



*DEPARTMENT OF PURCHASING*  
***BOARD OF CONTRACT & SUPPLY***

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I N V I T A T I O N   T O   B I D

RFP FOR:

MIXED USE DEVELOPMENT OF 183 WATER STREET  
AND A PORTION OF 13 COURT STREET

RFP's for the above will be accepted **until 10:30 a.m. on November 25, 2020 at the Board of Contract & Supply Office.** RFP's will be publicly opened and read on said day at the **11:00 a.m. Board of Contract & Supply meeting.** All RFP's are subject to the conditions and terms stated herein. RFP's can be obtained either by calling Purchasing Office at 607-772-7025 or by e-mail at [mjdervay@cityofbinghamton.com](mailto:mjdervay@cityofbinghamton.com).

CITY CONTRACT: TBD

CONTRACT PERIOD: Until Completion

## **I. INTRODUCTION**

The City of Binghamton is replacing the Water Street parking ramp and is looking for a developer to partner in the process and transform the Water Street, Binghamton, New York (the "Site") parking ramp into a mixed use development. The City is seeking proposals for a complete scope of development services for the purchase, entitlement, development, and construction consisting of:

- 1) A minimum of 500 car municipal parking garage (the "Garage"),
- 2) Create an optimal mix of uses on the site that enhances the vitality of the City and surrounding area (the "Development"),
- 3) Create an activity generator, and
- 4) Increase the City's revenue base.

(Collectively the "Project")

The Site consists of approximately 1.5 acres of land. (0.9 acre parcel at 183 Water Street and a 0.6 acre portion of 13 Court Street). There is an existing municipal parking ramp on the Site. The Site is currently owned by the City of Binghamton and the Broome County Industrial Development Agency (IDA). With its premier location in the heart of downtown Binghamton and views of the Chenango River, this Project offers a unique opportunity for a major development in the City's urban core. The Site features convenient proximity to the area's transportation access points and is less than a quarter mile or closer to the City's commercial, cultural, and governmental destinations.

The Project will serve as a key component of the City's initiatives to attract urban re-investment downtown while simultaneously revitalizing the area with a vibrant mix of uses. Each party that submits a response ("Proposal") to this Request for Proposals ("RFP") is referred to herein as a "Respondent," and the Respondent that is conditionally designated through this RFP process is referred to herein as the "Developer." Respondents to this RFP may propose mixed use developments that advance the development goals described herein and that have the financial resources available to design and start the Project in 2021 and complete the Project by the end of 2022.

The Site may be developed as a unified Project, *i.e.*, lower and upper levels, or subdivided into separate parcels to accommodate the Garage and the Development. The City encourages proposed Developers to be creative. The City intends to own and operate the Garage and the selected Developer to own and operate the Development; however the City may consider alternate plans.

## **II. SITE HISTORY/DESCRIPTION**

### **1. Zoning**

Respondents must propose uses and design compatible with currently applicable zoning. The primary ingress/egress to the Project is expected to come through Water Street. Other options will be considered, but could cause delays to the Project.

## **2. Environmental Review**

To be conducted by selected Developer. The City will make no representation or warranty regarding any aspect of the Site or any report regarding the Site.

## **3. Parking**

The Site currently contains an existing aging municipal parking ramp. A minimum of 500 spaces must be provided. Respondents should provide adequate parking for the number of visitors and residents anticipated to be generated by the Development. Respondents must be specific regarding the proposed location, ownership, maintenance, and ingress/egress or proposed parking for the Development. Cross-easements may be available. The existing ramp structure will need to be demolished and removed prior to construction of the Project.

## **4. Utilities**

Public water, sewer, natural gas, and electric services are connected to the Site. The cost of relocating any of the above services should be incorporated into any proposal.

The City will maintain utility easements, if any.

## **5. Ownership, Taxes and Incentives**

The City owns 0.9 acres and the IDA owns 0.6 acres of the Site; therefore it is currently exempt from property taxes. Under a purchase and private re-use of the Site, property taxes would be assessed for the private portion of the Site by the City through its Department of Assessment. Such taxes will be the responsibility of the Developer. The Developer is encouraged to utilize abatement and incentive programs. The Developer should work with the City of Binghamton Economic Development Office and BLDC (See BLDC below) and Assessor.

## **6. Binghamton Local Development Corporation (BLDC)**

BLDC is a registered 501(c)(3) not-for-profit organization which implements economic development programs and resources to create, retain, and attract both business and investment in the City of Binghamton. BLDC administers a real estate loan program that provides financing to qualifying real estate development projects, and new business opportunities inside the City. The BLDC may support the revitalization of Site and the retention and creation of jobs for City residents. Preferred projects should have a positive revitalizing effect on the community.

## **III. DEVELOPMENT GOALS**

The City of Binghamton invites Respondents to submit Proposals that maximize economic benefits to the City of Binghamton through a mixed use development of the Site.

In addition to the requirements set forth in the Introduction above, the City is seeking Proposals that are responsive to, but are not limited to, the following development priorities:

1. Maximizing the space for all requirements.
2. Creating a vibrant Development utilizing best practices in urban planning by eliminating blight and physical decay and revitalizing the Site as a destination to serve workers, residents, and visitors alike, both during the work day and into the evening and weekends.
3. Addressing market demand for various uses within the City of Binghamton.
4. Achieving architectural distinction and design excellence
5. Incorporating sustainable building practices, Energy Star Certification, technology, design, ease of operation, cleaning, and maintenance.

#### **IV. TRANSACTION STRUCTURE AND CERTAIN COSTS**

##### **1. Proposal Requirements**

Every Proposal must:

- (a) Provide an estimated cost to build the Garage which the City will fund on a regular basis as invoices are submitted;
- (b) Provide a preliminary drawing of the Garage which must contain a 24/7 gate control compatible with other City sites for entry and exit;
- (c) Provide a Garage designed to be constructed as either precast or cast in place technology;
- (d) Provide a proposed amount to be paid to the City for acquisition or lease of any portion of the Site;
- (e) Estimated operating costs of the Garage, exclusive of debt service; and
- (f) Provide separate estimated costs to build the Development and anticipated financing.

##### **2. Grants**

There are no grant monies secured as of the time of this RFP. However, the City will assist Developers in applying for grants and public assistance at the local, State, and Federal level. Respondents should plan to ultimately bid under the premise that State/Federal money and guidelines will need to be adhered to, including experience utilizing New York State-certified Minority and Woman- Owned Business Enterprises (MWBE), Small Business Enterprises (SBE), and Disadvantaged Business Enterprises (DBE), as well as Service Disabled Veterans, as may be applicable.

### **3. Garage Financing**

The City intends to provide the debt financing for the Garage through the issuance of a general obligation bond, which financing will be secured prior to the start of the Project. The bond funds, along with any acquired grants, will be made available to the Developer to fund the development and construction of the Garage, with proceeds advanced on a regular basis based on the work completed to date. Respondents may submit alternate proposals.

### **4. Development Agreement**

The Developer will be required to enter into a Development Agreement that will provide the terms of any phasing of the Project and agreements to develop the Site in compliance with the proposed development plan.

The Development Agreement will include the scope of work, terms and conditions for the Project including:

- (a) Garage: a complete scope of development services for the Garage, including design, engineering, entitlements, construction, anticipated operation, and scheduled maintenance. Design of the Garage will be done in collaboration and cooperation with the City.
- (b) The Development: a description of the Development and commitment to complete and operate the Development.

Development by the selected Developer must conform to the requirements of this RFP and in project contractual documents.

### **5. Legal and Regulatory Requirements**

In order to implement the Project and transfer the Site, any grant sources and necessary New York State offices, with the cooperation of the Developer, must comply with legal and regulatory requirements as applicable such as: (i) the State Environmental Quality Review Act and its implementing regulations ("SEQRA"); (ii) the State Historic Preservation Act; (iii) Public Authorities Law; (iv) State Finance Law; (v) the New York State Eminent Domain Procedure Law. Such compliance must be completed before disposition of the Site to the Developer for the Project. Developer must also be in compliance with all the requirements of any Grants, if any.

## **V. PROPOSAL REQUIREMENTS**

The following are the submission requirements for all Proposals responding to this RFP. The City reserves the right, in its sole discretion, to reject any Proposal that is deemed incomplete or unresponsive to the RFP requirements. The City also reserves the right, in its sole discretion, to reject any and all Proposals for any reason or for no reason, and to proceed (or not proceed) with the development of the Site (either by itself or in conjunction with one or more third-party(ies))

without completing this RFP process. In evaluating the capabilities of the Respondent, the City may utilize any and all information available (including information not provided by the Respondent). Proposals should clearly and concisely state the unique capabilities, experience, and advantages of the Respondent, and demonstrate the Respondent's capability to satisfy the requirements and objectives set forth in this RFP. The City further reserves the right to ask additional written or oral clarifying questions to all Respondents or to a subset of Respondents. The initial Proposals should be no longer than 100 pages of text. Respondent's financial offer for the Site should assume that the Site will be transferred in "AS IS" and "WHERE IS" condition. Each complete Proposal for the redeveloped Site must contain the following elements:

### **1. Respondent Description:**

Each Respondent submitting a Proposal must demonstrate sufficient financial resources and professional ability to develop the Site in a manner consistent with its Proposal. Each Proposal must include a description of the Respondent owner or the development team, including:

(a) The intended form and structure of the owner. Any proposed partnership or joint venture must be clearly explained. A chart/diagram of the owner, showing structure (percentages) of ownership.

(b) Name, address, phone number and email of each member, partner, or Board of Directors, of the Respondent. Respondents must provide the Federal EIN numbers of the development entity and identify a primary contact person.

(c) Documentation addressing whether the Respondent, or any participating member of the team, has been involved in any litigation or legal dispute against New York State, the City or any litigation or legal dispute regarding a real estate venture during the past five years.

(d) Evidence of ability to finance the Project including letters of interest and/or intent from equity sources and lenders. Any additional documentation or information evidencing the strength of the Respondent and its ability to complete the Project in a timely manner. Ability to apply for and obtain grant funding.

### **2. Project Description:**

The Project description should include a detailed narrative describing all relevant aspects of the Project together with any plans related to timing or phasing of the development. The description should address:

(a) A narrative and illustration describing the Development, including each use, the need/demand for the proposed uses, and community benefits.

(b) Type, bulk and size of each component of the development program (gross and net square footages).

(c) A list of potential tenants and any letters of interest and/or intent from potential tenants and a description of how such tenants align with the Development Goals.

(d) Description and illustration of any proposed changes to the adjacent or nearby Streets, including curb cuts.

(e) The description should address how this Project will advance the Development Goals set forth in section III above.

(f) The funding source for the Development and anticipated schedule of payments for construction of the Garage.

### **3. Purchase/Lease Price:**

Proposed amount to be paid to the City for acquisition or lease of any portion of the Site. Transfer of title will be by quit-claim deed (without any representations or warranties) at the closing or there will be a lease for a portion of the Site.

The Developer will be required to enter into a Development Agreement that provides the terms of any phasing of the Project and agreements to develop the Site in compliance with the proposed development plan.

### **4. Site Plan and Architectural Design:**

Each Respondent submitting a Proposal must provide the following:

(a) A summary of the proposed building program for the Project with square footages for each use.

(b) At a minimum, a set of concept sketches on 8.5" x 11" paper, showing the proposed Project and a set of schematic renderings of the proposed Project showing the principal elevations and massing, floor plans for each use, streetscape and landscape plans, street level renderings, entry features and signage.

(c) A description of the proposed exterior materials and other relevant specifications.

(d) A description of sustainable building practices that will be incorporated into the project during construction/renovation and operation of the improvements.

(e) A description of specific noteworthy features that will be preserved, as well as any significant proposed building modifications or enhancements.

## **5. Zoning Calculation:**

Respondent must submit a conceptual development plan with a summary that clearly outlines the proposed uses, gross square footages by building and use, building height, lot coverage and compliance with open space and parking requirements.

Respondents proposing a zoning change or override must specifically detail required changes and must submit a conceptual development plan and summary for such alternative. The City does not expect to override any building, fire, or zoning laws or related codes. Respondents should assume that their Project's height and size is subject to the current zoning laws.

Should a Respondent seek a zoning change or override of any kind, it must submit:

1. A standard Proposal, including all such components described as being required in the RFP, with no other zoning overrides requested; and

2. An addendum outlining a second scenario that assumes zoning change or override would be allowed. Any such alternative should:

(a) Identify and confirm all Proposal components (e.g., the Project Team) that would remain unchanged; and

(b) Include modified Proposal components (e.g., new purchase price, site layout, zoning calculations, etc.; components outlined in RFP Section V, 1-10, e.g.) for all elements of the Proposal that would be changed in the alternative.

Additionally, Respondents should provide a rationale upon which the City should allow a zoning change, and how any such change would be compatible with the Development Goals. Proposals that include changes or overrides will be given the same level of consideration and review as Proposals that comply with existing regulations, and neither approach will be favored or disfavored, but consideration will be given to essence of time.

## **6. Development Timeframe:**

Respondent must submit a development timeline (subdivided into phases, if necessary), identifying the estimated length of time to reach key milestones to meet a design and start the Project in 2021 and complete the Project by the end of 2022, including:

(a) Commencement and completion of design;

(b) Financing;

(c) Commencement and completion of construction and lease up periods;

(d) Potential tenants;

(e) Operational stabilization for each component of the development program.

Any contingencies that may affect this time line should be identified.



**7. Flood Zones:** Proposals should identify any flood zones and note how Respondent will meet Federal Emergency Management Agency guidelines as necessary.

**8. Team Member Qualifications:**

(a) Identification and qualifications of each member of the development team, including all persons or entities that will design, develop, or operate the Project, as well as the attorney, engineer, general contractor and other professionals, as appropriate, including leasing and management, who will be involved with this Project.

(b) A description of similar projects undertaken by the members of the Respondent's team (including a statement of the dollar value of such projects, the project manager's name and key partners, where applicable).

(c) A summary of the availability of each of the principal members of each firm and their availability for commitment to the Project.

(d) Documentation addressing whether any participating team members have been involved in litigation or legal dispute against New York State or the City of Binghamton regarding a real estate venture during the past five years.

(e) Background information of the owner, including resumes describing the relevant experience of all principal members. This information must be submitted for every participant in a joint venture and should highlight similar projects (including a project description and approximate dollar value for each).

**9. Financial Information:**

In completing the proposal, with respect to financial information, Proposals should address the following:

(a) Pro forma cash flows in Excel format for the development and Project operation periods for each part of the project. Including details of any as-of-right or discretionary real estate tax exemptions, other tax exemptions and energy or other governmental benefits assumed in the model. The cash flows should include a section outlining all assumptions on which all calculations were based, including minimum returns sought. This data should extend over ten (10) years of operations and include all necessary capital investments over time and reserves and debt service payments associated with the financings.

(b) Construction/renovation sources, budget, and uses of funds, including details of equity and financing sources and a break out of all soft and hard costs and development and financing fees. Indicate escalation rates to account for any increases in construction/renovation costs in the budget or contingencies.

(c) Permanent sources and uses of funds, including details of equity and financing sources and all development fees and financing fees to be paid.

**10. Contractor and Supplier Diversity Information:** Must comply with any possible grant requirements if obtained.

**11. Issues/Concerns:** The proposal should identify any issues or concerns in relation to the Project.

## **VI. SELECTION CRITERIA:**

Proposals will be reviewed by City officials, and potential consultants hired by the City. The sale of the Site may be subject to approval, as required under applicable laws and regulations, which may include approval of Binghamton City Council. When evaluating proposals, the following selection criteria will be considered in no order of priority:

### **1. Consistency with Development Goals:**

Thoughtful and innovative approach to addressing the Development Goals articulated in this RFP.

### **2. Financial Feasibility:**

Respondent's demonstrated financial ability to complete the Project; availability of identifiable funding sources to finance the Project; sufficient revenue to support operating expenses, scheduled payments related to capital costs, reserve fund contributors and debt service. Ability to obtain a grant(s).

### **3. Employment Impact:**

Creation of construction and permanent on-site jobs and payroll.

### **4. Community Benefit and Economic Impact:**

How the project will benefit the community. Projected expenditures, construction costs, annual operating costs and other direct spending that will help spur economic activity. The financial stability of the parking garage to the City.

The City will also consider the impact that indirect spending that the Project will generate and any applicable tax revenue.

### **5. Financial Offer:**

Provision of competitive terms for the purchase/lease of any portion of the Site.

## **6. Development Team Qualifications:**

Experience, development skills, and financial resources necessary to complete a high-quality Project on time and within budget.

## **7. Schedule and Timing:**

Proven ability to complete the Project in a timely manner.

Prior to selecting the Developer, the City reserves the right to remove Respondents from competitive consideration at one or more points throughout the solicitation based on these criteria and/or a failure to achieve minimum satisfaction of the Development Goals. In order to remain in competitive consideration, Respondents will be encouraged to present their most competitive Proposal terms at each stage of the solicitation. Some or all Respondents may be asked to modify their Proposals during the solicitation process.

The City also reserves the right to conduct interviews with or pose questions in writing to individual Respondents in order to clarify the content of their proposals and to ensure a full and complete understanding of each proposal.

The City shall undertake to pursue uniformity in the questions it asks to Respondents to the extent practicable, but the city may ask different or additional questions to different Respondents in the context of any individual interview or in writing.

## **VII. RFP SCHEDULE**

1. Responses to the RFP shall be due by November 25, 2020.
2. A short list of responders to the RFP will be contacted for the scheduling of an interview in December, 2020.
3. The successful Developer will be notified by January, 2021.