

City of Kingston, NY
RFEI#: K22-25
Request for Expressions of Interest Regarding the Sale of 38 Post



Steven T. Noble
Mayor

Request for Expressions of Interest Regarding the Sale of 38 Post

KINGSTON, NY

Steven T. Noble	Mayor of the City of Kingston
Bartek Starodaj	Director of Housing Initiatives

The City of Kingston, New York hereinafter referred to as (the "City") is seeking responses from qualified applicants to purchase a vacant commercial property currently owned by the City of Kingston. This RFEI is intended as a preliminary step to determine the level of interest by potential purchasers.

RFEI Release Date:	May 4, 2022
RFEI Number:	RFEI K22-25
Proposals Due:	June 6, 2022

Definitions:

An "RFEI" describes the situation in which interest in a project needs to be assessed and useful information is solicited from interested parties. Respondents are invited to propose solutions that will result in the satisfaction of the City's objectives. The proposed solutions are evaluated against a predetermined set of criteria.

The term "Respondent" means any firm or individual submitting a response for the services listed in this RFEI. The term "response" means the material submitted by a Respondent in reply to this RFEI.

RFEI/Project Contact Person:

Bartek Starodaj
Director of Housing Initiatives
City Hall, 420 Broadway
Kingston, NY 12401

Telephone: (845) 334-3928 **Email:** bstarodaj@kingston-ny.gov

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RECEIPT CONFIRMATION FORM

PLEASE COMPLETE AND RETURN THIS CONFIRMATION FORM WITHIN 5 WORKING DAYS OF RECEIVING THIS RFEI SPECIFICATION TO:

Bartek Starodaj
City Hall, 420 Broadway
Kingston, NY 12401
Telephone: (845) 334-3928
bstarodaj@kingston-ny.gov

Failure to return this form may result in no further communication or addenda regarding this RFEI.

Company Name/Contact Person: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ EXT: _____ Fax: _____

Email: _____

I have received a copy of the above noted RFP Specification. Mark one choice below.

____ We plan to submit a PROPOSAL.

____ We DO NOT plan to submit a PROPOSAL (please indicate reason below).

Signature: _____

Title: _____

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1.0 PROJECT PURPOSE

The City of Kingston, New York hereinafter referred to as (the "City") is seeking responses from qualified purchasers to purchase a vacant commercial property currently owned by the City of Kingston. The City is interested in rehabilitating and renewing the property with a site use that creates community benefits via commercial or residential activity that complements the current structures and use patterns existent in the neighborhood.

This RFEI is intended as a preliminary step to determine the level of interest by potential purchasers. The successful respondent to the RFEI will negotiate the terms and conditions of the sale of these parcels the terms of which will be contained in an Agreement negotiated by and between the Purchaser and the City.

There is one site for which the City will contemplate proposals for purchase; the location is as follows:

38 Post

SBL# 56.43-4-38.130

The property is a vacant warehouse with approximately 1,326 sq ft. that has been vacant since being acquired by the City of Kingston in 2012. The footprint of the building covers most of the site. The site is located in the Rondout Historic District. Due to potential environmental contamination from prior commercial uses on the site, the City of Kingston has completed a Phase I Environmental Assessment on the site that can be accessed here and that should be reviewed by potential respondents:
<https://engagekingston.com/brownfields>

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Figure 1 - 38 Post Exterior 1

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Figure 2 - 38 Post Exterior 2

2.0 DEVELOPMENT OBJECTIVES

The City seeks to achieve the following objectives through this RFEI:

1. Clearly demonstrate that the City will receive public benefits that are commensurate with the value of the real estate being offered including any purchase price offered as part of the proposal.
2. Maximize the level of public benefits to be generated by the proposed development including new commercial or residential activity
3. Secure a financially feasible development.
4. Rehabilitate the property and address any environmental contamination.
5. Secure a use that compliments the surrounding historic district and business district character.

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3.0 SCHEDULE OF PERTINENT DATES

Listed below are specific and estimated dates and times of actions related to this RFEI. In the event it is necessary to change the return date, the City will issue a supplemental addendum.

Dates	Milestone
May 4, 2022	RFEI advertised
May 19, 2022 1:30 PM	Conference/Tour at 38 Post
May 31, 2022	Last day to submit written inquiries
June 1, 2022	Addendum issued if any questions
June 6, 2022 2:00 p.m.	Due Date for Proposals
June 7-10, 2022	Selection Committee evaluates proposals
Week of June 13, 2022	Possible Interviews
Week of June 20, 2022	Notice of Intent to Award

4.0 SUBMISSION REQUIREMENTS

All Respondents to this RFEI are required to submit detailed information as set forth below. Responses that do not materially conform to this outline will not be considered. Additional material and information, as deemed appropriate by the Respondent, may be included in the submission package.

Receipt confirmation form which follows the cover page of this RFEI should be completed and sent to the City of Kingston immediately if planning on submitting a proposal. Failure to file this form may result in no further communications regarding this RFEI.

RFEI submissions must be in a sealed envelope addressed to:

Bartek Starodaj
Director of Housing Initiatives
City Hall - 420 Broadway
Kingston, NY 12401

On the face of the envelope, please include:

- 1) Name and Address of Respondent
- 2) RFEI Number & Name: Request for Expressions of Interest (RFEI) Regarding the Sale of 38 Post RFEI K22-25

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Responses are due and must be received no later than **June 6, 2022 at 2:00 PM**, after which they will be publicly opened. Responses will not be accepted after the due date and time. It is recommended that proposals be submitted in advance, at least one business day prior to the specified date and time to allow for timely receipt.

General Submission Guidelines:

- Respondents who plan to deliver their proposals on the deadline date should make a delivery appointment by emailing Bartek Starodaj.
- Proposals must be sent or delivered electronically via a thumb drive. Printed proposals will not be accepted. Proposals sent via email will not be accepted.
- Respondents are required to complete, and include within their RFEI submission, the Information Sheet and Affidavit of Non-Collusion that are included in this RFEI.
- Pages should be paginated.
- Illustrations may be included.
- The response will be evaluated on the basis of its content, not length. The proposal shall be clear, concise and include sufficient detail for effective evaluation.
- The City of Kingston will not be liable for any costs incurred by Respondents in the preparation of responses or for any work performed in connection therein.

5.0 PROPOSAL CONTENT

- **TITLE PAGE:** Showing RFEI number, responder's name, address, telephone, and Identification of the person(s) with the authority to represent and make legally binding commitments for the Respondent. Responder should also clearly identify the name(s) of the contact person responsible for inquiries, if different.
- **COVER LETTER:** A cover letter signed by the duly authorized member of the Respondent identified above.
- **DEVELOPMENT AND OWNERSHIP PLAN:** Provide a development plan for the RFEI which is consistent with the Development Objectives outlined within this RFEI. This should include the specific plans for the rehabilitation of the property and a proposed timeline. Describe how the proposal will benefit the City of Kingston, NY community. Describe a long-term ownership, use, and maintenance plan for the property.
- **EXPERIENCE AND QUALIFICATIONS:** Provide a full description of the Respondent (and its related development entities and subsidiaries, if applicable) along with all team members, including all principals and persons who have or will have either a direct or indirect financial interest in the development project. This includes:
 - Identify the development entity's/Respondent's name, street address, mailing address, phone number, email address and web page. Specify the legal form of the organization (e.g. corporation, partnership, LLC, Joint Venture, other).
 - If applicable, describe the development entity including the number of years in business.

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- If applicable, identify the person(s) with the authority to represent and make legally binding commitments for the principal development entity.
 - If applicable, list all officers, partners, owners, shareholders and members of the development entity by name, title, percentage of ownership and list addresses, telephone numbers and e-mail addresses.
 - If applicable, provide biographical summaries of company officers and/or principals/owners.
 - Identify all members of the proposed development team that are likely to be engaged in this project including engineering, architectural, construction, property management, marketing agent, geotechnical, environmental, legal, financial, public relations, and other consultants. Indicate the role of each in implementing the development and managing the completed project.
 - Describe the familiarity of the project location and City of Kingston.
 - Describe any experience with similar projects.
-
- **FINANCIAL PLAN:** Provide a financial plan detailing the sources of capital and terms, and describing the financial resources of the development team and financial capacity to complete the project.

 - **PURCHASE PRICE AND SPECIAL CONDITIONS:** Proposed purchase price. Any and all special conditions that the responder may offer or request from the City of Kingston are required to be listed. The responder will need to elaborate on costs, terms, payment amounts, conditions, timing and such other pertinent factors, if selected for further negotiations.

 - **FINANCIAL CAPACITY.** Provide information on the Respondent's financial condition along with bank and credit references. Documentation under this section may be submitted under a separate cover to ensure confidentiality. If you choose to submit this information separately, please note it clearly in the appropriate section of the RFEI submission.
 - If available, audited financial statements of the parent company of the principal developer, whether publicly traded or privately held for the last three fiscal years
 - Provide a statement of adequate financial resources. List Business Financial Statements for last three years; a balance of sheet and reconciliation of Net Worth, Profit and Loss Statement (Income Statement).
 - Narrative describing any current or outstanding litigation pending against the team or any of its members, as well as any litigation brought by or against any individual involved with the project, during the last five years.
 - List of prior debts involving monetary defaults, bankruptcies or foreclosures.

6.0 EVALUATION CRITERIA

All responses will be reviewed and evaluated by a selection committee. Responses will be reviewed and evaluated based upon information contained in the respective submission packages and responsiveness to the submission criteria delineated below.

The selection committee will evaluate the submissions beginning after the posted submission date.

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Upon review of the submissions, the City reserves the right to:

1. Take no further action.
2. Invite one or more respondents to submit a response to a more detailed Request for Additional Information.
3. Enter into exclusive negotiations with one or more preferred respondents.

The factors to be considered in the selection process are based upon an evaluation using the following criteria:

1. Project feasibility: Likelihood of Respondent and proposed project vision meeting the City of Kingston objectives in an expedient manner (30%);
2. Impact and amount of community benefit derived from the project (30%).
3. Development team qualifications, capabilities and prior experience (20%);
4. Financial strength of the Respondent /developer/developer team (20%);

7.0 INQUIRIES

All questions pertaining to this RFEI are required to be made in writing no later than **May 31, 2022** and must be submitted using the questionnaire form included within this specification. All questions must be **emailed to Bartek Starodaj at bstarodaj@kingston-ny.gov**.

All substantive questions received by the above-mentioned deadline will receive a response in the form of an addendum issued no later than **June 1, 2022**.

The addendum will be sent to all Respondents who have registered to receive the RFEI. Only an addendum from the City of Kingston will be considered official. Respondents are advised that the City of Kingston cannot ensure a response to any inquiries received after the due date for question submissions.

8.0 OPEN HOUSE

An open house will be held on May 19 at 1:30PM. Representatives from the City will be available on site to answer questions and to show the property. Respondents wishing to attend the conference should notify Bartek Starodaj to obtain details. Additional open house dates may be announced based on interest.

9.0 INTERVIEWS

If the Evaluation Committee determines it to be necessary, interviews may be scheduled with selected Respondents as soon as possible after the initial evaluation. This will permit further evaluation and allow the Evaluation Committee to inquire further into the experience the Respondent has had on similar projects, willingness and ability to work closely with City of Kingston Staff and others, understanding of the various aspects of the requirements, ability to maintain a schedule and complete the services on time, and other matters deemed pertinent.

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10.0 TERMS AND CONDITIONS

XI. TERMS AND CONDITIONS

Instructions to Respondents: All submissions must be in accordance with this Request for Qualifications.

RFEI Information: The information set forth in this RFEI concerning the real estate and its condition, size status, legal requirements and other matters is believed to be accurate but is not so warranted. The City of Kingston and its officers, employees, representatives, agents and consultants make no representation express or implied as to the physical condition of the real estate, status of the title thereto, its suitability for any use, the absence of hazardous and toxic materials, or any other matter. The City makes no representations as to the accuracy of any statements made herein regarding any environmental conditions of the real estate and any information provided with regard to the environment is not to be relied upon and should be independently verified. All measurements are approximate.

The information provided for respondents is for informational purposes only, and may not be relied upon and does not constitute a representation or warranty by the City of Kingston, its representatives, employees, officers, agents, or consultants that the information contained therein is accurate or complete, and no legal commitment, obligation or liability of the City of Kingston or its representatives, employees, officers, agents or consultants shall arise by use of, or the information relating to any of these materials.

As is Condition & Disclaimers: The real estate will be conveyed "as is" with all faults. The City of Kingston makes no representations or warranties regarding the real estate and the property whatsoever, including without limitation whether the property is in compliance with applicable zoning use and other similar regulations, laws and codes (including without limitation building codes and Americans with Disabilities Act), and respondents are not to rely upon any representations or warranties of any kind whatsoever, express or implied, from the City of Kingston, its representatives, employees, officers, agents or consultants.

Revisions, Interpretations or Corrections: Revisions, interpretations or corrections of specifications made by the City of Kingston shall be by addendum issued before the date set forth for the submission of responses to this RFEI. Interpretations, corrections or changes made in any other manner will not be binding, and respondents shall not rely upon such revisions, interpretations, corrections or changes.

Conflict of Interest: The City of Kingston's employees and the immediate family of City of Kingston employees are not permitted to submit a response to this RFEI. Furthermore, no official or employee of the City of Kingston shall have any personal interest, direct or indirect, in this transaction, nor shall any such elected or appointed official, department head, agent or employee having such an interest participate in any decision, meeting, evaluation or exert any opinion or influence relating to this transaction that affects his or her personal interests or the interests of any person or entity in which he or she is directly or indirectly, interested.

Zoning and Permitting: The City of Kingston does not warrant that the real estate is suitable for any particular use. Verification of the present zoning and determination of permitted uses, along with

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compliance of the property for present or proposed future use, shall be the responsibility of the respondent. The City of Kingston does not guarantee that any zoning information is necessarily accurate or will remain unchanged. Any inaccuracies or changes in zoning information shall not be cause for adjournment or rescission of any contract resulting from this RFEI. Finally, respondent assumes the entire responsibility of complying with any government requirements and procedures related to intended use, including, but not limited to, licenses, zoning, permitting, habitation restrictions, historic preservation requirements, etc.

RFEI Award Acceptance: The City of Kingston reserves the right at all times to accept or reject in their sole discretion, any or all responses and to waive any defects or technicalities or advertise for new RFEI responses where the acceptance, rejection, waiving or advertising of such would be in the best interest of the City of Kingston. The RFEI process may be terminated or modified without notice at any time.

Notice of Acceptance or Rejection: Notice, by the City of Kingston regarding either acceptance, or rejection of a response to this RFEI shall be deemed to have been sufficiently given when mailed to the respondent, or his or her duly authorized representative, at the address indicated in the cover letter accompanying respondent's submission of a response to this RFEI.

Postponement or Cancellation: The City of Kingston reserves the right to postpone or cancel this RFEI, or reject all responses, if in its judgment it deems it to be in the best interest of the City to do so.

In the event of a postponement or cancellation of this RFEI; the City of Kingston shall not be liable for any costs incurred by respondent in the preparation of their response or for any work performed in connection therein.

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PLEASE RETURN THE FOLLOWING SHEETS
WITH YOUR PROPOSAL

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INFORMATION SHEET

NAME: _____

ADDRESS: _____

TYPE OF ENTITY: Corp. _____ Partnership _____ Individual _____ LLC _____

If a non-publicly owned Corporation:

NAME OF FIRM: _____

DATE OF ORGANIZATION: _____

If an LP, LLP, or LLLP:

PARTNERS: _____

NAME OF PARTNERSHIP: _____

DATE OF ORGANIZATION: _____

** If the business is conducted under an assumed name, a copy of the certificate required to be filed under the New York General Business Law must be attached.*

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AFFIDAVIT OF NON-COLLUSION

NAME OF RESPONDENT: _____

BUSINESS ADDRESS: _____

I hereby attest that I am the person responsible within my firm for the final decision as to the prices(s) and amount of this proposal or, if not, that I have written authorization, enclosed herewith, from that person to make the statements set out below on his or her behalf and on behalf of my firm.

I further attest that:

1. The price(s) and amount of this proposal have been arrived at independently, without consultation, communication or agreement for the purpose of restricting competition with any other contractor, Respondent or potential Respondent.
2. Neither the price(s), nor the amount of this proposal, have been disclosed to any other firm or person who is a Respondent or potential Respondent on this project, and will not be so disclosed prior to proposal opening.
3. No attempt has been made or will be made to solicit, cause or induce any firm or person to refrain from responding to this RFEI, or to submit a proposal higher than the proposal of this firm, or any intentionally high or non-competitive proposal or other form of complementary proposal.
4. The proposal of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from any firm or person to submit a complementary proposal.
5. My firm has not offered or entered into a subcontract or agreement regarding the purchase of materials or services from any other firm or person, or offered, promised or paid cash or anything of value to any firm or person, whether in connection with this or any other project, in consideration for an agreement or promise by an firm or person to refrain from responding to this RFEI or to submit a complementary proposal on this project.
6. My firm has not accepted or been promised any subcontract or agreement regarding the sale of materials or services to any firm or person, and has not been promised or paid cash or anything of value by any firm or person, whether in connection with this or any project, in consideration for my firm's submitting a complementary proposal, or agreeing to do so, on this project.
7. I have made a diligent inquiry of all members, officers, employees, and agents of my firm with responsibilities relating to the preparation, approval or submission of my firm's proposal on this project and have been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, act or other conduct inconsistent with any of the statements and representations made in this affidavit.

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8. By submission of this proposal, I certify that I have read, am familiar with, and will comply with any and all segments of these specifications.

The person signing this proposal, under the penalties of perjury, affirms the truth thereof.

Signature & Title

Print Name & Title

Company Name

Date Signed _____ Federal ID _____