

# CITY OF HUDSON



## REQUEST FOR PROPOSALS AFFORDABLE HOUSING PROJECT DEVELOPMENT



**Issue Date:** March 30, 2022

**Proposal Due Date:** May 4, 2022

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

## A. INTRODUCTION

It is the desire of the City of Hudson to develop affordable housing on one or more of the “City Owned” properties identified in the “City of Hudson, Affordable Housing Development Plan”, recently completed by Hudson Valley Pattern for Progress.

The Affordable Housing Development Plan (AHDP) is designed to be a roadmap to guide the City of Hudson through potential new initiatives and developments to assist in the mitigation of continued displacement.

## B. PURPOSE AND INTENT - REQUEST FOR PROPOSALS

The City of Hudson is soliciting responses from the short listed, qualified and experienced developers who were selected from the responses received to the recent Request for Qualifications, and are interested in purchasing or leasing two or three of the following properties identified for development of multiple units of affordable housing and related amenities with possible mixed-uses:

### **SITE # 1: NORTH 4<sup>th</sup> ST. AND STATE ST.**

Tax Map #: 109.44-2-66

Lot Size: 0.41 Acres

Zoning: R-4

Current Use: Parking lot for adjacent County Office Building  
(See site specific information sheet for additional information)

### **SITE # 2: MILL ST.**

Tax Map #: 109.36-1-10

Lot Size: 3.2 Acres

Zoning: R-4

Current Use: Open field for recreation  
(See site specific information sheet for additional information)

### **OPTIONAL**

### **SITE # 3: ROSSMAN AVE.**

Tax Map #: 110.17-1-45

Lot Size: 0.13 Acres

Tax Map #: 110.17-1-46

Lot Size: 0.18 Acres

Zoning: R-1

Current Use: Vacant land with one small structure  
(See site specific information sheet for additional information)

1. The City of Hudson is looking for multi-unit, mixed-income residential concepts that may include mixed-use components. The preferred concept will be well-designed, will have high quality operation and maintenance, and will be consistent with the intent and mission of the “Strategic Housing Action Plan” (SHAP, 2018): “To support residents of Hudson as they negotiate the local housing market, and to increase the availability of quality, affordable options for both prospective home buyers and renters across the income spectrum by inviting and facilitating collaboration from local and regional partners.”

The City of Hudson is looking to create both affordable rental units as well as homes for purchase that are kept permanently affordable through means such as deed restrictions, shared-equity models, or community land trust models.

### C. KEY EVENTS AND DATES

<u>Event</u>	<u>Date</u>
Issuance of Request for Proposals (RFP)	03/30/2022
Deadline for RFP Questions	04/13/2022 (5:00PM)
Post Responses to RFP Questions	04/15/2022
Proposal Due Date	05/04/2022 (5:00PM)
Interviews/Presentations (not earlier than)	05/09/2022

### D. BACKGROUND

In September 2017, Columbia County released a countywide Housing Needs Assessment. The report analyzed existing housing conditions and demographic changes in the county with additional focus on the City of Hudson.

Later in 2017, the City of Hudson was awarded the New York State Downtown Revitalization Initiative (DRI). The DRI award included funding for a significant community engagement and planning process to identify specific projects for the allocation of NYS funding under the DRI. Housing was identified as a critical need in the DRI planning process, which is evidenced by the DRI investment strategy: Livable Communities.

Recognizing the importance of the county report and the planning process and results from the community engagement associated with the DRI, the City established a Housing Task Force (HTF). The HTF was composed of local community stakeholders to assist with the creation of a Strategic Housing Action Plan (SHAP).

Hudson Valley Pattern for Progress led a broad-based and collaborative process with a variety of local organizations and stakeholders to understand the existing housing conditions and challenges within the City. The HTF met regularly over the course of approximately eight months and worked with Hudson Valley Pattern for Progress to create the plan, which was released and adopted in June 2018.

Pursuant to the adoption of the SHAP, the City, along with local community-based organizations, continued the forward momentum by researching, applying for, and securing funding to begin to address some of the needs identified within the SHAP.

In early 2021, the City of Hudson was awarded the Anti-Displacement Learning Network (ADLN) grant from Enterprise Community Partners and the Office of the New York State Attorney General.

The ADLN grant included funding for a number of programs, which included the position of a Housing Justice Director (Housing Coordinator). The ADLN provides funds for the establishment of a housing trust fund, as well as emergency funds to support and prevent households from being displaced, among other initiatives.

In November 2021, the City of Hudson released an Affordable Housing Development Plan (AHDP) designed to be a roadmap to guide the City of Hudson through a number of housing proposals and potential new initiatives and developments to assist in the mitigation of continued displacement.

On December 23, 2021, the City of Hudson issued a "Request for Qualifications – Affordable Housing Project Development" to identify experienced developers and/or potential partners interested in purchasing or leasing one or more of the properties identified on the "Short List of Development Sites" included in the "City of Hudson, Affordable Housing Development Plan", and to develop multiple units of affordable housing and related amenities with possible mixed-uses, resulting in eleven (11) proposals being received from interested developers.

A committee was convened to evaluate each response, after which four (4) RFQ respondents were selected to prepare a response to this Request for Proposals (RFP) and provide fully developed design concepts, additional submittals, financing strategies, and possibly participate in an in-person interview.

Note: Links to the aforementioned documents are listed later in this document.

## **E. CURRENT HOUSING CONDITIONS**

At this time, there are a number of significant development opportunities in the City of Hudson. The creation of affordable housing spread across multiple neighborhoods would help alleviate the housing supply challenge by increasing the supply to meet the growing demand. Additionally, the development would improve neighborhood quality and character and, in several cases, would help mitigate neighborhood blighting conditions typically found in underutilized lots and deteriorated buildings.

There are approximately 3,400 housing units in the City of Hudson. Of those units, most of them (64%) are renter occupied, while 36% are owner-occupied. Of the 3,400 total housing units, 40% are the only unit in a building, and 60% are in a building with multiple units. The single unit buildings are typically what is considered a “single-family home.” Approximately 16% of the housing units are subsidized, including public housing units. For comparison, 21% of housing units were subsidized in the cities of Kingston and Poughkeepsie in 2018.

Like in many of the cities and villages in the Hudson Valley, the housing stock in the city of Hudson is old. Approximately 58% of the housing stock in Hudson was built over 80 years ago (built before 1940). As a city that was incorporated in the 18th Century, there are several buildings well over 100 years old. While old housing stock is not uncommon in cities in the region, Hudson’s housing stock is among the oldest overall in the region.

## **F. AFFORDABLE HOUSING DEVELOPMENT PLAN 2021 – SUMMARY OF KEY FINDINGS**

Pursuant to thorough research and analysis of both quantitative and qualitative data, the following key findings were noted:

- The City of Hudson has a median income, which is significantly lower than the surrounding county, at \$39,364. It must be recognized that federal and state funding is typically keyed to the county area median income, not the local municipal median income, which exacerbates the challenges of developing housing for very low and low-income households.
- Of households in the City, 64% are renters and over 43% of all households are persons living alone.
- Close to two thirds of the housing stock was built before 1940. Older houses typically have higher maintenance and energy costs than newer homes, increasing the operating costs of housing.
- In the City of Hudson, 445 households are cost burdened and 520 are severely cost burdened (renters and owners combined). Households that are cost burdened pay 30% or more of their income towards housing costs and those that are severely cost burdened pay 50% or more of income towards housing costs; these households may have to forgo other household budget items like healthcare, food, or clothes in order to remain in their housing.
- Renters disproportionately face housing cost challenges with 20% (350 households) of renters being cost burdened and 23% (400 households) being severely cost burden. Over 700 renter households pay over 30% of their income for housing.
- Long waitlists for Section 8 Housing Choice Vouchers demonstrate a high need for more affordable housing. The waitlist for the city of Hudson in summer 2021 was 245 households, of which 10.6% were disabled and 3.3% were elderly.

## **G. REFERENCE DOCUMENTS**

1. “Affordable Housing Development Plan” (City of Hudson Website)
2. “Strategic Housing Action Plan - SHAP” (City of Hudson Website)
3. “Downtown Revitalization Initiative Application” (City of Hudson Website)
4. “2002 Comprehensive Plan” (City of Hudson Website)
5. Draft Local Waterfront Revitalization Program (City of Hudson Website)
6. “1996 Hudson Vision Plan” (Available in hard-copy upon request at 1 North Front St, Hudson NY)
7. City of Hudson Municipal Code (<https://ecode360.com/HU0410>)

## H. REQUEST FOR PROPOSALS PROJECT GOALS

1. Proposals should present information responding to the following points in a clear, comprehensive and concise manner:
  - Project design is unique and sensitive to neighborhood character.
  - Create new high quality affordable housing units with a maximum unit count for the site.
  - Units should be affordable for tenants with mixed income ranging from 30% AMI to 120% AMI.
  - To ensure the affordable housing units meet the needs of the various household sizes found in Hudson, the following ratios are to be used when determining the number of bedrooms, which are based on existing household size found in the City of Hudson. These ratios do not apply to market-rate units.
    - a. 54% - 1BR
    - b. 31% - 2BR
    - c. 25% - 3BR
  - Preserve the character of the neighborhood and develop with high quality design standards and building façades that fit in with the existing historic buildings
  - Mixed use development to promote job creation and generate economic benefits for lower income residents
  - Include energy efficiencies in building design to lower heating and cooling costs and reduce overall operating costs
  - Promote pedestrian access and include residential community greenspace such as tree shaded areas, shared garden space, and children playground equipment.
2. The City will prioritize projects that include a diversity of housing units such as those for AMI's ranging between 30% and 120% AMI with a range of bedroom counts.

Mixed-use components such as grocery stores, child care facilities, community spaces, or ground floor or rooftop commercial spaces will also strengthen the application. The most strongly weighted scoring criterion will be the overall number of affordable housing units and the depth and length of affordability."

3. Maximize Development Potential:  
The City specified a minimum Bulk and Area Regulations for each site to ensure that full development potential is realized. The City of Hudson Municipal Code Chapter 325 - Zoning provides the rules to measure Bulk and Area Regulations.
4. Active Transportation and Transit Focused/Reduced Green House Gas Emissions:  
The City will prioritize proposals that clearly indicate ways in which residents will be encouraged and incentivized to use active/collective modes of transport, such as walking, biking, transit, or car shares. Examples of this include convenient/secure bicycle parking, complimentary annual bus passes provided to each resident, or an on-site car share facility. Measures such as these will help the City meet greenhouse gas emission targets by providing the residents a realistic alternative to conventional motor vehicle usage.
5. Off-street Parking:  
Parking must be in accordance with the City of Hudson Parking Requirements as can be viewed in City of Hudson Municipal Code, Chapter 325 - Zoning, Sections § 325-18 and § 325-19.

#### **H. QUESTIONS & CLARIFICATIONS:**

All inquiries with respect to this Request for Proposals (RFP) shall be submitted in writing, via email, and directed to the following address:

**Michelle Tullo**  
**Housing Justice Director**  
[housing@cityofhudson.org](mailto:housing@cityofhudson.org)

1. All questions must be submitted in writing by email, specifically citing the particular proposal section and paragraph number.
2. Questions received after the Deadline for RFP Questions 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, [cityofhudson.org](http://cityofhudson.org).
6. In addition, any changes, additions or deletions to this Request for Proposals (RFP) will be posted on the City of Hudson website, [cityofhudson.org](http://cityofhudson.org), along with an electronic version of this RFP.
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 RFP.
8. A proposer may withdraw a proposal at 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 RFP, 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 RFP. Such clarifications will be given by written notice to all parties who have received this RFP.
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 RFP 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.

## H. QUESTIONS & CLARIFICATIONS: (continued)

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 RFP process about any matters related to this RFP or any proposals submitted pursuant thereto.

## I. FORMAT FOR SUBMISSION OF PROPOSALS

**PROPOSALS MUST BE SUBMITTED IN BOTH PRINTED AND DIGITAL (PDF) FORMATS.**

**=> Please submit three (3) complete printed copies** of your proposal and any other required documents in an opaque sealed envelope clearly marked **“Proposal – Affordable Housing”**, 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 May 4, 2022 at the following address:**

**Michelle Tullo**  
**Housing Justice Director**  
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 – Affordable Housing”**, shall be **emailed no later than 5:00 p.m. on May 4, 2022, to the following email address:** [housing@cityofhudson.org](mailto:housing@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, 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.

Proposals should show that the firms have sufficient and appropriate resources to complete the project.

Proposals must identify the person who will lead the project, and the location of their primary office.

Any proposed sub-consultant(s) must be identified in the proposal.

**=> Provide disclosure of any litigation that could have a materially adverse effect on the development entity's financial condition and disclosure of any bankruptcy filings by the development entity or affiliates within the past five (5) years.**



## **J. PROPOSAL SUBMISSION REQUIREMENTS AND SELECTION CRITERIA:**

The City of Hudson intends to select a separate developer for each site with whom to enter into exclusive negotiations. The same developer may be chosen for more than one site.

The selection will be based on analysis of the information submitted by the Developer, investigation into the Developer's prior projects, performance in previous undertakings, and other pertinent factors including financial capacity for the satisfactory development of the "Project". The following rating criteria will be used to evaluate the proposals:

### **1. Cover Letter: [5 points maximum]**

A cover letter outlining Developer's interest in the project (Two [2] pages maximum). Cover letter may include other information.

### **2. Developer's Qualifications and Capacity: [20 points maximum]**

- a. Basic Information: Developer's name and address, and name and address of any proposed partner or joint venture.
- b. Nature of the Developer's development entity (corporation, partnership, joint venture, etc.)
- c. Name of Person (or Persons) authorized to represent Developer in the negotiations with the City.
- d. Firm Profile: Overview of proposing firm/entity and description.
- e. Evidence of Developer's (including joint venture partners) financial capability to carry out the proposed commitment. The Developer's most recent certified financial statements (current within six months) must be submitted CONFIDENTIALLY under separate cover, in an envelope plainly marked on the outside with the Developer's Name and: "Confidential: Financial Capability for Affordable Housing Projects". Include:
  - Ability of Developer (including joint venture partners) to raise equity/debt dollars, including relationship with major lenders.
  - Commitment and ability to fund planning and pre-development costs during negotiation period and the resources to carry the project forward.
  - Anticipated sources of financing, include documentation providing commitment for construction and/or permanent financing for the project. The commitment should identify rates, fees, and terms of financing, if known.
- f. Previous Project Descriptions: A description of successful projects in comparable undertakings in terms of economic success and overall architectural design quality. (Each project must include the name, contact person, address, phone number of each party for the jurisdiction in which the project was developed, general financial information about the project, and the dates of involvement.) Also describe the Developer's previous relevant experience. Include a brief description of projects, date completed, location, concept, land uses, size, pre-development and development costs, role of development entity, estimated development value, and management and operating experience.
- g. Principals of the Developer's development entity partners (corporate officers, principal stockholders, general or limited, etc.).
- h. Team Member Biographies: Brief professional biographies of the team members that are proposed to execute the project. Biographies must include: a summary of the qualifications, licenses, and experience of each individual, and the type of work to be performed by each individual. Include identification, qualifications and role of key individuals including all technical, planning, and architectural consultants on the development team who would be involved in the planning or implementation of the development.
- i. Developer's references, including the Names and Addresses of Developer's bank(s).
- j. Credit Report Authorization form (see Attachments).



## J. SUBMISSION REQUIREMENTS AND SELECTION CRITERIA: (continued)

FOR EACH INDIVIDUAL SITE PROPOSED FOR DEVELOPMENT, provide the following:

### 3. Alignment with project and community goals [25 points maximum]

- a. Summary of how the proposed development supports the following project and community goals:
  - Increase the supply of high-quality affordable housing units
  - Respect the attractive small-town scale and historic context of the central business district
  - Preserve and enhance the pedestrian nature of downtown
  - Actively redevelop underutilized land to strengthen the City of Hudson
  - Maximize the long-term viability, property and sales tax potential of the downtown
  - Design projects that are unique, sensitive to neighborhood character, and have long-term quality
  - Plan projects that are feasible (financially, physically, and politically) and implemented as soon as possible
  - Engage the community in a meaningful way during the development process to create a community-supported final design
  - Project design that utilizes innovative technology to increase overall building sustainability, meets green building design or performance standards, and maximizes energy efficiency

### 4. Understanding and Conceptual Site Plans: [30 points maximum]

- a. Understanding: A brief summary of the Developer's understanding of the development the City of Hudson is seeking.

This section should include a summary of Developer's understanding of how this PROJECT will affect various stakeholders and residents of Hudson and include ideas for early and earnest engagement of the community throughout the development process.

- b. A Summary of the proposed development.
- c. Zoning Calculations: Respondent must submit a floor area ratio "FAR" analysis showing all calculations, including proposed uses and any proposed parking.
- d. Conceptual Plans: Conceptual plans showing the Developer's proposed project.  
Plans must include the following at a preliminary conceptual level: site plan, plan view, total floor area, height, preliminary grading plan, preliminary landscape plan, preliminary traffic access and circulation plan, pre-construction vegetation management plan, flooding impacts and mitigation plan, and preliminary utility connection plan. Elevation and profile drawings are strongly encouraged but not required.
- e. Summary Table: Provide a summary table of: units, unit type, unit size, income levels by unit, and other relevant data.
- f. A preliminary development pro-forma with a complete table of assumptions, including all anticipated development costs, land costs, public improvements costs, and sources and uses of funds.
- g. A list of all major contingencies for proceeding with the project.
- i. Description of the environmental effects expected from the project, including impacts on traffic, biological resources, air quality, public services, and any other impacts and a proposal for mitigating these impacts. NOTE: Specifically for the proposed Mill St. site, Developer should provide a thorough review and analysis of the flood risks and how the project could affect surrounding development.
- j. Price and terms for the purchase or lease of the property.
- k. Proposed City of Hudson responsibilities.

## **J. SUBMISSION REQUIREMENTS AND SELECTION CRITERIA: (continued)**

### **5. Schedule, Budget, and Management Plan [15 points maximum]**

- a. Schedule: A work plan or schedule for development necessary to complete this PROJECT. The proposal must specify the major tasks and the expected time of completion for each task. Tasks must include at a minimum (but not necessarily in this order):
  - Preliminary designs and design meetings with City and other agencies
  - Sale or lease of City property
  - Environmental compliance documentation and permitting, if required
  - Final designs and approvals
  - Construction
  - Phasing (if proposed)
- b. Budget: A financial breakdown of the proposed project by task. Proposal must include documentation demonstrating the financial capability of Developer to accomplish proposed project.
- c. Management Plan: Proposals must include a brief description of the Developer's "budget and schedule management plan" that describes the Developer's approach and commitment to completing the project. The plan does not need to include great detail, but must demonstrate the Developer's overall PROJECT management approach to accomplishing the project within the established schedule and budget

### **6. Unique Design Features: [5 points maximum]**

Proposals for projects that include unique features designed to accommodate larger families, very low-income households or special needs populations shall be awarded up to five (5) points.

## **K. INTERVIEW**

The City of Hudson reserves the right to determine whether interviews will be necessary. The purpose of the interview is to further document the proposer's ability to provide the required services and to impart to the City of Hudson officials an understanding of how specific services will be furnished. The proposed lead principal, as well as all other key personnel proposed to provide the services must be present and participate in the interview. The interview will be evaluated on the basis of whether it substantiates the characteristics and attributes claimed by the proposer in its written response to this RFP and any other information requested by the Committee prior to the interview.

## **L. TERMS AND CONDITIONS**

1. Incurred Costs: This RFP 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 RFP.
2. Right to Cancel: The City of Hudson reserves the right to cancel this RFP at any time and to decide not to consider any or all of the respondents submitting information in response to this request.
3. Severability: If any terms or provisions of this Request for Proposal 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 RFP; 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.

## **L. TERMS AND CONDITIONS (continued)**

6. Scope of Services: The final scope of services may be negotiated between the bidder and the City depending upon any optional services proposed.
7. Required Insurances: 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 Professional shall not commence work under the contract for professional services until the professional 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 proposals, or portions thereof, for any reason. Additionally, the City of Hudson reserves the right to adjust the scope of services as needed for the completion of a high-quality deliverable.
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. 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 (RFP).
  - 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 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 proposal.
  - To waive or modify any irregularities in proposals received after prior notification to the proposer. This will in no way modify the Request for Proposals (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 developer.

#### **L. TERMS AND CONDITIONS (continued)**

12. 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.
13. Interpretation: The contract shall be construed and interpreted in accordance with the laws of New York State and New York State shall be the forum for disputes.
14. 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.
15. 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).

#### **M. INSURANCE AND SECURITY REQUIREMENTS:**

The selected proposer will be required to procure and maintain at its own expense the following insurance coverage:

- (a) Workers' Compensation and Employer's Liability Insurance: Must show evidence of Worker's Compensation insurance at State statutory limits, a policy or policies providing protection for employees in the event of job-related injuries;
- (b) Commercial General Liability (CGL): A policy or policies of comprehensive general liability insurance of general liability limits of \$1,000,000 per occurrence/\$2,000,000 aggregate;
- (c) Errors and Omissions/ Professional Liability Insurance: A policy or policies of errors and omissions insurance with limits of not less than one million dollars (\$1,000,000.00). Said insurance must be issued by an insurer licensed to do business in the State of New York and must have an A.M. Best rating of not less than "A"
- (d) Excess/Umbrella Insurance: A policy or policies of insurance with limits of \$2,000,000 per occurrence/\$2,000,000 aggregate.

Each policy of insurance required shall be in form and content satisfactory to the Corporation Counsel, and shall provide that:

- (a) The City of Hudson is named as an additional named insured on a primary and non-contributing basis.
- (b) The insurance policies shall not be changed or cancelled until the expiration of thirty (30) days after written notice to the City of Hudson Corporation Counsel's Office.
- (c) The insurance policies shall be automatically renewed upon expiration and continued in force unless the City of Hudson Corporation Counsel's Office is given sixty (60) days written notice to the contrary.

No work shall be commenced under the contract until the selected proposer has delivered to the Corporation Counsel or her designee proof of issuance of all policies of insurance required by the Contract to be procured by the selected proposer.

If at any time, any of said policies shall be or become unsatisfactory to the City, the selected proposer shall promptly obtain a new policy and submit proof of insurance of the same to the City for approval. Upon failure of the selected proposer to furnish, deliver and maintain such insurance as above provided, this Contract may, at the election of the City, be forthwith declared suspended, discontinued or terminated.

**M. INSURANCE AND SECURITY REQUIREMENTS:** (continued)

Failure of the selected proposer to procure and maintain any required insurance shall not relieve the selected proposer from any liability under the Contract, nor shall the insurance requirements be constructed to conflict with the obligations of the selected proposer concerning indemnification.

**N. IMPORTANT NOTICE:**

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:

**Michelle Tullo**  
**Housing Justice Director**  
[housing@cityofhudson.org](mailto:housing@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.