

## MEMORANDUM

TO: ConAgra Plant Re-Use Assessment RFP Respondents  
FROM: Kevin Hansen, Director of Real Estate Development  
DATE: Monday, August 18, 2014  
RE: Responses to submitted questions

---

The following are a list of responses to questions submitted by prospective respondents to ESD's [request for proposals](#) ("RFP") for a re-use assessment of former ConAgra plants located in Fredonia and Dunkirk, NY.

***Q1: Has a maximum budget established for the Study?***

A1: No. As stated on page 6 of the RFP, the ideal Proposal will be chosen on the basis of "best value," with Anticipated Cost of Services serving as one of three selection criteria used to select the winning Proposal. The selected Proposal may or may not be the Proposal with the lowest cost of services.

***Q2: Is ESD under any specific constraint which requires completion of the study within 6 weeks? Is there a possibility of extending some project deliverables past the 6 week mark?***

A2: As noted in the RFP, "It is anticipated that the overall Timeline will be approximately six weeks or less." This statement was included primarily to offer additional context on the scope and depth of the work that is expected to be required. If a Proposal assumes a Timeline of seven weeks, for example, it will not be disqualified, but Respondents are encouraged to propose a Timeline that unfolds efficiently.

***Q3: What is the ownership status of the Dunkirk and Fredonia plants?***

A3: Both plants are owned by ConAgra Foods, the Company. ESD also has no plans to acquire any portion of either Site. ESD is commissioning this Study due to the substantial job loss represented by the decommissioning of the plants and expects that both ESD and the Company will rely on the Study in their joint efforts to transition the sites to job-intensive new ownership.

***Q4: General information is provided on page 3 of the RFP pertaining to information that will be provided to the consultant. It would be helpful to know the specific documents and reports that will be provided so we can understand the baseline of information that is readily available. Can a more detailed list be made available?***

A4: The list of information on page 3 of the RFP was based on consultation with the Company. At this point, no additional clarification is available, but ESD will work with the selected firm and

the Company to make available any and all information useful for the assessment. The Company is also utilizing a broker, and ESD will work with the Company to make introductions for collaboration between the broker and the selected Respondent as soon as possible.

***Q5: With regards for the reference to “(1) Identify at least 10 specifically recommended industry and company types.” Is Empire State Development looking for lead generation—i.e., identifying potential companies—as a component of this RFP?***

A5: Although any and all individual leads will be welcome outcomes of this Study, the task, as required, was primarily intended to identify classes and types of companies and industry sub-segments for future marketing. As noted above, the Company is retaining its own broker, and the Study should be designed to complement the broker’s work.

***Q6: How will the M/WBE goal of 23% participation apply to this solicitation? Does a M/WBE firm need to be registered in New York State to satisfy the contract goal? Must we identify the firms that we will utilize when we submit our proposal?***

A6: Only M/WBE firms certified by the State of New York’s Division of Minority and Women Business Development are considered “M/WBEs” for purposes of satisfying M/WBE goals in ESD solicitations. A directory of certified M/WBE firms is available at: <https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp>. As noted, all Respondents should also submit a properly completed form OCSD-4 Form, which requests information about planned M/WBE subcontractors. At a minimum, each Respondent, if not an M/WBE, is required to use good faith efforts to solicit the participation of qualified M/WBE firms. If a Respondent is unable to attract a qualified M/WBE firm, it should include language describing its efforts to solicit M/WBEs and provide documentation verifying said efforts to solicit the M/WBE firms (email communications, etc.), in which case its selection for the Proposal may in part be contingent upon ESD granting an M/WBE waiver to the selected Contractor.

***Q7: Does the twenty-page limit on Proposals include bios?***

A7: As stated in the RFP, “It is anticipated that the total length of the Proposal will be less than twenty pages.” In general, although not required, it is expected that elements 1-5 of Section III, Required Proposal Contents (excludes procurement forms) as listed on page 5 of the RFP will total no more than twenty pages, and brevity is strongly appreciated and encouraged.

***Q8: What documents, statements, or forms need to be submitted with a Proposal?***

A8: In addition to the Proposal, the forms and attachments that need to be submitted are listed in the checklist on page 14 of the RFP and are described in additional detail prior to page 14. They include: 1) Properly completed form SFL 139-j and 139-k forms; 2) Properly completed Form ST-220-CA, or an affidavit that the Respondent is not required to be registered with the State Department of Taxation and Finance; 3) Copy of VendRep receipt; 4) Iran Divestment Act Statement; 5) Use of NYS Business Form; and 6) Properly completed OCSD-1 and OCSD-4 Forms.