

REQUEST FOR PROPOSALS

The New York State Urban Development Corporation d/b/a/ Empire State Development Corporation ("ESDC") is soliciting proposals for a real estate broker ("Broker") to sell three office lots in the Audubon Community's Bryant Woods Office Park in Amherst, New York, as indicated on the attached map.

Proposals must be received by noon on Thursday, February 18, 2010 at the following address:

Empire State Development Corporation
633 Third Avenue
New York, New York 10017
Attn: Carol Berens, Vice President/New Communities

with a copy to: Audubon Development Office
65 Bryant Woods South
Amherst, N.Y. 14228
Attn: Edith Watkins

It is the sole responsibility of each respondent to ensure that its proposal is received before the submission deadline. Respondents shall bear all risks associated with delays in mail, courier services or hand delivery. Proposals will not be publicly opened or publicly read.

ESDC reserves the right to reject any or all proposals, to negotiate an agreement with anyone submitting a proposal, or to waive informalities or irregularities in this Request for Proposals ("RFP").

Any modification to this Request for Proposals will be posted on the ESDC website, www.empire.state.ny.us.

Any questions should be referred to Carol Berens, Vice President/New Communities at (212) 803-3609 or cberens@empire.state.ny.us or Edith Watkins at 716-688-6121 or ewatkins@empire.state.ny.us.

Scope of Work

1. Provide staffing and expertise necessary to sell three parcels in the Bryant Woods Office Park to appropriate purchasers;
2. Create all marketing materials, advertisements; place ads;
3. Ensure that parcels are mowed and presentable;
3. Submit all purchase offers to New York ESDC Office; and
4. Submit progress reports to New York ESDC Office

Required Submittals

Three (3) copies of the proposal must be sent to the New York City office and one (1) to the Audubon Development Office by the time and date indicated above.

Responses to this RFP shall include:

- a description of the firm, the names and qualifications of the principals who will be assigned to the job, list of successful land sales. Qualifications must include familiarity with the Amherst Planning Board and its approval processes as well as the local office property market.

- short statement of marketing approach and proposed marketing plan;
- a schedule of fees which shall be a percentage of the final land sale(s) and exclusions, if any; and
- required forms listed in Attachments.

Qualifications

- Proposers must have a minimum five years experience in selling commercial land in Western New York, and
- Proposers must have a New York State Real Estate Brokers Licence.

Evaluation Criteria

Respondents will be evaluated according to fee proposed, relevant experience, knowledge of Western New York commercial market, proposed marketing approach and demonstrated ability to sell commercial land.

Selection Process

ESDC reserves the right to act as sole judge of the content of the proposals submitted, to reject any or all proposals, to negotiate an agreement with any proposer, or to waive any informalities or irregularities. Issuance of this RFP and receipt and evaluation of responses do not obligate ESDC to undertake any action.

ESDC will evaluate proposals and may interview one or more respondents. ESDC reserves the right to request "best and final offers" or to conduct other additional competitive proceedings with respect to this RFP. ESDC staff will recommend contract award to the ESDC Directors at a regularly scheduled Directors meeting.

Additional Provisions

ESDC will make available to Broker all records and data pertinent to the work and will give all reasonable assistance to the Broker in obtaining such additional information as may be required.

Broker shall obtain the prior written approval of ESDC as to personnel cost and scope of services in each instance before hiring outside subconsultants or subcontractors to perform services in connection with the work specified herein.

Insurance Requirements

The Broker will be required to have the following insurance coverage which shall be maintained with responsible insurance carriers qualified to do business in the State of New York.

Commercial General Liability: Insurance providing both bodily injury and property damage not less than \$1 million per occurrence and \$2 million in the aggregate naming ESDC as additional insured;

Commercial Automobile: Insurance with a limit of \$1 million combined for both bodily injury and property damage; and

Workers Compensation and Employers' Liability: providing statutory New York State coverage.

Compensation

A one-year contract will be issued to the selected Broker upon approval by ESDC Directors. All expenses not identified in response and agreed to will be the Broker's responsibility and included in the Broker's fee. Office, transportation and food expenses will not be reimbursable costs.

Affirmative Action

ESDC's non-discrimination and affirmative action policy will apply to this contract. Minority/Women-owned Business Enterprises are encouraged to respond.

Project Background and Sites to be Marketed

Audubon is a 3,000-acre planned community located in Amherst, New York, on the north-east edge of the Buffalo metropolitan area in Erie County (Exhibit A). This ESDC-developed community began in the late 1960's and early 1970's to assist the Town in absorbing the direct and indirect impact of the then-new Amherst campus of the State University of New York at Buffalo ("SUNYAB").

When the Bryant Woods Office Park was developed by ESDC, the following restrictions were placed on the development of the property:

- buildings are limited to three stories;
- there is to be a 125 foot buffer along Audubon Parkway;
- all development is to conform to Audubon's Design Guidelines for Office Development;
- all building owners become members of the Audubon Association and subject to the Audubon Association's Declaration of Protective Covenants, Conditions and Restrictions; and
- walkways and central pond are to be conveyed the Audubon Association (done).

Since the initial development, several U.S. Army Corps of Engineers wetlands have arisen rendering the northern area of Bryant woods undevelopable. Some isolated Corps-regulated wetlands exist on two of the three sites to be sold.

Only three building lots remain to be sold as listed below and indicated on the attached Plot Plan.

Bryant Woods South

Parcel A—2.457 acres south of Bryant Woods South

Parcel B—4.950 acres—on the corner of Bryant Woods South and John James Audubon Parkway (site has 125 foot buffer along Audubon Parkway)

Parcel C—2.854 acres—north of Bryant Woods South (site has 125 foot buffer along Audubon Parkway)

Exhibits

Bryant Woods Office Park Site Plan

Required Forms

Procurement and Tax Law Requirements:

All respondents to this Request for Proposals are required to comply with ESDC's Terms and Conditions (Schedule A), Insurance Requirements, State Tax Law Section 5-a and State Finance Law Section 139-j, which are included in the Schedule A. ESDC's Policy regarding Permissible Contracts under State Finance Law Sections 139-j and 139-k will also apply. Respondents must complete and submit Offerer Disclosure of Prior Non-Responsibility and the Offerer's Affirmation of Understanding of and Agreement pursuant to the State Finance Law. Copies of that policy and the forms are available at <http://www.empire.state.ny.us/rfp>, by going to the link on that page "vendors download required forms here."

ALL QUESTIONS, COMMENTS, REQUESTS FOR CLARIFICATION AND OTHER COMMUNICATIONS REGARDING THIS SOLICITATION MUST BE DIRECTED TO CAROL BERENS OR EDITH WATKINS AT THE CONTACT INFORMATION INDICATED ABOVE. CONTACT WITH ANY OTHER PERSON REGARDING THIS SOLICITATION IS PROHIBITED BY LAW. All questions and requests for clarification will be responded to in writing and disseminated to all persons and organizations having expressed an interest in this solicitation.

Form of Contract:

Broker will be expected to sign contract with a "Schedule A" attachment, a copy of which is available at www.empire.state.ny.us under "Vendor Forms."

