections and has an overall footprint of 5,500 square feet (SF). The northern section of the building is composed of a timber roof framing and masonry exterior walls and has a small mezzanine space located along the east side. The southern section is composed of steel trusses and masonry exterior walls. The east addition, which is assumed not to be part of the original building, has a steel framed concrete roof with masonry exterior walls.

E. BUILDING / SITE INFORMATION (continued)

Municipal Water and Wastewater:

The property is served by municipal water and combined sewer. The water line runs along the center of Water Street and Broad Street; combined sewer is along Broad Street; and fire hydrants are located on the southwest side of Broad Street and on the northside of Water Street.

Transportation:

By vehicle and by foot the site is accessible via two routes: 1) across the Ferry Street bridge and 2) across the Amtrak railroad tracks. Just to the north of the property is Ferry Street, which includes a bridge (currently under reconstruction) that provides primary access to the waterfront and Henry Hudson Riverfront Park adjacent to the site, across Water Street.

Pedestrian Access:

There is little designated pedestrian access to the site itself, but sidewalks are present across Water Street, with the park. Pedestrians approaching the site from the Amtrak rail station must cross the railroad tracks, following Broad Street, where there are no sidewalks. A ferry serves the adjacent park, crossing the Hudson River to Athens. Columbia County also provides public transportation to the Amtrak Station and surrounding areas. Improvements to the streetscape to address complete streets and multi-modal connectivity are being provided under a separate proposal recently awarded. The BRIDGE district connectivity improvements (in process) will provide safe access, aesthetic improvements, and separation of truck traffic from pedestrians and bicyclists.

F. VISION AND PROJECT REQUIREMENTS

The City of Hudson is seeking a developer with experience in repurposing industrial/historic structures; bringing new life to unique sites in an urban setting.

The primary goal of this development will be to activate the site and create uses on the site that fit in well with the local context and waterfront location. The City of Hudson desires a project that will leverage location, the historic character of the building, the City's many assets and create economic activity and a new attraction to the waterfront.

The building shall be designed and fit up in accordance with general standards for the use being provided and shall meet all applicable code requirements as specified and currently adopted by federal, New York State, and local municipal authorities and permit grantors having jurisdiction.

The City of Hudson has several key objectives for the former Dunn Warehouse property; including, but not limited to:

1. Create a diversity of activities that that would;
 - complement one another
 - serve as attractions that relate to the waterfront experience
 - not necessarily compete with nor duplicate the "Warren Street Experience"
2. Create a mix of retail and food/culinary activities
3. Create flexible office and/or broadly defined public use space

F. VISION AND PROJECT REQUIREMENTS (continued)

PLEASE ADDRESS THE FOLLOWING IN YOUR PROPOSAL SUBMISSION:

- How the space will be designed to accommodate a flexible range of uses including, but not limited to, retail, shopping & restaurant uses
- How the space will be managed, including marketing, operations, maintenance and financial management
- How the adaptive reuse of the building will be complemented with streetscape, parking and park upgrades
- How you will address and improve accessibility to the site via foot and vehicle traffic across the Broad St. railroad crossing
- How you will address and improve access to and from the water (docking and marina facilities, kayaking and other recreational small craft access
- How you will assure well managed programming and uses of the building and adjacent park, including a well-publicized calendar of events coordinated with other entities in the City of Hudson
- Describe your specific qualifications that include financial management capabilities, a successful development track record and viable business plan for the building
- How the project may benefit from Historic Tax Credit programs at the New York State and Federal levels

G. PROPOSED CONVEYANCE

It is the City's desire to maintain long-term control/ownership of the site. The City of Hudson will retain ownership of the land under the former Dunn Warehouse Building, and sell the building itself to the successful respondent.

The City of Hudson will enter into a ground lease with the successful respondent. The Ground Lease will contain the following provisions:

- The City of Hudson will not subordinate its interest in the leased land to the lien or extension, renewal, continuation or replacement or the lien of any mortgage.
- The term of the ground lease shall be for 99 years.
- The ground lease shall include a requirement that, in the event that the Dunn Warehouse Building is damaged by fire or other casualty to the extent that more than fifty percent (50%) of the cost of replacement (as determined by City Building Department Staff) and the City at its sole discretion determines that it is in its best interests to convert the leased land back to City use, the ground lease shall automatically terminate effective as of the date of damage and the Dunn Warehouse Building and leased lands shall revert back to the City for use as determined.
- The ground leasehold interest shall not be severed from the ownership of former Dunn Warehouse Building.
- The ground lease will identify those uses that are allowed on the leased land and in the former Dunn Warehouse Building.
- The lessee(s) shall be required to maintain the former Dunn Warehouse Building to the standards set forth in all applicable historic preservation laws, statutes and ordinances.

H. RFP REFERENCE DOCUMENTS

1. Dunn Warehouse Adaptive Reuse Study:

The City of Hudson engaged the Saratoga Associates to prepare the Dunn Warehouse Adaptive Reuse Redevelopment Analysis and Master Plan in 2015 (“Reuse Plan”). The Reuse Plan examines the site’s history, local context, building condition, and a local market analysis. (See link to document placed on Hudson website; Dunn Warehouse Adaptive Reuse: Redevelopment Analysis and Master Plan)

2. Environmental Issues and Current Condition:

As a result of its manufacturing history, the Dunn Warehouse site was considered a brownfield and was remediated by then-owner Niagara Mohawk. Remediation included excavation and the removal of soils/sediments followed by site restoration in the area of the waterfront park and the installation of monitoring wells along the railroad tracks. It is assumed the residual contamination still exists on the site. As a Brownfield site, information regarding the area is available at <https://www.dec.ny.gov/cfm/external/derexternal/index.cfm?pageid=3> (use site code 411005). The property is subject to deed restrictions which limit uses to commercial or industrial. Additional uses may be allowed through permission of the NYSDEC and the Niagara Mohawk Power Corporation.

3. Structural Assessment Summary:

A Structural Assessment report was completed in 2015 by Proper and O’Leary Engineering as a component of the Reuse Plan. (See link to document placed on Hudson website; 2015 Proper and O’Leary Structural Assessment Report) In 2019, the Chazen Companies supplemented this information with a Building Stability Assessment. Updated evaluation of the structure and repair costs was completed. Temporary repairs to the roof structure were performed based on the evaluation. (See link to document placed on Hudson website; 2019 Chazen Building Stability Assessment)

4. Zoning:

The Dunn Warehouse property is in the City of Hudson’s Core Riverfront (C-R) zoning district, which intends for: “a mixture of compatible uses at the riverfront; to provide access to the riverfront for water-dependent transportation and recreational uses and water-enhanced uses, such as restaurants and publicly-accessible walking and biking trails; to ensure that such uses are compatible; and to protect the visual, cultural, natural, ecological and historical resources of the City’s core riverfront area.” The property is also within the 2011 Local Waterfront Revitalization Plan boundary. Off-street parking requirements for the site vary depending on the use. (See link to document placed on Hudson website; 2011 Local Waterfront Revitalization Plan)

5. Assessment:

Columbia County Tax assessment records for the Dunn Warehouse property include the following:

- Tax ID: 109.11-1-15 (0.60 acres)
Land Assessment 2021: \$67,500
Full Market Value 2021: \$189,474
Site Property Class: 449 – Other Storage

- Tax ID: 109.11-1-28 (0.03 acres)
Land Assessment 2021: \$8,000
Full Market Value 2021: \$8,421
Site Property Class: 330 – Vacant Commercial

I. PROPOSAL REQUIREMENTS

The following is a list of required information that must be provided by the proposer. Provide your response in the same order in which it is requested using numbered side tabs that correspond with each of the numbered items below.

1. Cover Letter:

Provide a letter of introduction with a brief description of your firm, indicating the location of primary office for the performance of the study, the type of firm, areas of specialization, project lead, and any staff members who would participate in the analysis, meetings and report.

- Include a company name, a contact name and title, contact information, website address, and any sub-contractors who would be used.
- The name, title, telephone number and email address of the individual within your firm who will be City of Hudson primary contact concerning this Request for Proposals.
- The primary contacts name, title, telephone number and email address for each sub consultant who will perform work under this contract.
- A statement to the effect that your firm is willing to perform all services identified and will abide by the terms of the Request for Proposals, including all attachments.

2. Dunn Warehouse Re-Use Conceptual Plan / Design:

A statement of the physical project concept is required to include:

- A site plan illustrating the extent of proposed development, access points, site circulation, general configuration of uses, location of parking, etc.
- Floor plans illustrating internal building program.
- Development program in table format indicating the type of use, square footage of use, parking ratio/total number of parking spaces. Specific note should be made of:
 - o Rental rates (per SF for commercial uses and rates per unit type for commercial uses)
 - o For residential uses, percent affordable and at what rate (ex. 50% AMI, etc.), and;
 - o For residential uses, occupancy type;
- Renderings, sketch-up models and elevations illustrating all facades.

3. Development Team Information:

Organization Form, Team Members, Personnel:

Provide a complete identification of the developer and all associated team members (participating firms), the specific legal entity description and the jurisdictions under which the developer is organized, the principal representatives of each participating firm, evidence of management continuity within each major participating firm, and identification of the individual(s) authorized to negotiate and bind the developer are required.

4. Development Team Information: (continued)

The development team information must include information adequate to permit a preliminary assessment of the developer's current financial strength and capacity to successfully undertake the project for each member of the development team;

Relevant Experience:

Proposals shall describe the relevant experience of each participating firm in the planning, redevelopment, historic rehabilitation, financing and management of similar projects. Include evidence that the developer is financially solvent / stable and has a track record of securing financing of a similar magnitude and complexity.

Proposals shall also include a minimum of three (3) references who may be contacted regarding each participating firm's role and performance in connection with similar projects, along with the express written permission to contact these references. References shall include name, affiliation, address and telephone number.

I. PROPOSAL REQUIREMENTS (continued)

5. Management Team:

Describe the proposed management team that will be responsible for managing day-to-day activities of the Dunn Warehouse, once it is redeveloped.

List all principals, firm background, and experience and provide examples of comparable projects that have been undertaken. Enclose current resumes for all members of the management team.

6. Project Management Plan:

A description of the project management plan addressing the issues set forth below is required.

- Technical services to be provided by the developer and each member of the development team;
- Organization of the development team, responsibilities for project management, the specific experience of each team member; and

7. Development Costs:

An estimate of total costs for redevelopment shall be submitted in sufficient detail to permit evaluation. Development costs shall identify major line items, including but not limited to:

- Architectural, engineering, interior design and other third-party soft costs;
- Project overhead and management;
- Total rehabilitation costs broken down into:
 - o Initial rehabilitation costs
 - o Interior build out costs by tenant / use
- Financing fees and construction loan costs, as applicable;
- Development fees.

A successful proposal will also include, as available, a qualification and letter of commitment from bondable general contractor(s) for all construction or rehabilitation that is to be completed.

8. Financial Plan:

Provide an in-depth Financial Plan detailing the sources of capital and terms, and describing the financial resources of the development team and financial capacity to complete the project. The Financial Plan must outline the prospective financing and contain a Sources and Uses section. These shall include but not be limited to equity investment, senior term debt, subordinated debt, tax credits, and grant funds from Federal, State, local, or private sources.

- a. The Financial Plan must identify the specific investment to be made by the developer, as well as any credit enhancements or additional security.
- b. The Financial Plan must also present a budget for the ongoing maintenance and management of the rehabilitated Dunn Warehouse Building.
- c. The submission should include proposed terms and conditions of a sale and ground lease. For the ground lease, include minimum annual rents, any contingent rent, and any requested special consideration or conditions. Discuss, at a general level, Respondent's proposed ground lease terms for the project envisioned.
- d. At a conceptual level, propose a financial structure for the rehabilitation and adaptive reuse of former Dunn Warehouse Building.
- e. Provide an overall (total) development budget, including all hard and soft costs from preconstruction through occupancy. Explain the basis for the cost estimates.
- f. The submission should include a disclosure of competitive projects that the developer is involved in, as well as any previous or ongoing bankruptcy or litigation.
- g. Respondents should provide a list of banking references for previous projects that are similar in nature.

The City of Hudson will provide up to \$1 million dollars of Downtown Revitalization Initiative (DRI) award funds to assist in the rehabilitation and adaptive reuse of former Dunn Warehouse Building as outlined within this Request for Proposals.

I. PROPOSAL REQUIREMENTS (continued)

9. Schedule:

A schedule delineating the pre-design, design, design review, land use and historic approvals, rehabilitation and interior build out, operation, and management phases of the development is required. Included in this schedule should be a delineation of any public participation that will be used by the developer to solicit input.

10. Special Conditions:

Any and all special conditions that the investor/developer may offer or request from the City of Hudson are required to be listed. The investor/developer will need to elaborate on costs, terms, payment amounts, conditions, timing and such other pertinent factors, if selected for further negotiations.

J. INTERVIEW

The City of Hudson has the right to determine whether interviews will be necessary. The purpose of the interview is to further document the proposer's ability to stabilize and repurpose the City-owned Dunn Warehouse building and provide the required vision and requirements. The proposed lead principal(s), as well as all other key personnel must be present and participate in the interview.

K. SUBMISSION OF PROPOSALS

Proposals must be submitted in both printed and digital (PDF) formats.

Please submit three (3) complete print copies of your proposal and any other required documents in an opaque sealed envelope clearly marked "**Proposal – Investor/Developer Adaptive Re-Use Former Dunn Warehouse**", with the name and address of the responding firm identified.

Where the U.S. Postal Service or other delivery service is used, the sealed envelope shall be enclosed in a separate envelope with the notation "Proposal Enclosed" on the face thereof.

All documents must be received, **no later than 5:00 p.m. on: February xx, 2022** at the following address:

Peter Bujanow
Commissioner of Public Works
520 Warren Street
Hudson, New York 12534

In addition to mailing the proposal, **please submit one (1) electronic copy** of the proposal with all other documents in PDF format and with the subject line clearly identified as "**Proposal – Investor/Developer Adaptive Re-Use Former Dunn Warehouse**", shall be **emailed no later than 5:00 p.m. on: February xx, 2022, to the following email address: pbujanow@cityofhudson.org**

The proposal submitted is the document upon which the City of Hudson will make its initial judgment regarding each proposer's qualifications, methodology, and ability to provide the requested services.

Submission of any proposal indicates an acceptance of the conditions contained in this Request for Proposals unless the submitted proposal clearly and specifically states otherwise.

By submitting a proposal, investor-developer firms represent that they have thoroughly examined and become familiar with the scope of work outlined in this Request for Proposals and are capable of performing the work to achieve the objectives.

L. QUESTIONS & SPECIFICATION CLARIFICATIONS:

All inquiries with respect to this Request for Proposals shall be in writing directed to the following address:

Peter Bujanow
Commissioner of Public Works
pbujanow@cityofhudson.org

1. All questions must be submitted in writing by email, specifically citing the particular proposal section and paragraph number.
2. Questions received less than four (4) business days prior to the date of submission of proposals will not be answered.
3. Only questions answered by formal written Addenda will be binding. Oral or other interpretations or clarifications will be without legal effect.
4. Proposers should note that all clarifications and exceptions, including those related to the terms and conditions of the contract are to be resolved prior to the submission of a proposal.
5. A list of all substantive inquiries received along with relevant responses will be posted on the City of Hudson website, www.cityofhudson.org.
6. In addition, any changes, additions or deletions to this Request for Proposals will also be posted on the City of Hudson website, www.cityofhudson.org, along with the electronic version of this Request for Proposals.
7. Respondents are urged to check the City of Hudson website frequently for notices of any clarification of or changes, additions, or deletions to this Request for Proposals.
8. A proposer may withdraw a proposal any time prior to the final due date and time by written notification, signed by an authorized agent, to the contact person identified above. The proposal may thereafter be resubmitted, but not after the final due date and time. Modifications offered in any other manner, oral or written, will not be considered.
9. If a proposer discovers an ambiguity, conflict, discrepancy, omission or other error in this Request for Proposals, the proposer should immediately notify the contact person identified in above. Notice of such error or omission should be submitted prior to the final due date and time for submission of proposals. Modifications shall be made by addenda to this Request for Proposals. Such clarifications will be given by written notice to all parties who have received this Request for Proposals.
10. If a proposer fails, prior to the final due date and time for submission of proposals, to notify the City of Hudson of a known error or an error that reasonably should have been known, the proposer shall assume the risk of proposing. If awarded the contract, the proposer shall not be entitled to additional compensation or time by reason of the error or its late correction.
11. A proposer indicates its acceptance of the provisions and conditions enumerated in this Request for Proposals by submitting a proposal.
12. By submitting a proposal, the proposer covenants that the proposer will not make any claims for or have any right to damages because of any misinterpretation or misunderstanding of the specifications or because of lack of information.
13. Other than the contact person identified above, or their designee(s), prospective proposers shall not approach City of Hudson employees during the period of this Request for Proposals process about any matters related to this Request for Proposals or any proposals submitted pursuant thereto.

M. SELECTION CRITERIA:

Responses to this Request for Proposals will be evaluated on the following criteria:

1. Experience (30 points maximum)

- a. Successful track record of rehabilitating and operating facilities similar to the proposed Dunn Warehouse Redevelopment Project.
- b. Experience with adaptive reuse and historic preservation projects
- c. Demonstrated ability to operate and maintain adaptive reuse real estate projects once completed, including addressing on-going maintenance needs.
- d. Sufficient staff and consultant resources to deliver the Dunn Warehouse Redevelopment Project.

2. Financial Capacity (25 points maximum)

- a. Proven ability of Respondent to possess or attract equity and debt capital for projects similar in scope and cost to the proposed Dunn Warehouse Redevelopment Project as evidenced by:
 - i. Financing of comparable projects.
 - ii. Access to sufficient debt and equity for the project proposed.
 - iii. On-going relationships with financial sources.

3. Project Vision and Key Objectives (20) points maximum)

- a. Consistency of proposed vision and objectives for the project discussed in Section F.
- b. Responsiveness to key objectives contained in Section F.
- c. Fit and synergies of proposed use(s) and improvements with surrounding land uses.
- d. Overall ability of the project to add to the vitality of the surrounding neighborhood and maintain a sense of public accessibility to the waterfront.

4. Feasibility (15 points maximum)

Likelihood of Respondent and proposed project vision meeting the City of Hudson objectives in an expedient manner. Factors considered will include:

- a. Evidence of ability of the Respondent to attract necessary public and private investment for the Dunn Warehouse Redevelopment Project proposed.
- b. Feasibility of the concept to address the needed physical improvement to and retrofit of the Dunn Warehouse in the near term.
- c. The probability of obtaining approvals for the proposed project, given the historic status of the Dunn Warehouse and the physical, legal, and regulatory constraints, including Deed Restriction.
- d. Cash flow projections that demonstrate the project, once operational, will meet all lease, debt service and operating expenses.

5. Community and Public Objectives (10 points maximum)

- a. Amount of community benefit derived from the project, such as but not limited to, number and quality of public facilities and amenities proposed.

N. TERMS AND CONDITIONS

1. **Incurred Costs:** This Request for Proposals does not commit the City of Hudson to award a contract or to pay any costs incurred in the preparation of a response to this request. The City of Hudson will not be liable in any way for any costs incurred by respondents in replying to this Request for Proposals.
2. **Right to Cancel:** The City of Hudson reserves the right to cancel this Request for Proposals at any time and to decide not to consider any or all of the respondents submitting information in response to this request.

N. TERMS AND CONDITIONS (continued)

- 3. Severability:** If any terms or provisions of this Request for Proposals are found to be illegal or unenforceable, then such term or provision shall be deemed stricken and the remaining portions of this document shall remain in full force and effect.
- 4. Collusion:** By submitting a proposal, a firm implicitly states that its proposal has not been made in connection with any other competing firm submitting a separate response to this Request for Proposals, is in all respects fair, and has been submitted without collusion or fraud.
- 5. Oral Presentation/Interview:** Oral presentations may or may not be conducted. If presentations are requested, it should be noted that they would be for fact-finding purposes, not negotiations.
- 6. Scope of Services:** The final scope of services may be negotiated between the bidder and the City of Hudson depending upon any optional services proposed.
- 7. Required Insurance:** The selected consultant shall purchase, at its own expense, and furnish proof of Commercial General Liability, NYS Worker's Compensation and NYS Disability Benefits insurance containing approved coverage limits protecting the owner from claims which may arise out of or result from the performance or non-performance of the consultant and shall maintain coverage until final acceptance of the work by the City of Hudson. The consultant shall not commence work under the Contract until the consultant has obtained all the insurance required.
- 8. Non-Discrimination:** In accordance with Federal, State and local law and all other applicable laws, the City of Hudson does not discriminate on the basis of race, color, religion, national origin, age, sex, height, weight, marital status, or a handicap unrelated to an individual's ability to perform the job.
- 9. Disclaimer:** The City of Hudson reserves the right to reject any and all bids, or portions thereof, for any reason. Additionally, the City of Hudson reserves the right to adjust the scope of work as needed for the completion of a high-quality feasibility study.
- 10. Assignment / Transference of Agreement:** The selected firm is prohibited from assigning, transferring, conveying, subletting or otherwise disposing of the resulting agreement or its rights, title, or interest therein or its power to execute such an agreement to any other person, company or corporation without prior express consent and approval in writing from the City of Hudson.
- 11. Modification of Contract:** Any modification to the original contract signed between the successful proposer and the City of Hudson will require the mutual consent of the successful proposer and the City of Hudson. Any contract or amendments thereto will be considered effective only after approval by the appropriate City of Hudson authorities.
- 12. Interpretation:** The contract shall be construed and interpreted in accordance with the laws of New York State. New York State shall be the forum for disputes.
- 13. Negotiation:** After completion of the selection process, the City of Hudson will commence finalization of the project scope and fee negotiations with the selected firm(s).

N. TERMS AND CONDITIONS (continued)

14. City of Hudson Rights and Prerogatives: The City of Hudson reserves the right to exercise the following prerogatives:

- To accept or reject any or all proposals and amend, modify or withdraw this Request for Proposals.
- To correct any arithmetic errors in the proposals.
- To change the final due date and time for proposals.
- To accept or reject any of the firm's employees or proposed sub-consultants assigned to provide services on this project and to require their replacement at any time. The proposer shall obtain the written approval of the City of Hudson of changes to the technical proposal after it is submitted, including any changes with respect to sub-consultants. The City of Hudson shall have the right to reject any proposed change to the proposer's technical proposal.
- To waive or modify any irregularities in proposals received after prior notification to the proposer. This will in no way modify the RFP documents or excuse the proposer from full compliance with its requirements.
- To consider modifications to proposals at any time before the award is made, if such action is in the best interest of the City of Hudson.
- To request a revised cost proposal from firms selected as finalists.
- To accept a proposal for the engagement containing other than the lowest cost proposal
- To interview proposers prior to selection.
- To reject any proposal containing false or misleading statements or that provides references that do not support an attribute or condition claimed by the proposer.
- To begin negotiations with the next most responsive proposer to this RFP should the City of Hudson be unsuccessful in negotiating a contract with the selected proposer within a reasonable time frame.
- To contract with more than one firm.

15. Public Announcements: Upon selection of the successful proposer and contract execution, public announcements or news releases pertaining to the contract shall not be made without prior written consent of the City of Hudson. Shortly after notification of the selected firm(s), information will be posted on the City of Hudson website.

O. IMPORTANT NOTICE – CONTACT RESTRICTIONS:

A restricted period is currently in effect for this Procurement and it will remain in effect until approval of the Contract. Proposers are prohibited from contact related to this procurement with any City of Hudson employee other than the designated contact listed for this Procurement:

Peter Bujanow
Commissioner of Public Works
PBujanow@cityofhudson.org

END.

SUBMISSION ACKNOWLEDGEMENT

IN WITNESS WHEREOF, the below-named Respondent acknowledges that all responses and representations contained in this Proposal, including the Statement of Qualifications, References, Rates, and any attachments, are true and correct. The undersigned person affirms that he or she has authority to sign this Proposal on behalf of Respondent.

(date)

(signature)

(printed name and title)

(printed name of firm)

(printed address of firm)

STATE OF _____)

COUNTY OF _____) SS.:

On this _____ day of _____, 20____, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he/she (or they severally) acknowledged to me that he/she (or they) executed the same.

**NON-COLLUSIVE PROPOSAL CERTIFICATE
PURSUANT TO NEW YORK STATE GENERAL MUNICIPAL LAW SECTION 103-D**

By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto, certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

(1) The prices in the proposal have been arrived at independently, without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;

(2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer prior to the opening, directly or indirectly, to any other proposer or to any competitor; and

(2) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

(date)

(signature)

(printed name and title)

(printed name of firm)

(printed address of firm)

ACKNOWLEDGMENT BY PROPOSER NOTARY PAGE

IF INDIVIDUAL OR INDIVIDUALS:

STATE OF _____)

COUNTY OF _____) SS.:

On this _____ day of _____, 20____, before me personally appeared _____ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he/she (or they severally) acknowledged to me that he/she (or they) executed the same.

IF CORPORATION:

STATE OF _____)

COUNTY OF _____) SS.:

On this _____ day of _____, 20____, before me personally appeared _____ to me known, who, being by me sworn, did say that he/she resides at (give address) _____; that he/she is the (give title) _____ of the (name of corporation) _____, the corporation described in and which executed the above instrument; that he/she knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he/she signed his/her name thereto by like order.

IF PARTNERSHIP:

STATE OF _____)

COUNTY OF _____) SS.:

On this _____ day of _____, 20____, before me personally appeared _____, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he/she is a partner of the firm of _____ and that he/she has the authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.