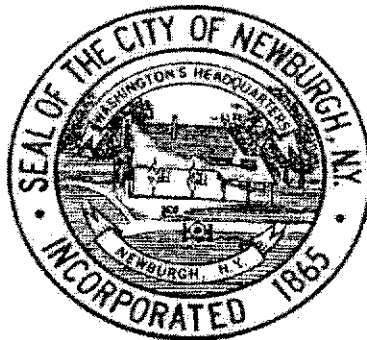


CITY OF NEWBURGH, NY

REQUEST FOR PROPOSALS

DEVELOPMENT PROPOSALS FOR FORMER JONAS AUTOMOTIVE SITE (86 WISNER AVENUE)



Due Date: 3:00 p.m. (Prevailing Time), Wednesday, July 8, 2009

No. 14.09

City of Newburgh
Comptroller's Office
83 Broadway, Floor 4
Newburgh, NY 12550

(845) 569-7316 Main Office
(845) 569-7490 Facsimile

Charles E. Emberger, City Comptroller
Dated: Wednesday, June 24, 2009



City of Newburgh
City Comptroller's Office

City Hall – 83 Broadway
Newburgh, New York 12550

Tel. (845) 569-7322
Fax (845) 569-7490

Charles E. Emberger
City Comptroller
Email: cemberger@cityofnewburgh-ny.gov

NOTICE

ADVERTISEMENT FOR REQUEST FOR DEVELOPMENT PROPOSALS
FOR

FORMER JONAS AUTOMOTIVE SITE
FOR THE CITY OF NEWBURGH, NY

Sealed proposals will be received by the City Comptroller in his office at City Hall, 83 Broadway, 4th Floor, Newburgh, New York, until 3:00 p.m., prevailing time, Wednesday, July 8, 2009 for Development of the Former Jonas Automotive Site for the City of Newburgh, New York.

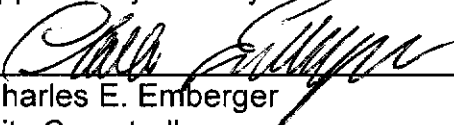
Specifications, becoming available to the public on Wednesday, June 24, 2009, may be obtained through the Comptroller's Office in City Hall or by contacting Elizabeth Garrison by telephone at (845) 569-7316 or email at egarrison@cityofnewburgh-ny.gov.

Proposal format specified must be used when submitting proposal. All proposals must be sealed and clearly labeled "RFP for Development of Former Jonas Automotive Site." Faxed or photocopies will not be acceptable. Six (6) original proposals are to be submitted in a sealed envelope.

Applicant Firms are required to execute a non-collusive affidavit pursuant to section 103d of the General Municipal Law of the State of New York. The City of Newburgh is exempt from payment of Federal and State taxes on all materials supplied to the owner pursuant to this contract. Proposals submitted without a non-collusion affidavit will not be considered.

Proposals shall not be withdrawn for a period of forty-five (45) days subsequent to the opening of the proposals without the consent of the City of Newburgh Comptroller.

The City reserves the right to reject any or all proposals. Proposals submitted may be subject to approval by the City Council.


Charles E. Emberger
City Comptroller

Dated: Wednesday, June 24, 2009

ADVERTISE: Hudson Valley Black Press, **Wednesday, June 24, 2009**
Mid Hudson Times, **Wednesday, June 24, 2009**
The Sentinel, **Tuesday, June 23, 2009**

"AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER"

Overview of the City of Newburgh

The City of Newburgh is an enthusiastic participant in the on-going revival of the Mid-Hudson Region. Among its many assets are:

- Developable commercial and industrial land.
- Easy access to an exceptional regional transportation network that includes Interstate Route 84, the NYS Thruway, Stewart International Airport, the Hudson River, and the Metro-North commuter rail station at Beacon.
- A rich cultural and architectural heritage that includes works by Andrew Jackson Downing and the A.J. Davis-designed Dutch Reformed Church which has been named a World Monument site.
- NYS Empire Zone designation for the City.

The City of Newburgh is located 60-miles north of New York City on the western side of the Hudson River in Orange County, New York. It is a small, densely settled community of 3.9 square miles bounded by the Town of Newburgh on the west and north, the Hudson River on the east and the Town of New Windsor on the south. The city and its immediate suburbs have a population of more than 100,000 people.

DEVELOPMENT AREA

The City of Newburgh is presently seeking development ideas so as to aid in both remediation planning and design phases. The site is located at 86 Wisner Avenue in the City of Newburgh. It is approximately 1.4 acres in size and contains a former foundry building and a smaller garage building. The remainder of the property is unpaved and covered with fill consisting of gravel and cinders with vegetation in less traveled areas. An overhead crane extends out of the east end of the foundry building to encompass a covered area containing a concrete pad. An abandoned railroad spur is located east of the building. The area around the site is mixed residential and commercial/light industrial in nature.

Poughkeepsie Iron Fabricators operated on the site from 1963 until the early 1990's. The site was then operated by Poughkeepsie Trim and Steel until 1993. Jonas Automotive Rebuilders operated the facility from August 1993 through March 1999. Jonas used the facility for the dismantling of automotive engines for salvaging. The City of Newburgh acquired the property through tax foreclosure in March 1999.

This site is near a heavily traveled intersection: Broadway and Wisner. The most valuable development of this site will establish a strong base for both economic and community revitalization of the surrounding community. The successful development scenario will be one which, to the maximum extent possible:

- Makes productive use of this site;
- Considers the size and scope of this project and its community impact; and,

- Clearly articulates an understanding of the impact and potential benefits of this project.

Overarching goals the City of Newburgh seeks to be addressed in this project include a development which:

- Provides significant temporary and permanent employment opportunities for City residents;
- Is compatible with the immediately surrounding neighborhood and the City as a whole;
- Demonstrates significant economic benefits to the City and the surrounding community; and,
- Capitalizes on accepted and appropriate green building design principles.

ENVIRONMENTAL ISSUES

Jonas used the facility for the dismantling of automobile motors for salvaging. Engines were unloaded onto a concrete pad in the overhead crane area and dismantling of the motors took place within the building on a large conveyor. A trough along the conveyor collected engine fluids which drained to a 275-gallon collection tank. A 1,000-gallon tank was located in the overhead crane area to collect fluid runoff from the concrete pad.

A spill was reported in 1994 as the result of engine blocks being dumped on a concrete pad in the overhead crane area with engine fluids contamination adjacent soils. Corrective action was taken and the spill was closed. In 1998 another spill was reported involving the engine blocks. The contaminated soil associated with this spill was stockpiled on-site by Jonas and later removed as part of the site investigation.

A Record of Decision (ROD) for the remediation of this site was issued by NYS DEC in April 2003. A complete copy of the ROD can be obtained by contacting City Planner Ian MacDougall at (845) 569-9400 ext. 205 or via email at imacdougall@cityofnewburgh-ny.gov upon request. Following is a summary of the recommended remediation:

This alternative would leave contaminated soils in place with placement of a cover over the site to mitigate human contact with the soil. The exception would be the metal contaminated oils in the drum storage area and the sample SS-1 area would be excavated with disposal off-site to a NYSDEC approved landfill. Excavated soils would be characterized for proper disposal. The volume of soil to be excavated is estimated to be 180 tons. Excavated areas would be backfilled with clean fill. The cover would depend on the specific future use of the site; however, it shall be assumed to consist of 75% asphalt cover and 25% twelve inch thick soil cover for cost purposes. The petroleum residues related to the conveyor/trough inside the building

would be remediated by removal and off-site disposal of oily debris and power washing of petroleum stained areas of the floor. Institutional controls would be implemented prohibiting residential use of the property and prohibiting the use of untreated groundwater at the site. A soil management plan would be developed for proper handling of contaminated soils during future excavations. This alternative would also include a long-term monitoring program for operation and maintenance of the cover and an estimated three (3) years of groundwater monitoring.

OPPORTUNITIES

The City of Newburgh is responsible for the remediation of the site. As a result, the City of Newburgh has secured funding for the investigation and cleanup of the site through the New York State Environmental Restoration (Brownfields) Program (ERP). Under the ERP, the state provides grants to municipalities to reimburse up to 90% of eligible costs for site investigation and remediation activities. The projected timetable for this clean-up effort anticipates that the property will be ready for redevelopment in the summer of 2010. There are also funds available for 50% of the cost of the demolition of the buildings on the property. Therefore, submissions should identify whether they propose to utilize the existing buildings or clear the site. In the alternative, the City is open to a private developer completing the remediation of this site. If site remediation is part of a developer's proposal, the selected developer will be expected to pursue all available funding opportunities. If the clean-up costs exceed the funds allotted in the NYSDEC contract, it will be the sole responsibility of the successful applicant/developer to fiscally undertake such expenses.

ZONING

This property is zoned as General Business District (C2). Bulk tables can be referred to in Exhibit A.

RESPONSE TO THIS REQUEST FOR PROPOSAL

In order for Proposals to be considered, Respondents shall submit six (6) copies of the requested information listed below:

I. Cover Letter

Provide a brief letter of introduction which summarizes the Development Proposal and Development Team Qualifications. Primary contact information should also be included.

II. Development Proposal:

A. Development Team

1. Primary contact name, address, phone number, fax number, email

address, Federal ID number (if applicable), and Business ID number (if applicable) of the person or entity submitting the proposal. If the Applicant is not a natural person (i.e., partnership, corporation, LLC, etc.), then the Applicant must disclose the name and address of each partner, officer, and/or member of the team submitting an application for this project.

2. Information on each proposed member of the development team and any identified sub-contractors or professionals, including, for each, a summary of firm information, role in the development of this project, and prior experience. Identify the proposed structure of this team for this particular project.
3. Descriptive information of the prior working relationship, if any, of the proposed development team. If this project is the first effort of this team to undertake a development, indicate the history and experiences leading to the establishment of this team.

B. Project Description

1. Description of the Proposed Project: The developer must include a detailed description of the proposed redevelopment project which includes:
 - Size of the project (square-footage, number of units).
 - Describe proposed use(s) in detail.
 - Proposed Occupancy and Ownership Scenario.
 - Timeframe for Commencing Construction/Rehabilitation and Length of Construction Period.
 - Proposed purchase price for property.
2. Provide a description of the project's consistency with the goals outlined for the redevelopment area including a narrative describing the benefits, which will accrue to the City of Newburgh and its residents as a result of the project (for example: jobs to be created, physical improvements to the area, etc.).

C. Budget

The Developer must include a budget detailing the cost to implement the project, and the resources to be utilized to undertake the project. If funds for the development of the land are to be obtained from sources other than the Developer's own funds, a statement of the Developer's plan for financing the development of the land must be included, providing the sources and amount of funding available and letters of commitment.

D. Marketing Plan

The Applicant/Developer must provide a marketing plan that demonstrates

how the development will be marketed for prospective tenants and purchasers (if any).

E. Identification of City Responsibilities

Please identify what commitments may be required from the City of Newburgh to implement the project — particularly as it relates to the remediation of this site. If the clean-up costs exceed the funds allotted in the NYSDEC contract, it will be the sole responsibility of the successful applicant/developer to fiscally undertake such expenses. **Please note: Nothing in this RFP shall constitute a waiver, implied or express, of the City of Newburgh's zoning and planning requirements that may apply to any development proposal submitted hereunder.**

F. Proposed Remediation Plan

The Developer must state whether it expects to undertake the remediation of this site or any portion thereof. If so, the developer must include an analysis of the available opportunities for remediation funding, a description of how the Developer intends to utilize these sources to ensure the clean-up of this site, and a timetable which considers the impact of this Plan on the overall redevelopment schedule.

III. Qualifications

A. Resumes

Please identify and include resumes of the Principals who are or will be responsible for:

- Implementation/pre-development.
- Construction and/or rehabilitation efforts.
- On-going property management.

B. Representative Project Experience

Please identify relevant project experience for each member of the development team. In particular, qualifications should include a description of project experience that demonstrates the following:

- Familiarity with New York State regulations related to any proposed or retail businesses.
- Familiarity with Brownfield redevelopment and available public subsidies for remediation.

- Experience with urban area and/or rehabilitation projects.
- Knowledge of Orange County and lower Hudson River Valley markets.

C. Financial Responsibility

The Developer/Applicant must provide proof of its financial capability to develop the proposed project. This proof should include the following (please submit in a separate sealed envelope).

- Identify if the Developer/Applicant is a subsidiary of, or affiliated with any other corporation(s) or firm(s).
- Include a financial statement, showing the assets and liabilities, including contingent liabilities, fully itemized in accordance with accepted accounting procedures and based on a proper audit.
- Indicate whether the Developer/Applicant, the parent corporation, subsidiary or affiliated corporation, or any of the officers or principal members or other interested parties, been adjudged bankrupt, either voluntary or involuntary, within the past 10 years.
- Indicate whether the Developer/Applicant or anyone referred to above has been indicted for or convicted of any felony within the past 10 years.
- Developer must disclose 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.

D. References

Please provide references as follows:

- A full description of the most complex redevelopment project that the development team has completed with references for this specific project.
- For each member of the development team: Three (3) references should be provided from financial institutions, lenders and project sponsors demonstrating ability to complete projects in a timely manner and within established budgets.
- For each member of the development team: Three (3) references should be provided from clients, indicating ability to complete projects in a timely manner, and demonstrating the success of the project.

References shall include the contact name, title, address and phone number of the organization/individual listed.

IV. Non-Collusion Affidavit Form.

Respondents are required to execute a Non-Collusion Affidavit pursuant to Section 103d of the General Municipal Law of the State of New York. Such form, made a part of this RFP, need only be completed once. Non-Collusion Affidavit must be submitted with proposals in original form and shall be placed on top of the pile of proposals being submitted.

SELECTION CRITERIA

The City of Newburgh will base its decision on the following selection criteria:

1. Offering price for property.
2. The proposal's consistency with the goals and objectives identified for the property.
3. Potential tax revenues and jobs generated by project.
4. The Applicant's ability and demonstrated capacity to deal with environmental challenges presented by this site.
5. The Applicant's demonstrated experience with similar projects.
6. The Applicant's ability to complete this project in a timely manner.
7. Applicant's financial capability.
8. Ancillary community benefits which may be generated as a result of this project.

The City reserves the right to reject any and all proposals it deems necessary. The City also reserves the right to reject proposals from any respondent who previously failed to perform properly or complete work within an agreed upon time pursuant to agreements of similar nature. The City will reject any proposal from any respondent who is not in a position to perform specified requirements described herein.

Applicants/Developers may be interviewed prior to final selection. The City shall select one Finalist. Finalist may be required to conduct a presentation to City Council prior to award of contract. This RFP does not in any way commit the City of Newburgh to reimburse Applicant/Developer for any costs associated with preparation and submission of a proposal nor does it constitute a commitment on the part of the City of Newburgh to accept proposals submitted hereunder.

Please note: Submission materials will not be returned.

SUBMISSION REQUIREMENTS

Sealed proposals will be received by the City Comptroller in his office at City Hall, 83 Broadway, 4th Floor, Newburgh, New York 12550, until 3:00 p.m. (prevailing time), Wednesday, July 8, 2009 and shall be opened and read aloud at such time.

Respondents are required to execute a Non-Collusion Affidavit pursuant to Section 103d of the General Municipal Law of the State of New York. Such form, made a part of this RFP, need only be completed one time. Non-Collusion Affidavit form shall be submitted in original form.

Respondents shall submit six (6) copies of the requested information in sealed envelopes and shall contain the following words caption clearly indicated on outer envelope:

"RFP for Former Jonas Automotive Site"

and mailed to the following agency and contact person:

Attn: Charles Emberger, City Comptroller
City of Newburgh
83 Broadway, 4th Floor
Newburgh, NY 12550

Respondents are responsible for timely submission of their proposals. Proposals received after specified due date and time will not be accepted. Facsimile or email submissions will not be accepted.

Minority-owned and women-owned business enterprises are encouraged to apply.

PROPOSED TIMELINE

The following is an approximate timeline:

Proposals Due:	3:00 p.m. (prevailing time), Wednesday, July 8, 2009
Review of Submissions:	Post July 17, 2009
Selection of Finalist:	Notification to be mailed on Monday, July 27, 2009
Presentation to City Council:	6:00 p.m., Thursday, August 6, 2009 at Work Session
Award:	Post August 10, 2009 City Council Meeting

The City of Newburgh anticipates selecting the Developer for this parcel on or about July 24, 2009. Notification of project award will be provided to all Proposers.

PROPOSAL

NON-COLLUSION CLAUSE

Chapter 675 of the Laws of 1966 requires the following statement:

“(a) By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, 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 this bid 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 bidder or with any competitor;

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

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

(B) A bid shall not be considered for award nor shall any award be made where (a) (1), (2), and (3) above have not been complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefore. Where (a) (1), (2), and (3) above have not been complied with, the bid shall not be considered for award nor shall any award be made unless the head of the purchasing unit of the political subdivisions, public department, agency or official thereof to which the bid is made, or his designee, determines that such disclosure was not made for the purpose of restricting competition.

NON-COLLUSION CLAUSE (continued)

The fact that a bidder (a) has published price lists, rates, or tariffs covering items being procured, (b) has informed prospective customers of proposed or pending publication of new or revised price lists for such items, or (c) has sold items to other customers at the same prices being bid, does not constitute, without more, a disclosure within the meaning of subparagraph one (a).

Any bid hereafter made to any political subdivision of the State or any public department, agency or official thereof by a corporate bidder for work or services performed or to be performed or goods sold or to be sold, where competitive bidding is required by statute, rule, regulation, or local law, and where such bid contains the certification referred to in subdivision one of this section, shall be deemed to have been authorized by the board of directors of the bidder, and such authorization shall be deemed to include the signing and submission of the bid and the inclusion therein of the certificate as to non-collusion as the act and deed of the corporation.

NON-COLLUSION AFFIDAVIT
CITY OF NEWBURGH

STATE OF _____)
County of _____) SS:
_____)

I, _____ of the (Town, Village, City) of _____ in the County of _____ and the State of _____ of full age, being duly sworn according to law on my oath depose and say that:

I am _____, an officer of the firm of _____

the bidder making the Proposal for the above named work, and that I executed the said Proposal with full authority to do so; that said bidder has not, directly or independently, entered into any agreement, participated in any collusion, or otherwise in connection with the above named work; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with the full knowledge that the City of Newburgh, NY as Owner relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for said work.

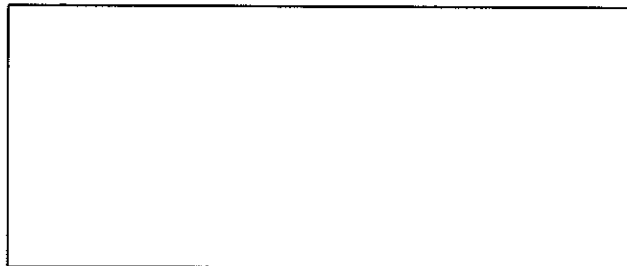
I further warrant that no person or selling agency has been employed or retained to solicit or secure contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bonafide employees or bonafide established commercial or selling agencies maintained by _____
(Name of Contractor)

Subscribed and sworn to

(Also type or print name and title of affiant under this signature)

before me this _____ day
of _____ 200__

Notary Public of



Stamp Notary Seal in box

My commission expires _____, 200__

THIS AFFIDAVIT MUST BE COMPLETED BY ALL BIDDERS

Exhibit A
City of Newburgh
Schedule of Use and Bulk Regulations
C-2 General Business District¹

Use	Use Type	Minimum							Maximum Building Height Stories Feet
		Lot Area (feet)	Lot Width (feet)	Lot Depth (feet)	Minimum Front Yard (feet)	Side Yard Each (feet)	Minimum Rear Yard (feet)	Minimum	
Church and similar place of worship	P	7,500	75	100	30	30	30	3.5	40
Community parking area	P	5,000	50	100	5	5	10	3.5	40
Professional and business office	P	5,000	50	100	0/5*	0/5**	10	3.5	40
Personal service	P	5,000	50	100	0/5*	0/5**	10	3.5	40
Hair, nail salon	P	5,000	50	100	15	10	20	2.5	35
Retail	P	5,000	50	100	0/5*	0/5**	10	3.5	40
Liquor store	P	5,000	50	100	0/5*	0/5**	10	3.5	40
Bank	P	7,500	75	100	0/5*	0/5**	10	3.5	40
Theater	SP	10,000	100	100	0/5*	0/5**	10	3.5	40
Restaurant	P	5,000	50	100	0/5*	0/5**	10	3.5	40
Fast-food restaurant, w/ or w/o drive-through	P	5,000	50	100	0/5*	0/5**	10	3.5	40
Telephone exchange	P	5,000	50	100	0/5*	0/5**	10	3.5	40
Assembly hall, pool hall, bowling alley	SP	5,000	50	100	0/5*	0/5**	10	3.5	40
Printing establishment	P	7,500	75	100	0/5*	5	10	3.5	40
Funeral parlor	P	5,000	50	100	0/5*	5	10	3.5	40
Dry cleaning, provided cleaning agents are nonflammable	P	5,000	50	100	0/5*	5	10	3.5	40
Laundromat	P	5,000	50	100	0/5*	0/5	10	3.5	40
Amusement center	SP	5,000	50	100	0/5*	0/5	10	3.5	40
Gasoline station	SP	10,000	75	100	15	15	10	2	30
Off-street parking	A								
Other customary accessory uses and buildings, provided that such use is clearly incidental to the principal use	A								

P = Permitted Use

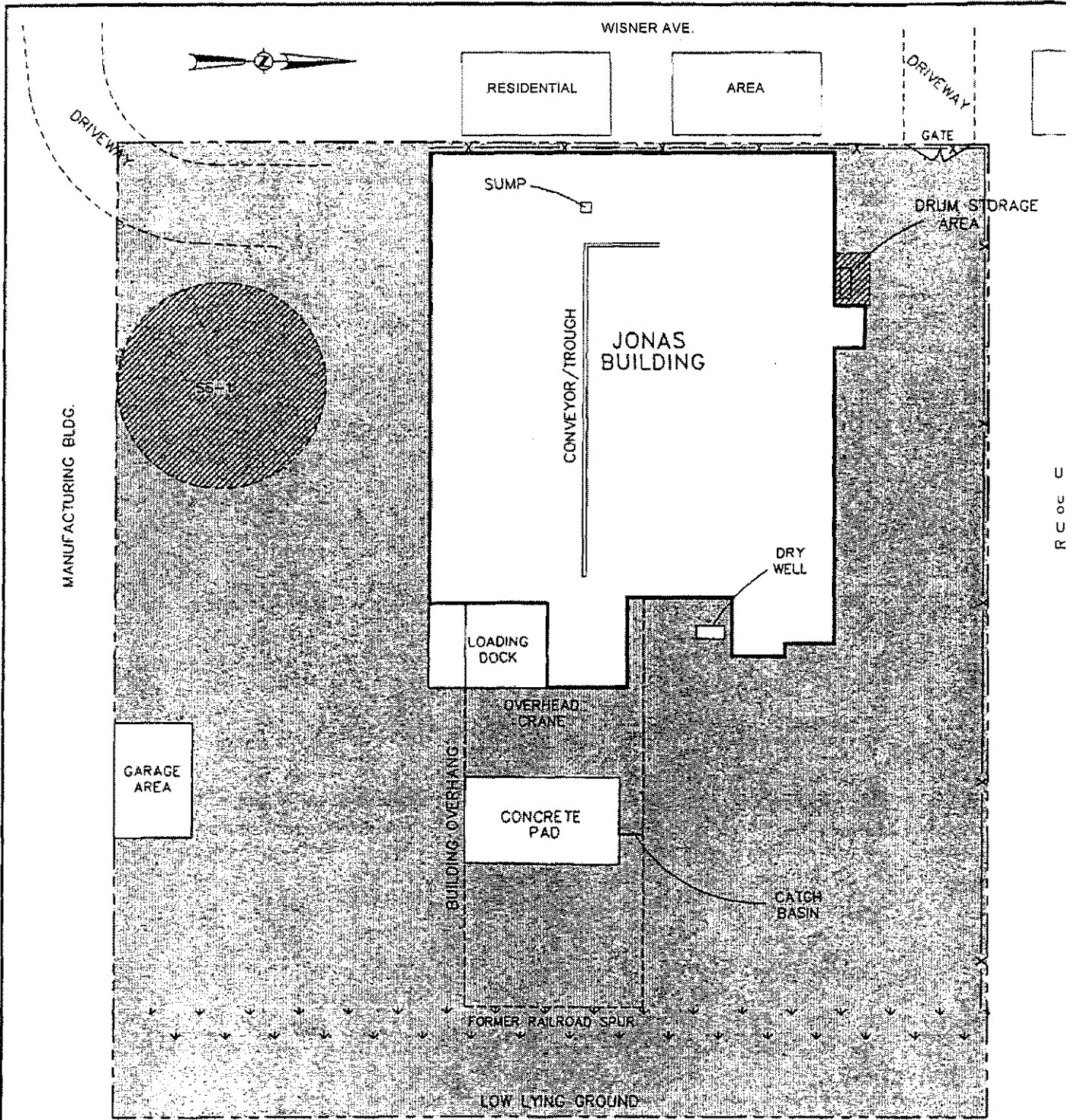
SP = Special Permit Use

A = Accessory

Notes:

* Buildings fronting on Broadway and Mill Street permitted to be located along street line. All other lots require minimum of five-foot front yard.

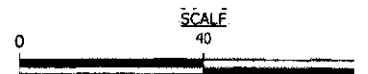
** Existing attached buildings sharing common wall require no side yard; all other buildings require minimum five-foot side yard.



R C 00 C

LEGEND

- APPROXIMATE PROPERTY LINE
- - - FENCE
- ▨ ESTIMATED LIMITS OF SOIL EXCAVATION/OFF-SITE DISPOSAL
- APPROXIMATE AREA OF ASPHALT/SOIL COVER



JONAS AUTOMOTIVE SITE
NEWBURGH, ORANGE COUNTY, NEW YORK

PROPOSED REMEDIAL ACTION

FIGURE 6

Jonas Automotive Location Map



For Illustration Purposes Only
Date: 6/24/09

