



## Proposal Summary:

The Buffalo and Erie County Industrial Land Development Corporation (ILDC) is seeking proposals for the purchase of a 12.23-acre (parcel #3) parcel and the development of a manufacturing, warehouse distribution or logistics facility to be located adjacent to the new Dona Street Road at Renaissance Commerce Park, the former on the Bethlehem Steel site in Lackawanna.

Due to the unique nature of site infrastructure and incentives, special priority will be given to projects that require significant capital investment in facilities and equipment, show significant job creation and growth potential, manufacture or utilize renewable energy and green technologies, and where appropriate can take advantage of the site's proximity to the Canadian border.

Additionally, projects that need or plan to utilize special site infrastructure in their business operations, including, rail, port water-based transportation, process cooling or untreated water users, Renewable Energy District or Micro Grid Formation, will also be given special consideration.

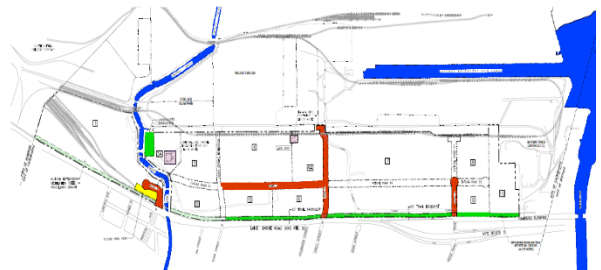
### Development should encourage reasonably intensive building coverage and job density requirements

- Encourage development with a minimum building lot coverage of 20% or greater
- Job densities of 1 job per 1,000 sq. ft. of building space and/or 7 jobs per acre
- Preference given to projects which employ 100 employees or more on the project site
- Strong preference for projects that partner with local workforce organizations to promote employment opportunities to residents of the City of Lackawanna and Erie County
- Land speculation projects will not be considered
- General preference for lighter manufacturing and less intensive uses on the eastern edge of the property adjacent to the NYS Route 5 corridor
- Encourage higher quality architectural façade on public facing portions of the project, including exterior materials, landscaping, etc.

## Background:

The ILDC, in conjunction with our partners, is working to redevelop a portion of the former Bethlehem Steel site in Lackawanna, which was recently named Renaissance Commerce Park. As part of that effort, the ILDC acquired approximately 150 acres at the site in 2017 and contracted to acquire an additional 80 acres in 2021 for development into a new state of the art advanced manufacturing park.

RCP in its entirety, including Parcel #3, is subject to a Master Plan and a Generic Environmental Impact Statement that considers the redevelopment of RCP and the construction and installation of public streets 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 site. The new Dona Street extension road serves as the first public road and utility corridor into the site, which opens land for future development. Local



cleaning products manufacturer TMP Technologies purchased 28 acres for its new 280,000 sq. ft. manufacturing facility on the site in 2019 and opened its doors in 2021. The \$20 million facility will employ 130 full-time workers when fully operational. Uniland Development broke ground on a 150,000 sq. ft. manufacturing/warehouse spec building in October 2021, with an expected completion of the facility by Summer of 2022. Uniland's \$14.5 million private investment in the City of Lackawanna and Erie County will be home to multiple businesses and address the high demand for "spec" space in Erie County.

The ILDC is seeking to sell Renaissance Commerce Park Parcel #3, located immediately south of the new Dona Street extension road for the development and construction of a new light manufacturing, warehouse distribution or logistics facility, attracting new and/or growing companies to Renaissance Commerce Park, City of Lackawanna and County of Erie. Parcel #3 has significant advantages making it ideal for redevelopment including Brownfield Tax Credits, access to public utilities, Opportunity Zone designation, New Market Tax Credits, adjacent to a new public road and intermodal transportation assets among others.

## Site Information/Incentives:

The ILDC is seeking proposals for the purchase of Parcel #3 (12.23 +/- acres) as depicted on the Survey ([See Attachment A](#)) for the construction of a new light manufacturing, warehouse distribution or logistics facility at a minimum size of 110,000 sq. ft. The site is located in the City of Lackawanna, fronts the new Dona Street extension road, and is close to the new bike path and Route 5. The site has several unique features providing significant advantages for the development.

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

The site has been accepted into the **New York State Brownfield Cleanup Program** (BCP). Parcel #3 has been given BCP Site Number C915198G and is alternatively referred to as Renaissance Commerce Park BCP Site II-7. The property has been remediated and is in cover ready condition, meaning it requires only fill placement as the last activity necessary to be undertaken to permit the BCP Certificate of Completion (COC) to be issued. Upon COC issuance, Parcel#3 will be eligible for significant BCP tax credits. As part of the BCP designation the site is subject to an environmental easement and a Soils Management Plan (SMP) which outlines the requirements for managing the soils on the property. A copy of the SMP is included for your review and information ([See Attachment B](#)).

The property is eligible for various incentives through the BCP program upon completion of a final remedy "cover" for the site. The cover can include any impervious facilities, buildings, roadways, parking lots, etc., and/or one foot of clean fill material. Upon completion of the proposed facility and cover system the project would be eligible for substantial benefits under Generation 3 of the BCP program (Certificate of Completion needed by March 31, 2026). For more details on the BCP program and benefits visit the NYS DEC website at: <https://www.dec.ny.gov/chemical/101350.html>.

The project would 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 on the site. Incentives can help lower the costs associated with the construction and financing of the building and help lower operating costs through various tax abatements. Information on ECIDA benefits and requirements are available at: [www.ecidany.com](http://www.ecidany.com).

The development of the site is part of the overall Masterplan and GEIS the ILDC finalized in 2021 for the development of the 230-acre commerce park. A copy of the Masterplan map is included for your review and information (See Attachment C).

The City of Lackawanna has adopted a special zoning overlay district, the **Bethlehem Redevelopment Area (BRA)**, for the property and the site is presently zoned **Light Industrial**. A copy of the BRA zoning regulations is included for your review and information (See Attachment D).

A 16-inch water line and an 8-inch sanitary sewer line are available along the frontage of the new Dona Street corridor. Additionally, electric, communication and other utilities are generally available along Route 5.

## Project Development

The intent of the project will be to seek a purchaser to acquire Parcel #3 from the ILDC and construct a new approximately 110,000 sq. ft. minimum light manufacturing, warehouse distribution or logistics facility on the site. To encourage further redevelopment of the site, meet time restrictions regarding the New York State Brownfield Cleanup Program, and to avoid land speculation, the project would need to be constructed within a specific time window. Project proposals should demonstrate willingness and ability to promptly proceed with the acquisition, construction initiation, and construction completion. Proposals shall include the anticipated approach to project financing and time frame for securing site plan approval, financing commitments, construction commencement, and construction completion. The selected RFP respondent will be granted preferred developer status subject to negotiation and execution of a purchase and sale agreement (PSA) by an among the preferred developer and the ILDC. The PSA will govern the transfer of Parcel #3 and clearly define the scope of the project and the development term based on the terms and conditions of sale as approved by the ILDC.

Parcel #3 is enrolled in and subject to the NYS BCP program and as such, comes with the ability to claim significant BCP tax credits along with BCP environmental liability relief and easements. The developer/purchaser must be willing to become a party to the BCP agreement, must obtain the BCP COC by March 31, 2026, and must agree to the ILDC specific environmental indemnity and releases (See Attachments E-G).

In the event that respondent is designated to enter into negotiations with the ILDC for the potential purchase and development of Parcel #3, respondent agrees to pay the reasonable out-of-pocket fees, costs, and expenses (including, without limiting the foregoing, fees, costs, and expenses of legal counsel, consultants, architects, engineers, appraisers, surveyors, and others) that may be incurred by the ILDC in connection with respondent's submission, and any negotiations and transactions that may result from such submission, including all costs related to negotiating all agreements, documents and instruments regarding or related to the purchase, sale, and development of Parcel #3, required BCP compliance, preparation of materials for compliance with the New York State Public Authority Law, and preparation of materials for ILDC board of directors meetings and board of directors approval of required actions.

### Site Acquisition

Proposals shall include a purchase price for the parcel and proposals will be evaluated on a competitive basis evaluating several factors including purchase price and timing. Proposals should include a lump sum acquisition price and a per acre price, a minimum bid of \$30,000 per acre and commitment to closing on the property within 120 days of award notification are required.



Upon notice of award a 10% deposit will be required. If property closing does not occur within 120 days of 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 forfeit the deposit.

### Reservation of Rights

At the time of conveyance, and in accordance with the Master Plan, ILDC may identify a portion of the Parcel to be used for the construction of all or some of connecting road B1, as determined by ILDC, in consultation with respondent, and such rights for future construction may be reserved. The Parcel is further subject to easements and restrictions of record, including but not limited to New York State Department of Environmental Conservation and Buffalo Southern Railroad. The Parcel is specifically subject to an easement (up to 100 feet wide) to Niagara Mohawk Power Corporation for a 115 KV transmission line and access road, as depicted on attached map (See [Attachment H](#)).

### Building Development

Project proposals must include construction of a minimum 110,000 sq. ft. light manufacturing, warehouse distribution or logistics facility. Building design should include office space (if applicable), parking, truck docks and ceiling heights appropriate for typical manufacturing/warehouse uses. Proposals shall include a rough site and floor plan of the proposed facility.

Developer would be responsible for timely complying with all applicable zoning, BCP requirements and securing all required permits and approvals for site development and building construction.

Site development and building construction must begin no later than mid-2023 to allow for timely construction completion and BCP compliance. In addition, the site development and building construction must be completed by no later than mid to late 2024 in consideration of existing BCP obligations.

## **Proposals**

Proposals shall include:

1. Lump sum and per acre purchase price for the 12.23-acre parcel (minimum bid \$30,000/acre).
2. Draft site and floor plan showing proposed development of a minimum 110,000 sq. ft. light manufacturing, warehouse distribution or logistics facility 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 project schedule requirements and penalties.
4. 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.

## **SUBMISSION OF Proposals**

**Eight (8) copies** of the Proposal must be submitted, **no later than 4:00 PM, April 1, 2022 to:**

**Sean Fallon**

**ECIDA/ILDC**

**95 Perry Street, Suite 403**

**Buffalo, New York, 14203**

**An electronic copy should also be emailed to Sean Fallon at: [sfallon@ecidany.com](mailto:sfallon@ecidany.com)**

## **Designated Individual – Procurement Lobbying Law**

Sean Fallon, Project Manager 856-6525, ext. 505 [sfallon@ecidany.com](mailto:sfallon@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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## NEW YORK STATE FINANCE LAW REQUIREMENTS

### Offerer Disclosure of Prior Non-Responsibility Determinations

Name of Individual or Entity Seeking to Enter into the Procurement Contract:

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Name and Title of Person Submitting this Form: \_\_\_\_\_

\_\_\_\_\_

Contract Procurement Number: \_\_\_\_\_

Date: \_\_\_\_\_

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years? (Please circle):

No

Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law §139-j (Please circle):

No

Yes

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? (Please circle):

No

Yes

4. If you answered yes to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: \_\_\_\_\_

Date of Finding of Non-responsibility: \_\_\_\_\_

Basis of Finding of Non-responsibility:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information? (Please circle):

No

Yes

6. If yes, please provide details below.

Governmental Entity: \_\_\_\_\_

Date of Termination or Withholding of Contract: \_\_\_\_\_

Basis of Termination or Withholding: \_\_\_\_\_

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(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: \_\_\_\_\_