

Bethlehem Steel Redevelopment Area

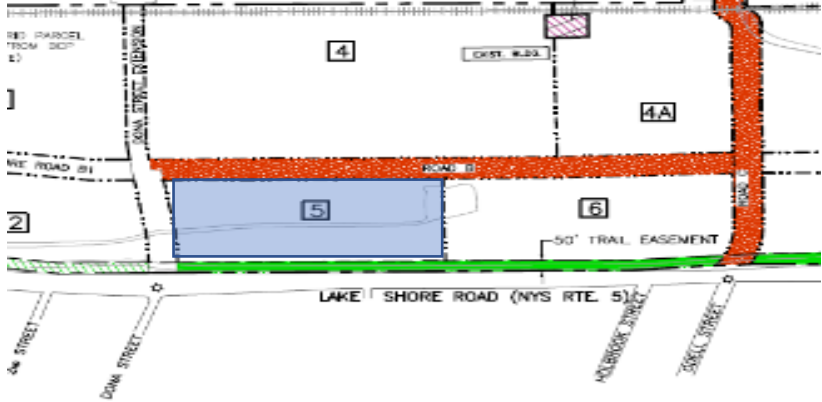


RFP Issued
February 14, 2020

Responses Due
March 13, 2020

Email Proposals/Questions
John Cappellino
Exec. Vice President
jcappell@ecidany.com
716-362-8362

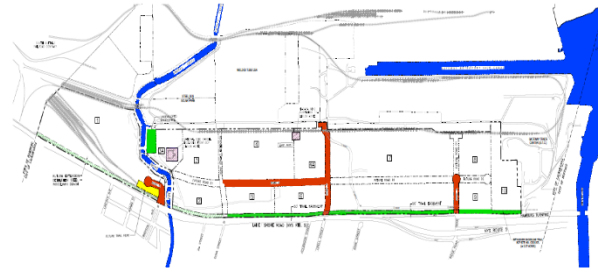
Request for Proposals
For Site Purchase and Development of a
Manufacturing/Warehouse Facility at the
former Bethlehem Steel Site



The Buffalo and Erie County Industrial Land Development Corporation (the “ILDC”) is seeking proposals for the purchase of an 10.27 acre parcel of real property (“Parcel 5” as depicted above and as described herein) and the development thereon of a 120,000 sq. ft. flexible light manufacturing/warehouse facility to be located in Lackawanna, New York adjacent to the new Dona Street Road within the Bethlehem Steel Redevelopment Area (the “Site”)

Background:

The ILDC is working in conjunction with local and State governments and economic development agency partners to redevelop a portion of the Site, being a parcel located within the much larger former Bethlehem Steel Corporation, Lackawanna Plant, in Lackawanna New York. As part of that effort the ILDC acquired approximately 150 acres of the former Bethlehem Steel Corporation, Lackawanna Plant site for remediation and redevelopment into a new state of the art advanced manufacturing park. This effort includes the development of an overall Site Masterplan, a Generic Environmental Impact Statement (“GEIS”) and the construction and installation of public streets, rail, and utility corridors. As part of the overall Site redevelopment through the funding and leadership of Erie County a new road and utility corridor has been constructed along Route 5 to serve as primary access into a portion of the park. In addition, a multi-use recreational trail parallels Route 5 along the eastern portion of the Site. The new Dona Street Road serves as the first public road and utility corridor into the Site, which opens the Site for future development. TMP Technologies recently acquired approximately 24 acres of land within the Site along the Dona Street corridor for the construction its new approximately 28,000 ft. sq. manufacturing facility.



The ILDC is seeking to sell Parcel 5, located immediately adjacent to the north of the new Dona Street Road for the development and construction of new manufacturing space that will address the regional need for vacant industrial-zoned property to attract new and growing manufacturing companies. The 10.27-acre site has significant advantages making it ideal for redevelopment including Brownfield Tax Credits, access to public utilities, Opportunity Zone designation, New Market Tax Credit qualified and multi-modal transportation assets among others.

Site Information/Incentives:

The ILDC is seeking proposals for the purchase of Parcel 5 as shown on the Advanced Manufacturing Park – Infrastructure Master Plan and survey (See ECIDA Document Dropbox*) for the construction of a new 120,000 sq.ft. flexible light manufacturing/warehouse facility. Parcel 5 is located in the City of Lackawanna and fronts the new Dona Street Road and is adjacent to the new bike path and recreational trail sitting parallel along Route 5. Parcel 5 has several unique features providing significant advantages for development and new investment.

Parcel 5 is located within a **Qualified Opportunity Zone** (Census Tract 174), established by the U S Congress in the Tax Cuts and Jobs Act of 2017 to encourage long-term investments in low-income communities. The Opportunity Zone program offers investors incentives for putting investment capital to work in low-income communities.

Parcel 5 has been accepted into the **New York State Brownfield Cleanup Program** (“BCP”). Placement of a cover system upon Parcel 5 is the last remaining remedial component required under the BCP as Parcel 5 is in “cover ready” condition. As part of its BCP acceptance designation, Parcel 5 is subject to a Soil Management Plan (“SMP”) establishing the requirements for managing the soils on the property. A copy of the SMP is included for review and information purposes see ECIDA Document Dropbox*.

Parcel 5 is eligible for various incentives through the BCP program upon completion/installation of the final remedy – cover system. The cover system can consist of any impervious facilities, buildings, roadways, parking lots etc., and/or placement of one foot of clean fill material. Upon completion of the proposed facility and cover system upon Parcel 5, the project that is the subject of this RFP would be eligible to receive substantial refundable New York State income tax credits, related to Parcel 5 remediation (cover-system) costs and capital investment, and liability relief, under generation 3.0 of the BCP program. For more details on the BCP program and benefits visit the NYS DEC website at: <https://www.dec.ny.gov/chemical/8450.html>

The project described within this RFP will also be eligible to apply for the incentives through the Erie County Industrial Development Agency’s (“ECIDA”) tax incentive program. ECIDA incentives are generally available to encourage investment and job creation and will lower the costs associated with the construction and financing of the facility and help lower operating costs through various tax abatements. Information on ECIDA benefits and requirements are available at: www.ecidany.com.

The redevelopment of the Site, including Parcel 5, is part of the overall Masterplan and GEIS that the ILDC is in the process of completing. The Masterplan and GEIS are in the final stages of adoption. A copy of the Masterplan map and a real estate market report are included for your review and information, see ECIDA Document Dropbox*. In addition, the ILDC has developed a highest and best uses document which outlines the overall goals of the industrial park development and sets thresholds for the types of projects the development is targeting. A copy of the document is included for your review and information, see ECIDA Document Dropbox*.

The City of Lackawanna has adopted a special zoning overlay district, the **Bethlehem Redevelopment Area (BRA)**, covering Parcel 5, which is presently zoned **Light Industrial**. A copy of the BRA zoning regulations are included for your review and information, see ECIDA Document Dropbox*.

The Site also has significant multi-modal transportation access and infrastructure making it an ideal choice for businesses requiring intermodal transportation options. Highway access to and from the Site via NYS Route 5 provides direct routing to the NYS thruway system that is minutes from the international bridges to Canada. The Port of Buffalo located near to the Site, and it’s a 3,000-foot-long pier and associated 27 feet of water, bulk storage, and modern material handling equipment, provides access to the Great Lakes and international shipping through the St. Lawrence Seaway. The Site is also served by the South Buffalo Railroad, which offers interchange with the Class 1 rail carriers servicing the Buffalo Market.

Water and sewer utilities are available along the frontage of the new Dona Street corridor, electric, communication and other utilities are generally available along Route 5.

Project Development

The intent of the project described within this RFP is to seek a purchaser/investor to acquire the 10.27-acre parcel of real property from the ILDC and construct thereon a new 120,000 sq. ft. flexible light manufacturing/warehouse facility (the “Project”). In order to encourage redevelopment of Parcel 5, and to meet a regional need for manufacturing/warehouse space, the Project would need to be constructed within a

specific time window, and on spec., if necessary. Vacancy rates for the industrial space continue to be at record lows compared to peer regions. Most recent research provided by CBRE's annual MarketView report show industrial space availability rates at 3.4%, with a net absorption of 608,332 sq.ft, and new construction of only 338,000 sq.ft.. A copy of the CBRE MarketView report is included for your review and information, see ECIDA Document Dropbox*. Project proposals should demonstrate a willingness and ability to proceed with the project on a spec. basis, if pre-leasing is not feasible within required timeframes, and as such, the ILDC is seeking a development partner having demonstrated expertise in marketing of a manufacturing/warehouse facility.

Site Acquisition

Proposals shall include a purchase price for Parcel 5, as responses will be evaluated on a competitive basis considering several factors including purchase price. Proposals must include a lump sum acquisition price and a per acre price. The ILDC purchased the properties within the Site in 2017 for prices ranging from \$13,500 - \$15,000 per acre. Most recently the ILDC sold a parcel in 2019, immediately adjacent to Parcel 5 (Parcel 4 as depicted on page 1) which has frontage on the new Dona Street public road and utility corridor, for a price of \$30,000 per acre. In addition to providing a purchase price, respondents will need to commit to closing of title on Parcel 5 within 120 days of award notification.

Upon notice of award, a deposit equal to 10% of the Parcel 5 purchase prices will be required. If the closing on Parcel 5 does not occur within 120 days of the award notice, unless a time extension is agreed upon by both parties, the ILDC reserves the right to cancel the transaction and the developer would then forfeit the deposit.

Parcel 5 is part of the BCP program and assuming with compliance with the program, comes with BCP environmental liability releases and is subject to an environmental easement. The developer/purchaser must be willing to become a party to the BCP agreement and to certain ILDC specific environmental indemnity and release provisions, see ECIDA Document Dropbox*.

Building Development

Project proposals must include construction of a minimum 120,000 sq. ft. light manufacturing/warehouse facility. Ideally the facility would be able to be subdivided into three 40,000 sq. ft. bays. Building design should also include office space, parking, truck docks and ceiling heights appropriate for typical light manufacturing/warehouse uses. Proposals shall include a rough site and floor plan of the proposed facility.

The selected developer would be responsible for complying with all applicable zoning, BCP requirements, restrictive covenants, and for securing all required permits and approvals for Project development and construction.

Project development and construction must begin within one (1) year of property purchase, and, in addition, the Project development and construction must be completed within 18 months of beginning construction or the ILDC reserves the right to repurchase Parcel 5 and any improvements located thereon for 80% of the original land purchase price.

Proposals

Proposals shall include:

1. Lump sum and per acre purchase price for the 10.27-acre parcel.
2. Draft site and floor plan showing proposed development of a minimum 120,000 sq. ft. light manufacturing/warehouse facility, sub-dividable into three 40,000 sq. ft. bays with appropriate amenities including potential office areas, parking, truck docks etc.
3. Proposed schedule/timeline showing key benchmark activities from property acquisition to project completion, including acknowledgement of specific ILDC purchase and project schedule requirements and penalties.
4. Acknowledgement and willingness to proceed with the Project on a speculative basis, without pre-leasing as a condition and financial information indicating ability or plan to finance the Project.
5. Background information on the Project team highlighting relevant experience and expertise in developing similar projects.
6. Cost estimates indicating Project development and construction costs, as well as estimated lease rates for potential tenants.

SUBMISSION OF Proposals

Eight (8) copies of the Proposal must be submitted, **no later than 4:00 PM, March 13, 2020, to:**

**John Cappellino
ECIDA/ILDC
95 Perry Street, Suite 403
Buffalo, New York, 14203**

An electronic copy should also be emailed to John Cappellino at: jcappell@ecidany.com

All questions should be submitted in writing to John Cappellino at: jcappell@ecidany.com

***ECIDA Document Dropbox available at:**

<https://www.dropbox.com/sh/hmc2kim2a570wmk/AACQ6V3volvJOVnD8qKGca2Ra?dl=0>

A copy of this RFP and a link to the Document Dropbox is posted on the ECIDA Website at:

https://www.ecidany.com/requests_for_proposals

Designated Individual – Procurement Lobbying Law

John Cappellino, Exec, VP 856-6525, ext. 118 jcappell@ecidany.com

Pursuant to State Finance Law §§139-j and 139-k, this Request for Proposal includes and imposes certain restrictions on communications between ILDC members (including employees and Board members) and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest notice of intent to solicit Request for Proposals through final award and approval of the procurement contract by the ILDC (“restricted period”) to other than the above Designated Individuals unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). ILDC members (including employees and Board members) are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a 4-year period; the bidder is debarred from obtaining governmental procurement contracts, and reported to the Authorities Budget Office (ABO), the ILDC’s regulatory authority.

Bidders are required to complete Form in Attachment B regarding their understanding and agreement to comply with procedures on procurement lobbying restrictions regarding permissible contacts in the restricted period in accordance with State Finance Law §§139-j and 139-k.

ATTACHMENT B

NEW YORK STATE FINANCE LAW REQUIREMENTS

Permissible Contacts

Pursuant to State Finance Law §§139-j and 139-k, this Solicitation/Request for Proposal includes and imposes certain restrictions on communications between the ILDC and an Offerer/bidder during the procurement process. An Offerer/bidder is restricted from making contacts from the earliest notice of intent to solicit Request for Proposals through the final award and approval of the Procurement Contract by the ILDC and, if applicable, Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j(3)(a). Designated staff, as of the date hereof, are identified on page 1 of this solicitation. ILDC employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offerer/bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four (4) year period, the Offerer/bidder is barred from obtaining governmental Procurement Contracts. Further information about these requirements can be found at <http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>.

Offerer/Bidder’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j (3) and §139-j(6)(b)

State Finance Law §139-j(6)(b) requires that the ILDC seek written affirmations from all Offerers/bidders as to the Offerer’s/bidder’s understanding of and agreement to comply with the ILDC’s procedures relating to permissible contacts (described above) during a Governmental Procurement pursuant to subdivision three of this section. It is recommended that this affirmation be provided to the ILDC as early as possible in the procurement process, such as when the Offerer/bidder submits its proposal or bid. Attachment A may be used to satisfy this requirement.

Offerer’s/Bidder’s Certification of Compliance with State Finance Law §139-k(5)

New York State Finance Law §139-k(5) requires that every Procurement Contract award subject to the provisions of State Finance Law §§139-k or 139-j shall contain a certification by the Offerer/bidder that all information provided to the ILDC with respect to State Finance Law §139-k is complete, true and accurate. It is recommended that the certification be provided to the ILDC as early as possible in the process, such as when an Offerer/Bidder submits its proposal, bid or other form of offer. Attachment B may be used to satisfy this requirement.

Offerer/Bidder Disclosure of Prior Non-Responsibility Determinations

New York State Finance Law §139-k(2) obligates the ILDC to obtain specific information regarding prior non-responsibility determinations with respect to State Finance Law §139-j. This information must be collected in addition to the information that is separately obtained pursuant to State Finance Law §163(9). In accordance with State Finance Law §139-k, an Offerer/bidder must disclose whether there has been a finding of non-responsibility made within the previous four (4) years by any Governmental Entity due to: (a) a violation of State Finance Law §139-j or (b) the intentional provision of false or incomplete information to a Governmental Entity. The terms “Offerer” and “Governmental Entity” are defined in State Finance Law §139-k(1). State Finance Law §139-j sets forth detailed requirements about the restrictions on Contacts during the procurement process. A violation of State Finance Law §139-j includes, but is not limited to, an impermissible Contact during the restricted period (for

example, contacting a person or entity other than the designated contact person, when such Contact does not fall within one of the exemptions).

NEW YORK STATE FINANCE LAW REQUIREMENTS

As part of its responsibility determination, State Finance Law §139-k(3) mandates consideration of whether an Offerer/bidder fails to timely disclose accurate or complete information regarding the above non-responsibility determination. In accordance with the law, no Procurement Contract shall be awarded to any Offerer/bidder that fails to timely disclose accurate or complete information under this section, unless a finding is made that the award of the Procurement Contract to the Offerer/bidder is necessary to protect public property or public health safety, and that the Offerer/bidder is the only source capable of supplying the required Article of Procurement within the necessary timeframe. See State Finance Law §§139-j (10)(b) and 139-k(3).

The ILDC must include a disclosure request regarding prior non-responsibility determinations in accordance with State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts. Attachment C entitled “Offerer Disclosure of Prior Non-Responsibility Determinations” must be completed by the Offer/bidder and submitted to the ILDC.

Public Disclosure

Responses submitted under this Request for Qualifications are subject to public disclosure under the New York State Freedom of Information Law. If the respondent does not want certain data disclosed for any purpose other than for the evaluation of the submitted proposal, the respondent must prominently identify sections or pages of the response which they wish to have restricted. Such sections shall be restricted from disclosure, if allowed by law.

Contract Termination Provision

New York State Finance Law §139-k (5) provides that every procurement contract award subject to the provisions of State Finance Law §§139-k and 139-j contain a provision authorizing the ILDC to terminate the contract in the event that the certification is found to be intentionally false or intentionally incomplete. This statutory contract language authorizes, but does not mandate, termination. “Governmental Entity” and “procurement contract” are defined in State Finance Law §139-k(1). If a contract is terminated in accordance with State Finance Law §139-k (5), the ILDC is required to include a statement in the procurement record describing the basis for any action taken under the termination provision.

ILDC Termination Provision

Pursuant to New York State Finance Law §139-k(5), the ILDC reserve the right to terminate any contract in the event it is found that the certification filed by the Offerer in accordance with New York State Finance Law §139k was intentionally false or intentionally incomplete. Upon such finding, the ILDC may exercise its termination rights by providing written notification to the Offerer/bidder in accordance with the written notification terms of this contract.

NEW YORK STATE FINANCE LAW REQUIREMENTS

Affirmation of Understanding & Agreement pursuant to State Finance Law §139-j (3) and §139-j (6) (b)

I affirm that I understand and agree to comply with the procedures of the ILDC relative to permissible contacts as required by State Finance Law §139-j (3) and §139-j (6) (b).

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

NEW YORK STATE FINANCE LAW REQUIREMENTS

Offerer/Bidder Certification:

I certify that all information provided to the ILDC with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____

Name: _____ Title: _____

Contractor Name: _____

Contractor Address: _____

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

Offerer certifies that all information provided to the ILDC with respect to State Finance Law §139-k is complete, true and accurate.

By: _____ Date: _____
Signature

Name: _____ Title: _____