

REQUEST FOR PROPOSALS

I. INTRODUCTION

The Town of North Hempstead (the “Town”) and the Town of North Hempstead Community Development Agency (the “CDA”) (together the “Sponsors”) hereby requests proposals for the development of four (4) sites (the “sites”) in the unincorporated hamlet of New Cassel, within the Town of North Hempstead, State of New York.

Throughout the 1990s and continuing to the present, major investments of public resources have been made to prepare New Cassel for redevelopment. Both the public and private sectors have joined to create a revitalization plan for the entire area. The collaboration of the New Cassel’s business, residential, and civic community (including Unified New Cassel Community Revitalization Corporation [“UNCCRC”], a community-based not-for-profit corporation) with local government resulted in the composition of a comprehensive vision and planning document entitled *Seeking A Shared Vision for New Cassel*. Subsequently, the CDA has conditionally designated developers for eight properties that are expected to develop approximately 50,000 square feet of retail space and over 200 residential units in the area, along with a 2,500 square foot park.

This request for proposals (“RFP”) is designed to continue the process of implementing the comprehensive community-based vision and planning process described in *Seeking A Shared Vision for New Cassel*.

The cornerstone of the “vision” for the New Cassel community is the revitalization of its downtown – Prospect and Union Avenues – consistent with the needs and desires of a vibrant, ethnically and culturally diverse community. The goal is to achieve the sustainable economic revitalization of the New Cassel community. The vision’s primary focus is to transform New Cassel’s suburban-sprawl type development pattern into a more pedestrian-friendly, walkable community. This will be achieved with the implementation of design standards that promote a more active street walk and attractive and inviting public spaces, which in turn, will enhance public safety.

To further facilitate the redevelopment of New Cassel, the North Hempstead Town Board created and approved the *New Cassel Urban Renewal Plan*. The urban renewal plan introduces new “Smart Growth” initiatives that allow mixed-use development along Prospect and Union Avenues with design standards to create a cohesive and consistent visual context for the area. In addition, recent Town zoning code changes allow all of the contemplated uses to be developed as-of-right.

Seeking a Shared Vision for New Cassel is provided to serve as a guide for proposed developers, which identifies ideas developed by the New Cassel community in its planning process. Interested sponsors should consult *Seeking a Shared Vision for New Cassel* and the *New Cassel Urban Renewal Plan* to gain perspective as to the uses contemplated for each of these development opportunities. For Site I, the CDA prefers

the development of six (6) two-family townhouses. For Site J, the CDA expects development to be consistent with zoning for the site. For Site K, the CDA is seeking to construct a one-family house with three (3) bedrooms. For Site L, the CDA prefers a mixed-use project of two- or three-stories, with workforce and market-rate condominiums on the upper floors, and neighborhood retail on the ground floor. Examples of retail uses suggested by the community include: upscale deli and ethnic food restaurant; medical/dental offices; supermarket; banking institution (e.g., branch bank) and café.

Proposals are due Monday, July 18, 2005, no later than 4:00 p.m. Responses should be submitted, by hand delivery or by mail, to Town of North Hempstead Community Development Agency, 51 Orchard Street, Roslyn Heights, NY, 11577 Attention: Neville G. Mullings, Executive Director.

II. DEVELOPMENT OPPORTUNITIES

A. Project Location

The sites are located in the unincorporated hamlet of New Cassel, within the Town of North Hempstead, State of New York. The properties are easily accessible to and from major regional highways as well as major local thoroughfares. Regional access is provided from the Northern State Parkway (Brush Hollow Road exit) and the Wantagh Parkway via the Brush Hollow Road or Old Country Road exits. New Cassel is also readily accessible to commercial vehicles via the Long Island Expressway and Jericho Turnpike (New York State Route 25). In addition, the sites are well served by public transportation. The Westbury Long Island Railroad station on Post Avenue is less than two miles from all sites.

B. Site Descriptions

The Town is seeking proposals from qualified developers for the development of four (4) sites for a combination of mixed-use, residential and commercial use. Developers may propose to develop all four (4) sites. However, separate proposals must be presented for each site.

In submitting proposals for the development of Sites I, J and L, developers should take into account the acquisition costs for the portions of those sites listed below, which CDA intends to acquire by eminent domain. The developer will be required to pay for all acquisition costs incurred for the lots identified after the sites listed below:

- Site I - Section 11, Block 91, Lots 68 and 69
- Site K - Section 11, Block 112, Lots 1,2, and 926
- Site L - Section 11, Block 122, Lots 29, 44, 45 & 46.

With respect to Site I, developers are also advised that a portion of 335 & 336 Rose Place (Section 11, Block 91, Lots 68 & 69) will be reapportioned from each lot to form a continuation of Rose Place (Costar Street). Accordingly, the lot size of each of these parcels will be reduced to permit the construction of the continuation of Rose Place. Site I will consist of six (6) two-family townhouses. Each two-family townhouse will consist of an owner's unit ("Owner's Unit") and a rental unit ("Rental Unit"). Each two-family townhouse will be sold to individual buyers who will be chosen from a lottery. Participation in the lottery will be governed by HUD income guidelines. The Owner's Unit must be occupied by the purchaser of the two-family townhouse. The owner must in turn rent the Rental Unit to an individual who qualifies under eligibility criteria that will be established by the CDA. In addition, the rent to be charged for the Rental Unit will be established pursuant to HUD guidelines.

Site J is expected to be developed in a manner consistent with zoning for the site. Residential units developed on this site are required to be owner-occupied.

Site K is expected to be a single family home with three (3) bedrooms. The purchaser of the home will be chosen from a lottery. Participation in the lottery will be governed by HUD income guidelines.

Site L is expected to be developed for mixed use, consisting of ground floor retail space and upper floor residential condominiums.

In the case of all of the sites, restrictions on owner-occupancy may be imposed by the CDA through deed restrictions and other legal mechanisms.

➤ **Site I: 335 & 336 Rose Place and 275 & 276 Sohmer Place, New Cassel, New York**

Property Description: Section 11, Block 91, Lots 67, 68, 69, and 70

Of the above lots, the CDA intends to acquire Section 11, Block 91, Lots 68 and 69 by eminent domain.

Site Area: 37,500 square feet (inclusive of future roadway)

Permitted Development Coverage: Consult applicable Residence D (R-D) Zoning

Preferred Development Program: Six (6) two-family townhouses

➤ **Site J: Northeast corner of Prospect Avenue and Hopper Street**

Property Description: Section 11, Block 112, Lots 1, 2, and 926

CDA intends to acquire these lots by eminent domain.

Site Area: 9,700 square feet

Permitted Development Coverage: Consult applicable Residence D (R-D) Zoning
Preferred Development Program: Development consistent with R-D zoning.

➤ **Site K: 216 Brooklyn Avenue , New Cassel, New York**

Property Description: Section 11, Block 122, Lots 18, and 19

Site Area: 5,000 square feet

Permitted Development Coverage: Consult applicable Residence C (R-C) Zoning

Preferred Development Program: Single family home with three (3) bedrooms

➤ **Site L: 1001-1005 Prospect Avenue, New Cassel, New York**

Property Description: Section 11, Block 122, Lots 20, 29, 44, 45 & 46

Of the above lots, the CDA intends to acquire Section 11, Block 122, Lots 29, 44, 45 & 46 by eminent domain

Site Area: 20,700 square feet

Permitted Development Coverage: Consult applicable Business A (B-A) Zoning

Preferred Development Program: Mixed Use, with retail space on the ground floor, and residential condominiums on the upper floor(s)

III. ZONING & PLANNING

Site I is zoned Residence C District (R-C).

Although currently utilized for commercial purposes, Site J is zoned as a Residence D (R-D) District. The Agency wishes for the site to be redeveloped for a use conforming to its zoning classification.

K is also zoned Residence D (R-D), while Site L is zoned Business A (B-A). Developers should be aware that the parking requirements set forth in § 70-103 of the Town Code of the Town of North Hempstead (“Town Code”) will impact the type of uses that can be proposed for Site L.

The regulations for each of these zoning districts are set forth in the Town Code, which is available at www.northhempstead.com.

With respect to Site L, please note the Town Board enacted a number of changes to the Town Code providing for greater creativity and flexibility in the development of Business-A zoned property located in the New Cassel Urban Renewal Area. Of special note is the counting of on-street parking located immediately adjacent to a property having street frontage along Prospect or Union Avenue against the required off-street parking requirement for projects on property zoned Business-A. Such on-street parking shall be calculated at the rate of 25 feet of frontage per parking space. Frontage

calculations for corner properties are reduced by 5 feet of frontage per street. Zoning rules for the Mixed-Use or Commercial Projects permit:

- The development of projects with retail uses, accessible to the public, and residential uses within the same structure. One parking space must be provided for each dwelling unit within mixed-use structure; and
- The development of projects without a front yard setback.

IV. DESIGN GUIDELINES

The Town will be implementing significant streetscape improvements along Prospect and Union Avenues. Streetscape improvements will include sidewalk paving, street lighting, enhanced pedestrian crosswalks, landscaping and street furniture. Design elements for proposals submitted in response to this RFP should focus on site amenities, parking buffers, landscaping, lighting, signage, building types, materials and facades. *Seeking a Shared Vision Plan for New Cassel* contains sections devoted to design guidelines aimed at improving the character of the street by redefining the public space, creating an atmosphere that attracts people to the street and create a safe and pedestrian friendly environment for families, and potential customers.

V. STANDARDS AND CONTROLS

A. Proposed developments must be designed in accordance with guidelines set forth in *Seeking a Shared Vision for New Cassel*.

B. These sites are located in the New Cassel Urban Renewal Area. Redevelopment of the sites may be restricted to those uses permitted in the New Cassel Urban Renewal Plan.

C. Developers are encouraged to submit proposals that will enhance public safety, create public spaces, encourage a heightened sense of community, and promote the history and diversity of the New Cassel hamlet. In addition, environmentally friendly construction practices and building materials are encouraged.

D. Off-street parking developed on the site(s) must be of sufficient capacity to adequately support the proposed uses, and be designed to promote public safety and provide green space.

E. Any loading and maneuvering of service vehicles and all other related service activities necessary for the construction or operation of the development shall be accommodated entirely within lot lines and shall not impede traffic on any adjacent streets. All service areas shall be adequately screened from view from street-level and residential units.

F. Streetscape and building facades should be inviting to pedestrians. Blank walls are discouraged.

G. Design(s) for the site(s) should recognize the potential for roof forms and landscaping to create a visual interest, and to enhance community pride.

H. All mechanical equipment (including those on rooftops), television antennas, satellite dishes, or other communications antennas visible from site-adjacent streets must be screened from view.

I. No public pay telephones shall be installed on building exteriors or on any site.

J. No storage of materials, refuse, garbage, unlicensed vehicles, etc. shall be permitted to remain outside structures, except as allowed by applicable Town codes, ordinances, rules and regulations. All dumpsters shall be screened from view at all times.

K. All land not covered by structures may be landscaped with lawn, ground cover, shrubs, trees, or appropriate pedestrian walkways or amenities.

L. Exterior building materials should be compatible with, and reflect the goals of, *Seeking a Shared Vision for New Cassel*. Materials conveying permanence, such as masonry, are encouraged.

M. Building design must adhere to all Federal, State and local ordinances and the American with Disabilities Act, as modified from time-to-time. Developers shall comply with all applicable zoning and building codes now in effect.

N. No buildings, structures or parking areas shall be constructed over an easement within the site(s) without the prior written consent of the Sponsors.

O. All plans and specifications for demolition, alteration, or new construction must be submitted to and approved by the CDA prior to submission to the Town for issuance of a permit.

P. The developer shall be responsible for obtaining, at its sole cost and expense, all permits, zoning appeals, subdivision approvals, other approvals, engineering, and environmental studies required by law or by this RFP. Any costs of appraisals, surveys, legal descriptions, etc., shall be borne by the developer. The selected developer(s) shall make presentations of the development proposal to UNCCRC, other appropriate community associations, the CDA, the Town Board, and other agencies or groups as required.

Q. Final architectural design, layout of site, landscaping, parking and related site plans must be approved by the Town's Department of Building Safety Inspection and Enforcement pursuant to applicable law prior to issuance of a building permit.

VI. LOCAL AND GOVERNMENT PARTNERS

A. The Town of North Hempstead:

The Town of North Hempstead is a municipality covering 58 square miles, roughly 14.5 miles west of Manhattan. It is bounded on the north by the Long Island Sound (along the Little Neck and Manhasset Bays, and Hempstead Harbor), to the south by the Town of Hempstead, to the west by the borough of Queens, and to the east by the Town of Oyster Bay. The unincorporated hamlet of New Cassel is located on the Town's southeastern most tip.

The Town has a population of approximately 212,063, and 74,587 year round households. The median house value is \$291,600, and the median family income is estimated to be \$85,212.

The Town's governing body, the North Hempstead Town Board (the "Town Board"), is currently headed by the Town Supervisor, Jon Kaiman, and includes six Town Councilmen: Robert Troiano, Thomas K. Dwyer, Angelo P. Ferrara, Wayne H. Wink, Jr., Anthony D'Urso, and Fred L. Pollack, and.

B. The Town of North Hempstead Community Development Agency:

As the Town's community development and revitalization arm, the CDA offers a vast array of programs aimed at developing affordable housing and facilitating business development. These programs, which utilize funds available from the United States Department of Housing and Urban Development, include:

1. The Home Improvement Program, which provides funds to eligible homeowners for the upgrading and renovation of their homes
2. The Affordable Home Program, which utilizes funds to construct affordable two-bedroom and three-bedroom homes with 1 ½ bathrooms.
3. The North Hempstead Economic Development Loan Program, which is designed to stimulate economic growth and encourage the development of businesses that will provide job opportunities to low- and moderate-income Town residents.
4. The Prospect Avenue Small Business Loan Program, which is designed to stimulate economic growth and encourage the development of businesses along Prospect Avenue in New Cassel, and which will provide opportunities to low- and moderate-income Town residents.

By directing Town departments and personnel to coordinate activities and cooperate with the CDA in implementing its goals and objectives, Supervisor Kaiman has made this a time of unprecedented opportunity for Town residents and business persons to prosper within the Town's unincorporated areas.

VII. DEVELOPMENT INCENTIVES

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

A. Nassau County Industrial Development Agency ("IDA") Financial Assistance:

1. Tax-Exempt Bonds

IDA tax exempt financing may be available in some instances.

2. Sales Tax Exemptions

All construction materials, furniture and fixtures and equipment purchased with an IDA inducement may be exempt from sales tax in New York State. This Sales Tax Exemption applies to projects even if bonds are not issued but are otherwise eligible such as the offering of consumer products not otherwise available in the targeted area (Please see the Due Diligence Booklet for IDA material).

3. Mortgage Recording Tax Exemption

IDA induced projects are not subject to mortgage recording tax.

4. Real Property Tax Abatement

For IDA induced projects, real property tax abatements mirror the New York Real Property Tax Law § 485-b. (Please see the Due Diligence Booklet for further information on the IDA tax-exempt policy).

B. Federal funding sources administered by CDA

CDA administers a range of Federal programs of funding that can be used to fill the gaps of eligible projects. The Community Development Block Grant ("CDBG"), United States Department of Housing and Urban Development ("HUD") Section 108 loan program, and the "HOME" Investment Partnership Program may be used in conjunction with conventional financing mechanisms in the form of loans that will be primarily subordinate to conventional loans issues from traditional sources. In limited circumstances, financing in the form of forgivable loans and/or grants may be available. These sources of funds are limited and subject to the Federal regulations of the programs.

C. New Markets Tax Credits

New Markets Tax Credits is a Federal tax incentive to spur economic development in low and moderate-income communities. The three (3) development parcels are located in qualified target areas of this program and commercial and mixed-use developments will qualify as qualified low-income community investments. The New Markets credit will result in lower cost mortgage financing for eligible development. Designate Community Development Entities (“CDEs”) are the pass through entity for the tax credits. NCEDC has established relationships with several CDEs.

D. Empire State Development Corporation (“ESDC”)

The ESDC is a New York public benefit corporation engaged in, among other things, economic and real estate development activities. It provides financial and technical assistance to business, local governments, and community –based not-for-profit corporations for economic development and large-scale real estate projects that create and/or retain jobs and reinvigorate distressed areas. Such assistance includes the following.

1. Providing low-cost loans and grants to businesses to help cover the cost of machinery and equipment purchases, factory improvements, training and business incubator development.
2. Providing financial assistance to projects ranging from development of, or improvements to, commercial or retail facilities and commercial centers.
3. Assisting minority- and women-owned businesses, including programs administered in cooperation with local development organizations and community-based financial institutions.
4. Providing funding for economic development initiatives in distressed urban communities.

E. KeySpan Energy and Long Island Power Authority

KeySpan Energy and the Long Island Power Authority (“LIPA”) each offer a variety of economic development programs, loans or grants depending upon the type of energy that is used for a building (i.e., natural gas or electric). Programs include the establishment and design of Green Buildings, which is a preferred design for projects in this RFP.

F. Other Possible Sources of Funds

1. Housing Developments
 - *New York State Division of Housing and Community Renewal – 9% and 4% Low-Income Housing Tax Credits, Low-Income Housing Trust Fund.*
 - *New York State Affordable Housing Corporation*
 - *New York State Housing Finance Agency*
 - *Fannie Mae Partnership*
 - *Community Preservation Corporation*
 - *Federal Home Loan Bank of New York*

2. Business Developments
 - *United States Small Business Administration*
 - *Long Island Development Corporation*

VIII. PROPOSAL CONTENT

Sponsors are required to submit the following information in sufficient detail to enable the CDA to give consideration to the proposal.

A. Qualifications of Sponsor

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

2. Examples of relevant projects undertaken by the proposed developer, including the dollar value of the development, the number of residential units (if applicable), the number of square feet of retail space (if applicable) and the name, address, and telephone number of the project manager.

3. A resume of the names (and description of the experience of) the project team, including, if applicable, architects, engineers, contractors, real estate management firms, attorneys, financial advisor, and accountants. If this team has worked together before, please indicate length of this association.

B. Purchase Price

Set forth the proposed purchase price. The Sponsors are interested in obtaining the optimal development for the property. **This is not a bidding procedure**, and, while price will be a factor in selecting the developer, it will not be the controlling factor. Developers are reminded that in the case of Sites I, J and L, the proposed purchase price should take into account the CDA's acquisition costs for those parcels to be acquired by eminent domain.

A. Site Planning and Design

1. Schematic plans, including a site plan showing location of structures, space for public use, ingress and egress, parking, service areas, etc. In addition, typical floor plan(s) and elevations of each side of a structure should be included.

2. A schedule of the design and construction period and anticipated occupancy date(s). Include in the schedule time for permitting, appropriate governmental approvals, etc.

B. Redeveloper Statement for Public Disclosure

The Redeveloper's Statement for Public Disclosure and the Redeveloper's Statement of Qualifications and Financial responsibility (HUD Form 6004) must be completed. *All proposals must include a completed PART 1. PART 2 will have to be prepared by the selected developer.*

C. Economic Feasibility and Financial Disclosure

1. An estimate of construction costs and a detailed development budget.

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

3. A zoning analysis of the proposed project.

4. Disclosures of terms and sources for all debt must be included. A commitment letter from a lending institution is highly desirable.

5. Bank and credit references.

6. Disclosure of any sale or "Take-out" of the project by a third party prior to Year 10, and the terms of that sale.

7. A minimum ten-year operating pro forma showing all revenue sources, expense line items, deductions from revenue (such as vacancy and collection losses), and debt service. Include all assumptions for revenue and expense increases.

8. Disclosure by the developer of whether they are developing for a fee with the intent of conveying the finished project to a third party owner, or whether the developer will hold the property for income purposes. If the proposed development is for a fee, the third party owner must be identified. In either event, all associated fees paid to the developer must be disclosed.

9. Disclosure by the developer of all fees for management of the completed project components, and the entity to whom those fees are paid.

10. A narrative statement explaining why the proposed use is economically feasible, including the market assumptions that support revenue projections.

11. Potential or intended tenants and/or buyers. (Letters of intent, if possible.)

12. Evidence of financing demonstrating the financial ability of the developer to purchase the property and complete the proposed development.

13. A proposed timetable for development. If you intend to undertake and complete the project in phases, please indicate the plan and timetable for the undertaking and completion of each phase.

D. Purchasing Entity

1. Name of purchasing entity.

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

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

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

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

6. If any member of the developer's project team (including any related entity or person) or any principal(s) of the developer's project team or its related entities, or any other business with which such entities, persons or principal(s) have been connected have ever been involved, as debtor, in a bankruptcy, creditors rights or

receivership proceedings or sought protection from creditors, please indicate and provide details of same.

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

8. If any member of the developer's project team (including any related entity or person) or any principal(s) of the developer's project team or its related entities are a party to any pending criminal proceeding (other than minor traffic offenses), or if any such related persons or principal(s) held positions or ownership interests in any firm or corporation that is currently a party to a pending criminal proceeding (other than minor traffic offenses), please indicate and provide details of same.

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

10. If any member of the developer's project team (including any related entity or person) or any principal(s) of the developer's project team or its related entities, or any other concern with which such entities, persons or principal(s) have any relation with the CDA or the Town or has bid on any prior projects involving CDA or the Town.

11. If any member of the developer's project team (including any related entity or person) or any principal(s) of the developer's project team or its related entities, or any other concern with which such entities, persons or principal(s) have any relationship (whether personal, business or otherwise) whatsoever with any member or the CDA or the Town Board.

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

13. If any of the principals listed in the preceding item number 12 above ever held elected or appointive public positions, please indicate and provide details of same.

14. If any of the principals listed in the preceding item number 12 are employed by any Federal, State or local government or any agency, authority,

department, board, or commission thereof or any other governmental or quasi-governmental organization, please indicate and provide details of same.

E. Job Creation

List the number of full time jobs and full time equivalent jobs identified by type of employment (such as restaurant, sales, management, maintenance, etc.), with respective estimated annual salaries, and information pertaining to health or retirement benefits.

IX. SELECTION CRITERIA

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

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

Overall appeal of development plan, and vision and consistency with the goals and objectives set forth in the Vision Plan and in this RFP.

B. Project Feasibility

1. Quality of predevelopment and development timeline.
2. Identification of relevant issues, constraints, and challenges in carrying out the proposed development plan.
3. Strength and feasibility of financing and development strategy.

C. Development Team Experience and Qualifications.

1. Competitive advantage in executing the contemplated financing and development strategy.
2. Demonstration of key strengths, skills and competencies.
3. Successful completion, marketing and lease-up of comparable projects.
4. Experience working with a variety of financing tools in complex capital structures.
5. Experience working in public/private partnerships.
6. Quality of past projects, including, without limitation, architectural and urban design quality.
7. Demonstrated ability to overcome expected and unexpected challenges.
8. Timeliness of performance on past projects.

9. Experience in development project cost estimates, financial analyses, cash flow projections, economic feasibility analyses, and market analysis.
10. Strength of references.

D. Financial Capacity.

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

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

Proposals should provide a clear and concise demonstration of the respondent developer's capability of satisfying the requirements and objectives of this RFP. Proposals should not be elaborate or costly, but should be prepared in a professional manner. Proposals may include any background or other supporting information that the respondent developer feels necessary, and must include, at a minimum, the response requirements listed in Article VIII of this RFP.

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

A. SUBMISSION REQUIREMENTS

1. Two (2) originals plus fifteen (15) copies of each proposal must be submitted to the Executive Director, Town of North Hempstead Community Development Agency before the closing time stated in Article XIX of this RFP, in sealed envelopes or packages and clearly marked as to their contents. In addition, all project information shall be submitted on a 3 ½ inch hard disk(s) in a spreadsheet program compatible with Microsoft Excel 5.0 for Windows 2000.

2. Administrative

- a) An officer authorized to make a binding, contractual commitment for those firms submitting proposals, shall sign each proposal.
- b) Acknowledgement of all addenda issued by the Sponsors shall be included in each proposal.
- c) Additional information or modifications to proposals may be requested from any prospective developer.

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

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

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

B. PROPOSAL ACCEPTANCE

To be considered, respondent developers shall submit a complete, written response to this RFP, including any addenda issued in response to questions and inquiries. It is essential that each developer adhere to these guidelines and the Proposal Contents listed in Article VIII hereof. Failure to do so will be grounds for rejection of the proposal.

The Sponsor's staff, including consultants, if any, will review the submissions, and the developer will be notified in writing of acceptance or rejection.

C. ADDENDA AND SUPPLEMENTS TO THE RFP

Should it become necessary to revise any part of this RFP, provide additional information necessary to adequately interpret provisions and requirements of this RFP, or respond to written inquiries concerning the RFP, an Addendum to the RFP shall be provided to all developers who received and/or responded to the initial RFP.

D. CANCELLATION OF THE RFP; REJECTION OF ALL PROPOSALS

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

XI. ADVISORY PANEL

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

XII. ORAL PRESENTATIONS

The Project Sponsors, in their sole discretion, may invite one or more Developers to make oral presentations to clarify proposals. Oral presentations will be held at the CDA's offices, located at 51 Orchard Street, Roslyn Heights, New York.

XIII. EXCLUSIVE NEGOTIATING PRIVILEGE

The CDA may, in its sole discretion, issue an Exclusive Negotiating Privilege (“ENP”) to the selected respondent developer(s), identifying specific requirements and deadlines for fulfilling the requirements of this RFP. If negotiations have not been completed within ninety (90) days after the selection of a developer(s), then the ENP shall expire; provided, however, that the CDA may, in its sole discretion, extend that time period. Should the CDA and the proposed developer(s) fail to agree upon a contract within a reasonable time, the CDA, in its sole discretion, may cancel negotiations with the first selected proposed developer for a particular project and proceed with the next acceptable proposed developer(s), re-solicit new proposals, or abandon the RFP for that or those particular project(s).

XIV. LAND DISPOSITION AGREEMENT

After successful completion of the ENP or other negotiation period, the CDA will enter into a contract known as a “Land Disposition Agreement” setting forth the terms and conditions of sale and development of the site(s). Members of the CDA must approve the Land Disposition Agreement by adoption of a resolution and otherwise comply with the applicable General Municipal Law requirements and HUD regulations for the disposition of property located in an urban renewal area. Said Land Disposition Agreement will, upon its execution, require the selected developer to submit a good faith deposit equivalent to ten (10%) percent of the appraised value of the site (based upon a CDA appraisal thereof using the highest and best use of said property), and in the case of Sites I, J and L, the estimated acquisition costs for the portions of the site that are to be acquired by eminent domain. Developers are advised that, at the time of execution of the LDA, the acquisitions costs for the portions of Site I, J and L to be acquired by eminent domain will be estimates and the developer will be responsible for funding the advance payment and acquisition costs that have been expended at the time of execution of the LDA. The developer will thereafter be responsible for all additional acquisition costs, including but not limited to, any additional amounts a court may determine is owed to the condemnee and all fees and costs associated therewith. This good faith deposit is in addition to, and not part of, the purchase price and will be returned to the developer upon satisfactory completion of the improvements on the respective site as required by the Land Disposition Agreement.

XV. MBE / WBE PARTICIPATION

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

XVI. UNION PARTICIPATION AND WAGE LAWS

The Sponsors encourage the use of union and minority/women labor. Developers are required to meet the prevailing wage laws for construction, and are encouraged to

assist contractors in the negotiation of project labor agreements (“PLA’s”) with labor unions representing project construction workers.

XVII. RIGHTS RESERVED BY THE SPONSORS

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

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

The Sponsors also reserve the right to refuse to approve any such drawings, plans or specifications that are not suitable or desirable, in their sole opinion, for aesthetic or functional reasons; and in so reviewing such drawings, plans and specifications, they shall have the right to take into consideration, but shall not be limited to, the suitability of the site plan, architectural treatment, building plans and elevations, materials and color, construction details, access, and parking, loading, landscaping, identification signs, exterior lighting, refuse collection details, design of streetscape, and the harmony of the plan with the surroundings.

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

XVIII. FURTHER CONDITIONS, TERMS AND LIMITATIONS

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

A. The properties shall be disposed of in “as is” condition, and the Sponsors make no representations whatsoever as to the physical condition of these property sites or the structures thereon or their suitability for any specific uses.

B. The proposed development shall conform to, and be subject to, the provisions of applicable Town zoning regulations, the New Cassel Urban Renewal Plan, and any and all other applicable Federal, State and local laws, regulations and ordinances, as the same may be amended from time-to-time.

C. Valid permits and approvals, as required by applicable Federal, State and local departments and agencies, shall be obtained by the selected developer prior to commencing work.

D. The continuation of negotiations with a respondent developer will depend upon satisfaction of the review requirements described in this RFP, and will be subject to joint review by the Sponsors.

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

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

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

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

I. Selection of a respondent developer's proposal will not create any rights on the respondent developer's part, including, without limitation, rights of enforcement, equity or reimbursement, until the Deed, Land Disposition Agreement and all related documents are fully approved and executed. The terms of the Deed and the Land Disposition Agreement, after execution, shall govern the relationship between the Sponsors and the respondent developer. In the event of any variance between the terms of this RFP and the Deed or the Land Disposition Agreement, the terms of the Deed and/or Land Disposition Agreement shall govern.

J. All determinations as to the completeness or compliance of any proposals, or as to the eligibility or qualifications of any respondent developer, will be within the sole and absolute discretion of the Sponsors.

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

XIX. ADMINISTRATIVE INFORMATION

A. ISSUE DATE

The issue date of this RFP is Thursday, April 28, 2005. For a schedule of events for this RFP please see Article XIX (L) below.

B. PRE-PROPOSAL CONFERENCE AND SITES VISIT

A Pre-Proposal Conference, followed by a visit to the sites, will be held on May 5, 2005, beginning at 10:00 A.M. at the offices of Concerned Citizens for Roslyn Youth, located at 53 Orchard Street, Roslyn Heights, New York. Attendance is not mandatory. However, information presented may be valuable in the preparation of proposals, and all interested developers are urged to attend. Developers are limited to no more than three (3) representatives. If you plan to attend, you must notify the CDA before 5:00 p.m. on Tuesday, April 29, 2005.

C. QUESTIONS AND INQUIRIES

Questions in writing will be accepted from developers. A summary of all substantive questions and answers will be distributed to all developers receiving the RFP. Questions and inquiries should be directed to the Executive Director of the CDA. The closing date for submitting written questions is 2:00 p.m. on Friday, Thursday, May 12, 2005.

Responses to all written questions received will be distributed to all recipients of the RFP on or before Thursday, May 26, 2005.

D. PUBLIC OPENINGS OF PROPOSALS

Proposals will not be opened publicly.

E. DURATION OF PROPOSAL

Proposals are to be valid and irrevocable for a period of one hundred and twenty (120) days following final date for submission of proposals as set in Article XIX (E) above. The period may be extended by written mutual agreement between the CDA and a selected developer recommended for award.

F. PUBLIC INFORMATION ACT NOTICE

Respondents should give specific attention to identifying those portions of their proposals that they deem to be confidential, proprietary information, or trade secrets and

provide any justification of why such material, upon request, should not be disclosed by the Project Sponsors under the Freedom of Information Law of the State of New York.

G. COMPLIANCE WITH THE LAW

By submitting an offer in response to this RFP, the proposed developer selected for an award agrees that it will comply with all Federal, State, County and local laws, rules, regulations and ordinances applicable to its activities and obligations under this RFP and any applicable contractual agreements.

H. SCHEDULE OF EVENTS

Advertisement:	April 15, 2005
Date for obtaining RFP:	April 28, 2005
Pre-Proposal Conference:	May 5, 2005
Due date for all written questions:	May 12, 2005
Due date for responses to written questions:	May 26, 2005
Proposals Due:	July 18, 2005

Please note that the above dates and times are subject to change.

XX. DUE DILIGENCE BOOKLET

A Due Diligence Booklet shall be available for viewing and reference at various locations throughout the Town, including Town Hall, the CDA, the Town's Planning Department offices, and local public libraries. In addition, a copy of the Due Diligence Booklet may be purchased from the CDA upon the payment of a fee of \$100, to help defer the considerable cost of its preparation.

The Due Diligence Booklet shall include the following:

- Maps of New Cassel and the New Cassel area;
- A Map of the Town of North Hempstead;
- Brief History of New Cassel
- A copy of *Seeking A Shared Vision For New Cassel*;
- A copy of a recently prepared New Cassel Marketing Study;
- A copy of the Prospect Avenue Urban Renewal Plan;
- Redeveloper's Statement for Public Disclosure and the Redeveloper's Statement of Qualifications and Financial responsibility (HUD Form 6004);
- A statement of information about The Nassau County Industrial Development Agency;
- A statement about potentially available Community Development Block Grant program, Section 108 Loan Guarantee Program and Home Investment Partnership Program funds;
- A statement about New Markets Tax Credits; and

- A statement about potentially available Long Island Power Authority and KeySpan economic development programs and program funds.