

REQUEST FOR PROPOSALS FOR THE:

ACQUISITION
AND REDEVELOPMENT/REUSE
OF THE ACDA OWNED
HENRY JOHNSON BOULEVARD AND
FIRST STREET PROPERTIES



125, 127, 129, 131, and 133 Henry Johnson Boulevard
248 and 250 First Street

ALBANY COMMUNITY DEVELOPMENT AGENCY
200 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210

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EXECUTIVE SUMMARY

Opportunity:

The City of Albany Community Development Agency (ACDA) is seeking proposals for the acquisition and redevelopment/reuse of seven (7) ACDA-owned properties containing four (4) structures. The successful proposal will make positive contributions and enhance the community by creating a comprehensive mixed-use, mixed-income development that provides additional housing, retail, and local job opportunities.

Location:

This site is comprised of approximately .46 acres and is located in the west side of Henry Johnson Boulevard—a major gateway into the City where over 25,000 cars a day pass. This traffic count provides ample opportunity to capture drive-by traffic for a number of retail opportunities. Five (5) of the parcels are located in the Mixed-use Community Urban (MU-CU) zoning district which allows mixed use buildings of up to five (5) stories. The remaining two (2) parcels are located in a Residential Two-family (R-2) zoning district, but could be combined with the other five for a larger, integrated development plan.

Schedule:

August 1, 2019	RFP Issued
August 12, 2019 9:00 am	Pre-Proposal Meeting (Mandatory) with optional site tour to follow
September 6, 2019 3 pm	RFP Responses Due (3:00 PM EDT)
September 13, 2019	Selection Committee Makes Recommendations
TBD	Interviews by review committee
October 1, 2019	recommendations made to ACDA board

Contact:

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Albany Community Development Agency
200 Henry Johnson Boulevard
Albany, New York 12210
(518) 434-5247
fandrews@albanyny.gov

SECTION 1 — PROPOSAL BACKGROUND AND SCOPE OF PROJECT

Purpose:

The City of Albany ACDA is seeking proposals for the acquisition and redevelopment/reuse of seven (7) ACDA-owned properties containing four (4) structures. The successful proposal will make positive contributions and enhance the community by creating a comprehensive mixed-use, mixed-income development that provides additional housing, retail, and local job opportunities. The successful proposal must also demonstrate a consistency with the City's Comprehensive Community Plan (Albany 2030), demonstrate how the uses will add to the livability and walkability of the area, and demonstrate a vision and plan for long-term stewardship of the buildings and site.

Site & Building Characteristics:

This site is comprised of approximately .46 acres and is located in the west side of Henry Johnson Boulevard—a major gateway into the City where over 25,000 cars a day pass through. This traffic count provides ample opportunity to capture drive-by traffic for a number of retail opportunities.

Five (5) of the parcels are located in the Mixed-use Community Urban (MU-CU) zoning district which allows mixed use buildings of up to five stories. The remaining two (2) parcels are located in a Residential Two-family (R-2) zoning district, but could be combined with the other five for a larger, integrated development plan.

The four (4) structures are a combination of wood-framed and masonry (brick) construction, dating back to the late 1800s. Four (4) of the structures have two (2) stories above grade, with a basement level approximately 3-4 feet below grade, while one (1) of the structures has only one story above the partially exposed basement level.

Two (2) of the parcels are located along First Street, which is residential street that is currently a one way, running from east to west.

Additional information, such as neighborhood plans, the 2030 Plan, the Unified Sustainable Development Ordinance (USDO), are available on the City's web site: <https://albanyny.gov>

Please note that potential submitters are not relieved of their responsibility to make personal investigations of the site, of the work and of existing structures and shall determine to their own satisfaction the conditions to be encountered, the nature of the structures and parcels, and all other factors affecting the potential redevelopment/reuse of this site.

Community Goals

In the proposed purchase and redevelopment/reuse of these properties, the City will review proposals for consistency with the City's Comprehensive Plan (Albany 2030), for conformance with the City's land use regulations (USDO), other applicable local ordinances and State Laws, as well as how the proposal addresses the following questions:

- In what manner does the proposal provide jobs, goods and/or services to the benefit of the neighborhood at large and the City?
- Does the proposed development increase the livability and walkability of the surrounding area?
- Does the proposal provide for an enhancement to the streetscape and overall improvement to the public realm.
- Is the proposal sensitive to the surrounding neighborhoods?
- Are the proposed uses permitted under Albany's USDO either by right (P) or through a conditional use (C)?
- Is the proposal feasible?
- Is it likely to achieve its stated goals?
- Is the proposal financially viable?
- Are sources of capital, loans, grants and other financing both clearly identified and realistically obtainable?
- Is the proposer qualified in both experience and personnel to complete the project?
- Has the proposer successfully completed similar projects?
- Does the proposal utilize Best Management Practices (BMP) for Low Impact Development (LID) as well as other techniques for green development?; including, but not limited to Leadership in Energy and Environmental Design (LEED), Green Building Council or other similar certification programs.

Site Development Objectives

A successful proposal must address all of the following site development objectives:

Beneficial Use of the Site

Any proposal for this site or the buildings must demonstrate a clear benefit to the community and be consistent with the recommendations of the Albany 2030 Plan. Preference will be given to proposals that incorporate a use (or uses) that provide job creation for local residents or succeed in the generation of income for local residents and/or businesses. Projects that anticipate the inclusion of dwelling units will be reviewed for the overall income mix of units being proposed.

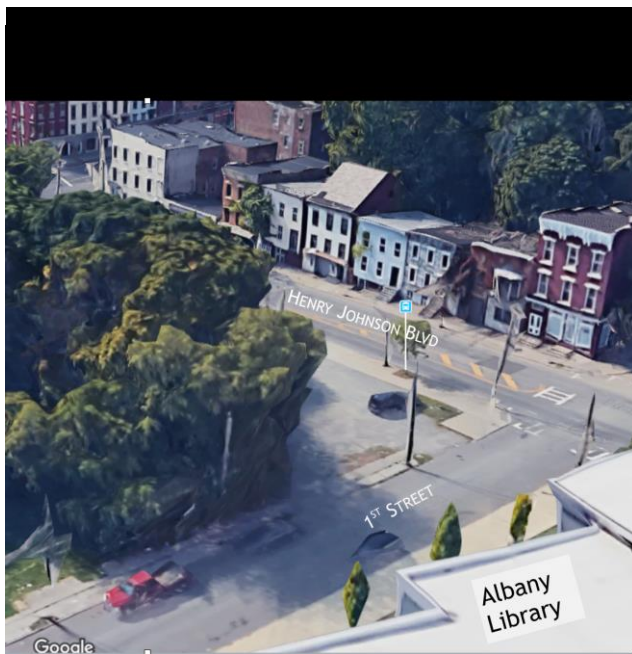
Preservation and Strengthening of Community Character

Successful proposals will consider: 1) the unique quality of life of the community and seek to maintain if not improve upon it, and 2) the impacts that the development and intended use of the site will have on the

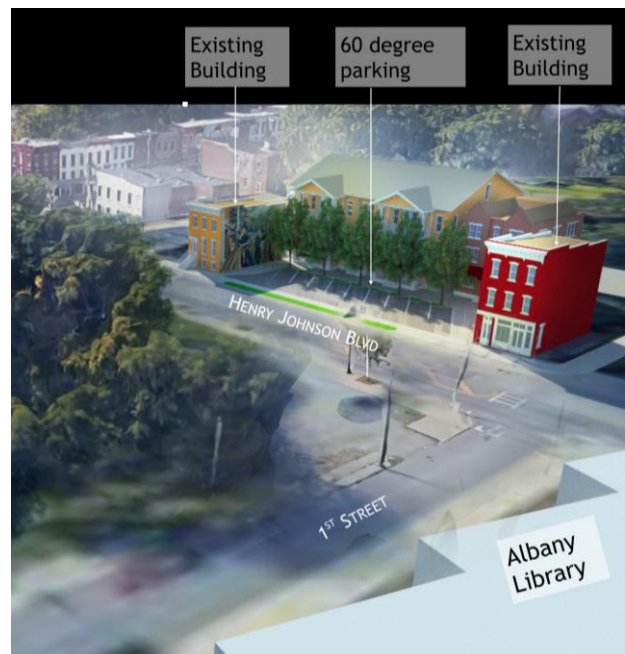
community, its environment, and its businesses. Proposals for redevelopment of the site or major site alterations may require a traffic study, and may include changes to the overall traffic patterns.

Site Constraints

In the past, these properties have been difficult to reuse or redevelop for commercial purposes due to the lack of parking, despite the high volume of cars that go by on a daily basis. From a residential reuse scenario, one of the difficulties often noted has been the traffic noise due to the proximity to the street. In 2018, the Department of Planning and Development and the Albany Community Development Agency worked with placemaking/urban design consultant Dover Kohl to envision possible redevelopment scenarios to address these issues. One such scenario is depicted below. In this scenario, the existing building at the corner of Henry Johnson Boulevard and 1st Street is retained, as well as the brick building closer to Clinton Avenue. The buildings in the middle make way for a new development that is pushed further from the road—creating convenient parking and residential units with buffer from the busy street. Additional parking could be provided in the lots off of 1st Street.



EXISTING CONDITIONS



POTENTIAL REDEVELOPMENT

Proposals must be submitted in the proposal format required. Sealed proposals must be received by the Albany Community Development Agency at the time stipulated. Each proposal must be enclosed in a sealed envelope, and addressed to:

Albany Community Development Agency
200 Henry Johnson Boulevard
Albany, New York, 12210

RE: Request for Proposal / ACDA Henry Johnson and First Street Properties

One original and nine (9) copies of the Proposal and an electronic version of the report in Adobe Acrobat format shall be submitted, with the purchase or lease price proposal submitted separately in a sealed and marked envelope. For a proposal to be considered, each submitter must submit a complete response to this RFP. No other distribution of the proposals is to be made by the submitter.

Appendix B of this RFP, Legal Status of Proposer, must be completed and returned with the proposal. An official authorized to bind the submitter to its proposal provisions must sign each proposal copy in ink.

Proposals must arrive at the Albany Community Development Agency no later than *September 6, 2019, at 3:00 PM EDT*. Proposals received after the deadline will not be considered. Regardless of the delivery method, the submitter is responsible for the actual delivery of the proposals by the deadline. Submitters agree to honor their proposal for a period of one hundred twenty (120) days from the proposal due date. All proposals become the property of the City of Albany after the deadline, whether awarded or rejected. The City may use elements or ideas in any proposal submitted in any manner, including, but not limited to, the issuance of additional requests for proposals for this property.

All information submitted in response to this RFP is subject to the Freedom of Information Law (FOIL), which generally mandates the disclosure of documents in the possession of the City upon the request of any person unless the content of the document falls under a specific exemption to disclosure.

The City accepts no financial responsibility for costs incurred by any submitter in responding to this RFP. By responding to this RFP the submitter agrees to hold the City harmless in connection with the release of any information contained in its proposal.

Should any prospective submitter be in doubt as to the true meaning of any portion of this RFP, or should the submitter find any ambiguity, inconsistency, or omission therein, the submitter shall make a written request for an official interpretation or correction. All questions concerning the solicitation and specifications shall be submitted in writing via mail or e-mail to the contact person listed on page 1.

Questions must be submitted no later than August 23, 2019.

Any oral responses to any questions shall be unofficial and not binding on the City of Albany. The City's staff will make such interpretation or correction, as well as any additional RFP provisions that the City may decide to include, only as an RFP addendum. Staff will mail or deliver addenda to each prospective submitter recorded as having attended the mandatory pre-proposal meeting. Any addendum issued by the

City shall become a part of the RFP. Submitters should consider issued addenda in preparing his or her proposal.

Pre-Proposal Meeting / Site Tour

A mandatory pre-proposal meeting will be held on *August 9, 2019 at 9 AM EDT*, at the Albany Community Development Office at 200 Henry Johnson Boulevard in Albany, New York. The pre-proposal meeting will be followed with a brief site tour, weather permitting. The purpose of this meeting and site tour is to discuss the Request for Proposals, its goals and objectives with prospective submitters and to answer questions concerning the RFP. All such answers that substantially clarify the RFP will be affirmed in writing and posted on the City's website: <http://www.albanyny.gov/NewsandEvents/RFPs.aspx>. Respondents are urged to check the website frequently for notices of any clarification of or changes, additions, or deletions to this RFP.

Prospective submitters may be represented by no more than three persons at the pre-proposal meeting. It is strongly suggested that one of the persons in attendance be the intended primary contact for the submitter. An optional site tour will immediately follow the meeting.

Independent Cost Determination

By submission of a proposal, the submitter certifies in connection with this proposal:

1. It has arrived at the costs in the proposal independently, without consultation, communication, or agreement, for the purpose of restricting competition as to any matter relating to such fees with any other proposal submitter or with any competitor;
2. Unless otherwise required by law, the costs which have been quoted in the proposal have not been knowingly disclosed by the submitter and will not knowingly be disclosed by the submitter prior to award directly or indirectly to any other prospective submitter or to any competitor; and
3. No attempt has been made or shall be made by the proposal submitter to induce any other person or firm to submit or not submit a proposal for the purpose of restricting competition.

Each person signing the proposal certifies that he/she is the person in the proposal submitter's organization responsible within that organization for the decision as to the acquisition cost proposal being offered in the proposal and has not participated (and will not participate) in any action contrary to Items 1-3 above.

A proposal will not be considered for award if the sense of the statement required in the Cost Analysis portion of the proposal has been altered so as to delete or modify Items 1-3 above. If Item 2 has been modified or deleted, the proposal will not be considered for award unless the submitter furnishes with the proposal a signed statement, which sets forth in detail the circumstances of the disclosure, and the City determines that such disclosure was not made for the purpose of restricting competition.

Purchase Price

The purchase price of this property is not set. Between the original acquisition of these properties, paying the back taxes, and other work, the Albany Community Development Agency has expended approximately \$100,000 on these sites and structures. However, the purchase price is not a major determining factor in the evaluation of these proposals.

Abutting Property

Any proposal that suggests it will include abutting property must verify the commitment of that abutting property owners with a signed option to purchase from that property owner upon submission of the proposal.

Selection Criteria

Responses to this RFP will be evaluated using the following criteria:

- 25% Past Involvement with Similar Project(s) – Experience and ability of development team in the successful completion of redevelopment and/or reuse project(s), verified by references.
- 35% Proposed Work Plan – alignment of proposal with community objectives outlined in the RFP
- 35% Financial Capacity – ability to finance proposal, including demonstrated ability to procure financing and complete the work within the proposed timeline.
- 5% Cost Proposal – purchase price

Selection Process

The selection committee will initially evaluate responses to the RFP to determine which proposers, if any, it will interview. The City of Albany reserves the right to reject any or all proposals. The selected proposer(s) will be given the opportunity to discuss in more detail their qualifications, past experience, proposed work plan and acquisition proposal during the interview process. The interview shall consist of a presentation of approximately 45 (45) minutes by the submitter, including the person who will be the project manager on this contract, followed by approximately fifteen (15) minutes of questions and answers. Audiovisual aids may be used during the oral interviews. Following the presentation, the committee may request additional financial or project information.

The City's Community Development Agency reserves the right to negotiate a mutually acceptable purchase agreement, or other reuse or development aspects, with the selected proposer. The City will determine whether the final scope of the project to be negotiated will be entirely as described in this RFP, a portion of the scope, or a revised scope. This agreement will not contain any assurances of any rezoning or site plan approvals necessary to complete the project. The selected proposer must secure necessary approvals and pay for all review fees necessary for the implementation of its proposal. The City will provide for a reasonable time in which to obtain such approvals before closing. If a purchase agreement is not concluded, the City, at its sole option, may choose to initiate negotiations with any other qualified proposer, or reopen the entire process.

The City Community Development Agency reserves the right to not consider any proposal that it determines to be unresponsive and deficient in any of the information requested for evaluation. A proposal with all the requested information does not guarantee the proposing firm to be a candidate for an interview.

Reservation of Rights

The City reserves the right to accept any proposal, to reject any or all proposals, to waive irregularities and/or informalities in any proposal and to make the award in any manner the City believes to be in its best interest.

Indemnification

To the fullest extent permitted by law, the selected proposer shall indemnify, defend and hold harmless the City of Albany and its officers, boards, directors, employees and agents from and against any and all claims, damages, losses and expenses, including but not limited to attorney's fees, for any actual or alleged injury to any person or persons, including death, or damage to or destruction of property arising out of any act or omission on the part of the selected proposer, its employees, agents or subcontractors for any work or services performed on behalf of the City of Albany.

Insurance

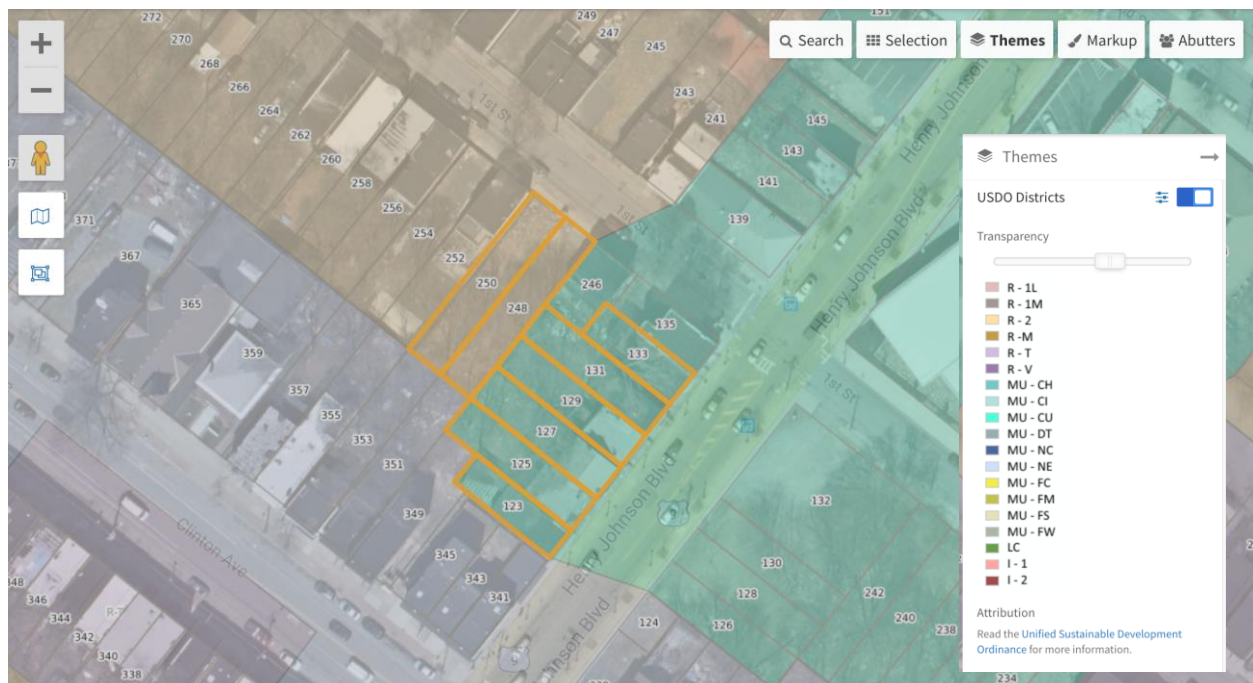
The selected proposer will be required to procure and maintain at its own expense the following insurance coverage:

- (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.
- (e) Pollution Liability Insurance: A policy or policies of pollution liability insurance of liability limits of \$2,000,000 per occurrence/\$2,000,000 aggregate if required for design rebuild.
- (f) Automobile Liability Insurance: In the event that Respondent is using a vehicle in business, a policy or policies of comprehensive automobile liability insurance with limits of not less than \$1,000,000 for each accident because of bodily injury, sickness, or disease, including death at any time, resulting therefrom, sustained by any person caused by accident; and a policy or policies with limits of not less than \$1,000,000 for damage because of injury to or destruction of property, including the loss of use thereof, caused by accident and arising out of the ownership, maintenance, or use of any automobiles, including owned, non-owned and hired.

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

- a) The City of Albany and Albany Community Development Agency are named as 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 Albany Corporation Counsel's Office.
- c) The insurance policies shall be automatically renewed upon expiration and continued in force unless the City of Albany 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 City 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. 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.



SECTION 3 — INFORMATION REQUIRED FROM ALL PROPOSAL SUBMITTERS

Length and Format

Proposals shall not exceed thirty (30) double-sided pages in length, including maps and plans. Each section of the proposal must be clearly identified with the appropriate headings. Up to ten (10) additional

pages of financial information and/or personnel resumes may be attached as appendices. To be considered responsive to this RFP, a prospective submitter must provide all of the information requested. The specifications within the RFP represent the minimum performance necessary for response.

Requirements

Section 1: Proposal Statement (format attached – Appendix A)

Section 2: Project Description: This section should provide a narrative summary description of the proposed redevelopment/reuse project. Proposed uses, number and type of residential units, parking provisions, flood mitigation, phasing, circulation, concept and building design objectives shall be addressed.

Section 3: Target Population: This section should describe the anticipated customers, users and/or residents of the redevelopment/reuse project, including income levels for residential units, if applicable, as well as estimated numbers and kinds of tenants for the other elements of the building if a mixed use project is proposed.

Section 4: Impact Analysis: This section should provide an analysis of the impact of the project upon the community, including economic impact through commercial activities, streetscape modifications, housing impact, traffic impacts, and other related facets. A response should be developed incorporating the community objectives outlined in Section 1.

Section 5: Project Schedule: This section should include a project completion schedule including start and completion dates and other key dates as identified for action. The proposal must include the time period by which this project will be initiated and completed.

Section 7: Development Team: This section should identify the professionals who will provide the following components of the project: design team, construction oversight, and construction. Include the names of executive and professional personnel by skill and qualification that will be employed in the work. Resumes or qualifications of proposed project personnel may be submitted as an appendix.

Section 8: Overview of the Organization and its Services: This section should give a summary of the history of the business or organization, including years in operation, locations, size, growth, services and financial stability. Include information regarding any pending or recent lawsuits against the organization, its officers or employees. If the proposal is submitted by a lead organization on behalf of several partners, provide similar information for each partner.

Section 9: Professional Qualifications: This section should include the full name and address of your organization or business and, if applicable, the branch office or other subordinate element that will perform, or assist in performing, the work hereunder. Indicate whether it operates as an individual, partnership, or corporation. If as a corporation, include whether it is qualified to do business. This information shall be provided for all organizations participating in the development of the property. If the proposal is submitted by a lead organization on behalf of several partners, list all key partners and their

respective roles in the proposal. Identify the technical expertise, which make the organization(s) qualified for this work.

Section 10: Prior Experience Redevelopment/Reuse Projects: This section should provide a description and dates of other redevelopment/reuse projects completed, particularly those with similar characteristics. Include names, title and phone numbers of contact persons from units of government where these projects are located. Include supporting documents to demonstrate capacity.

Section 11: Financial Capacity: This section should provide a description of the financial capacity of the organization, including appropriate documentation. If available, provide 3 years of certified financial statements. Each submitter shall submit at least two (2) financial references from banks or other financial institutions attesting to the submitter's financial capacity and ability to finance a project as proposed.

Section 12: Acquisition Cost Proposal: This section should include the amount offered for purchase or lease of the property, in whole or in part; and any contingencies proposed. Any financial contingencies must also be identified.

Section 13: Project Financing: This section should include a development budget and a ten-year pro forma (operating budget) analysis and other financial information for the project. Include the anticipated time schedule to assemble needed financial commitments, types of financing expected and letters of interest from banks or other sources. Financial partnerships (e.g., public/private; nonprofit/profit) must be identified.

Section 14: Insurance: This section should include proof of issuance of all policies of insurance required by the Contract to be procured by the selected proposer.



WEST HILL NOW



WEST HILL FUTURE?

APPENDIX A: PROPOSAL

Albany Community Development Agency
200 Henry Johnson Boulevard
Albany, New York 12210

Ladies and Gentlemen:

The undersigned declares that this Proposal is made in good faith, without fraud or collusion with any person or persons submitting a proposal on the same Contract; that the undersigned has carefully read and examined the "Request for Proposal" documents, including Information and Instructions, Scope of Project, Information Required, all Addenda (if any), and understands them. The undersigned declares that they are fully informed as to the nature of and the conditions relating to the terms of sale or lease of the property. Further, the undersigned declares that they have experience in successfully providing the redevelopment services required under the specifications of this Request for Proposal.

The undersigned acknowledges that it has not received or relied upon any representations or warrants of any nature whatsoever from the City of Albany, its agents or employees, and that this Proposal is based solely upon the undersigned's own independent business judgment. If the City accepts this Proposal and the undersigned fails to contract and furnish the required earnest money deposit and insurance documentation at the time of execution of the sales contract, then the undersigned shall be considered to have abandoned the Contract. In submitting this Proposal, it is understood that the right is reserved by the City to accept any Proposal, to reject any or all Proposals, to waive irregularities and/or informalities in any Proposal, and to make the award in any manner the City believes to be in its best interest.

ORGANIZATION NAME: _____

STREET/P. O. BOX: _____

City, STATE, AND ZIP CODE: _____

TELEPHONE: _____ FAX: _____

_____ DATE: _____

AUTHORIZED SIGNATURE: _____

PRINTED NAME OF SIGNER: _____

TITLE OF SIGNER: _____