

EMPIRE STATE DEVELOPMENT CORPORATION
REQUEST FOR PROPOSALS
ENVIRONMENTAL REVIEW CONSULTANT SERVICES

October 21, 2010

I. INTRODUCTION

The Empire State Development Corporation ("ESDC") requests proposals from Consultant(s) to provide environmental review services to assist the agency in reviewing project applications for SEQRA compliance. The services requested are for a period of three (3) to six (6) months during a temporary leave of absence of ESDC's Senior Planner.

II. ENVIRONMENTAL REVIEW PROCESS

ESDC is a public benefit corporation of the State of New York engaging in economic development projects statewide. ESDC projects are subject to the New York State Environmental Quality Review Act ("SEQRA") (6NYCRR Part 617 and the implementing regulations of the Department of Environmental Conservation). Many ESDC projects originate at the local level and have been reviewed pursuant to SEQRA by local planning or industrial development agencies. The Planning & Environmental Review office of ESDC reviews the SEQRA materials prepared by the local agencies, confirms that an adequate and defensible review has taken place, and makes recommendations to ESDC's Directors regarding an appropriate determination of effect.

For those projects which have not previously been reviewed under SEQRA, ESDC often acts as the lead agency. Projects classified as Unlisted Actions generally are the subject of an uncoordinated review pursuant to SEQRA. Type I actions are subjected to a coordinated review with involved and interested agencies.

The chosen Consultant will provide technical assistance to ESDC in reviewing project materials for those projects that have completed their own SEQRA and conducting reviews of those projects for which ESDC will assume lead agency status.

III. SERVICES TO BE PROVIDED BY THE ENVIRONMENTAL REVIEW CONSULTANT ("Consultant")

The Consultant's work will consist of the following tasks as generally outlined below and as more specifically defined by the Consultant in his/her proposal submission.

A) PROJECT REVIEW

Upon receipt of an assigned project, the Consultant shall review the project and supporting materials and identify the project's SEQRA status. Projects shall be identified as one of the following:

- Type II or not an action; no SEQRA needed
- SEQRA completed by a lead agency
- SEQRA not completed, ESDC to assume lead agency

B) PROJECTS THAT HAVE COMPLETED SEQRA

For those projects that have completed SEQRA the Consultant shall review the supporting materials and determine whether the environmental review has been done in accordance with the SEQRA regulations and is sufficient for ESDC to rely upon for making its SEQRA determination. For those projects that have completed an EIS and adopted SEQRA Findings, the Consultant shall determine whether any additional environmental review or analysis is needed for ESDC to make its own Findings as an involved agency.

C) PROJECTS THAT HAVE NOT COMPLETED SEQRA

For those projects for which a lead agency has not been designated and environmental review has not been completed, the Consultant shall review all plans, studies, reports, ESDC application forms, and other sources provided, and complete the appropriate EAF (short form or long form.)

If additional information is required to complete the EAF, the Consultant shall consult with ESDC staff, local agencies and/or the project applicant, as necessary, to obtain the information. If there are any technical analyses that must be performed in order to allow ESDC to make an environmental determination, the Consultant shall advise ESDC prior to undertaking any such effort.

D) REVIEW DETERMINATIONS

For those projects that have completed SEQRA, the Consultant shall furnish ESDC with a memo that identifies each project reviewed, the lead agency that made the determination, when it was made, and whether ESDC is able to rely on that determination.

For those projects for which a lead agency has not been assigned and environmental review has not been completed, based on the Consultant's preparation of the EAF and expertise in environmental review and best professional judgment, the Consultant shall recommend a determination of effect pursuant to SEQRA.

The preparation of an environmental impact statement for those projects for which a positive declaration has been issued is beyond the scope of this RFP and contract.

D) SEQRA DOCUMENTS

In addition to the preparation of EAFs, the Consultant shall be responsible for preparing Coastal Assessment Forms, Negative Declarations and Involved Agency SEQRA Findings Statements.

E) HISTORIC PRESERVATION REVIEW

ESDC is also required to comply with the State Historic Preservation Act before it approves, funds or undertakes any project. The Consultant shall identify those projects that may have a potential effect on archaeological or historic resources and collect any supporting materials relevant to a

completed SHPO review or an ongoing consultation. For those projects that may have an effect on historic or cultural resources, but for which no consultation with or review by SHPO has begun, the Consultant shall summarize for ESDC the potential effect concerns sufficient for ESDC to begin the consultation process with SHPO. There may also be projects for which historic preservation mitigation requirements have been imposed. For these projects, the Consultant shall review the supporting material to confirm compliance with these requirements.

F) ENVIRONMENTAL SITE ASSESSMENTS

ESDC requires submission of Phase I Environmental Site Assessment reports and, if necessary, Phase II Environmental Site Assessment reports on any project for which an ESDC loan or mortgage is secured by property. The Consultant shall review Phase I and Phase II reports for ESDC and provide a memo summarizing the results of the report and a conclusion of whether any additional investigation is needed.

G) SCHEDULE

Work shall commence upon receipt from ESDC of a written authorization to proceed. Contract duration will be no longer than six (6) months, with the start date anticipated to be around late November 2010.

V. INSTRUCTIONS TO BIDDERS

A) SUBMISSION REQUIREMENTS AND SELECTION CRITERIA

Proposals must include, at a minimum, the following items:

A1) Provide a narrative describing the Consultant's firm, services, proposed method/approach to completing the tasks required under this RFP, including identification of key staff responsible for completing the tasks required under this RFP. Ideally, the Consultant shall identify one key mid-level staff person who will be assigned to this effort for its entire duration. This individual will be responsible for reviewing all the ESDC projects and preparing the EAFs, etc. for ESDC lead agency projects. Additional personnel should be identified for those technical areas where it is anticipated separate analyses may be needed (i.e. hazardous materials, cultural resources, traffic and transportation). Consultants must have experience in evaluating projects and conducting SEQRA assessments. For ease of administration, it is preferable that the Consultant be located in New York City.

A2) Include a list of five (5) references for your firm with phone numbers or email for contact information, relevant projects, references role and dates of completion of projects.

A3) List at least five (5) SEQRA reviews completed by the Consultants' firm within the last year and identify which of those the key person to be assigned was involved.

A4) List all current major SEQRA projects and their current status.

A5) List current insurance coverage insurer, amounts and policy expiration dates (see specific requirements in Schedule A, attached).

A6) Provide current status report of any and all litigation during the past three (3) years for Consultant and any team member.

A7) Bidders must:

- 1) Provide hourly rates per person and "multipliers", if any.
- 2) Specify and describe potential additional services and costs (e.g. attending meetings, travel).
- 3) Describe projected reimbursable expenses. Please be advised that ESDC does not pay a multiplier on reimbursable expenses.

The amount available for this contract is \$25,000. Assignment of personnel for this contract should be made in consideration of this budget amount and the estimate of monthly hours provided above.

B) CONSULTANT'S SCHEDULE

Reviews must be completed within a very demanding time schedule due to the monthly cycle of project submission, review and consideration by ESDC's Directors. As such, timely performance is critical. Because of ESDC's review schedule for monthly projects, the selected Consultant may not be required to perform tasks every week of the contract's duration. There may also be fluctuations in work load from one month to the next, which cannot be predicted at this time. Based on the most recent months' project reviews, ESDC estimates that the selected Consultant will be assigned between fifty (50) to one hundred (100) hours per month under this contract.

C) OTHER REQUIREMENTS

State Finance Law Sections 139-j and 139-k

State Finance Law Sections 139-j and 139-k (collectively, the "Procurement Requirements") apply to this solicitation. These Procurement Requirements (1) govern permissible communications between potential respondents and ESDC with respect to this solicitation during the procurement process; and (2) establish sanctions for knowing and willful violations of the provisions of the Procurement Requirements, including disqualification from eligibility for an award of any contract pursuant to this solicitation.

Compliance with the Procurement Requirements requires that (x) all communications regarding this solicitation, from the issuance of this solicitation through final award and approval of any resulting contract (the "Restricted Period"), be conducted only with the contact person(s) listed below; (y) the completion by respondents of the Offerer Disclosure of Prior Non-Responsibility Determinations and the Offerer's Affirmation of Understanding of and Agreement pursuant to State Finance Law, copies of which can be found at <http://www.esd.ny.gov/CorporateInformation/RFPs.html>; and (z) periodic updating of such forms during the term of any contract resulting from this solicitation. Respondents must submit both of these forms, properly completed, as part of their proposals. The Procurement Requirements also

require ESDC employees to obtain and report certain information when contacted by prospective bidders during the Restricted Period, make a determination of the responsibility of bidders and make all such information publicly available in accordance with applicable law. If a prospective bidder is found to have knowingly and willfully violated the State Finance Law provisions, that prospective bidder and its subsidiaries, related or successor entities will be determined to be a non-responsible bidder and will not be awarded any contract issued pursuant to this solicitation. In addition, two such findings of non-responsibility within a four-year period can result in debarment from obtaining any New York State governmental procurement contract.

A copy of ESDC's Policy Regarding Permissible Contacts under State Finance Law Section 139-j and 139-k is attached to this solicitation. Neither this summary nor the referenced Policy is a complete presentation of the provisions of the Procurement Requirements. A copy of Executive Order 127 can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/defaultProcurement.html> and State Finance Law Sections 139-j and 139-k can be found at <http://www.ogs.state.ny.us/aboutogs/regulations/advisoryCouncil/StatutoryReferences.html> . All potential Respondents are solely responsible for full compliance with the Procurement Requirements.

All questions, comments, requests for clarification and other communications regarding this solicitation must be in writing and submitted to Rachel Shatz at rshatz@empire.state.ny.us or Soo Kang at skang@empire.state.ny.us.

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.

D) GENERAL RFP INFORMATION

1. RFP Costs

This RFP does not in any way commit ESDC to reimburse the recipients of this RFP for any costs involved with the preparation and submission of their Proposal or any other additional presentations.

2. ESDCs Obligation to Contract

This RFP does not constitute a commitment by ESDC to accept any proposals submitted pursuant hereto, or otherwise engage with any person or entity who submits any such proposal, for the purchase of its services. ESDC reserves the right to engage any Consultant who submits a proposal in response to this RFP for a portion of the services offered for such consideration as ESDC shall deem reasonable.

3. ESDC reserves the right to:

a) Request any Consultant submitting a response to clarify its response or to supply additional material deemed necessary to further assess their qualifications. b) Reject any or all responses received. c) Negotiate final scope, cost and schedule with the selected Consultant.

4. Each Consultant shall duly inform himself/herself as to all limitations under which the services are to be performed. No allowance shall be made to any Consultant because of lack of such examination or knowledge. The submission of a proposal shall be construed as evidence that the Consultant has made such examination.

E) RFP UPDATES

At its discretion, ESDC may make clarifications or amend this RFP at any time. In the event it becomes necessary to revise or amend any part of this RFP, all revisions, clarifications, and changes will be provided by addenda posted on the ESDC website (<http://esd.ny.gov/CorporateInformation/RFPs.html>). It is the responsibility of all respondents to check the ESDC website for posting of clarifications, amendments or addenda on an ongoing basis.

F) ESDC RIGHT TO TERMINATE

ESDC reserves the right to suspend or terminate, at any time and for any reason, an agreement resulting from this proposal with compensation to the Consultant for all his/her reasonable costs incurred up to the time of termination.

G) ESDC REPRESENTATION OR WARRANTIES

ESDC makes no representations or warranties regarding the accuracy of any information provided for this RFP and will have no liability or obligation with respect to its contents.

VI. PROPOSAL SUBMISSION PROCESS

Please send three (3) hard copies and one (1) CD of your response by noon, November 12, 2010 to:

Rachel Shatz, VP, Planning & Environmental Review
Empire State Development 633 Third Avenue, 34th floor New York, NY 10017.

Please be advised that under no circumstances will ESDC obligate itself to consider a proposal which is received after the deadline or does not include the basic items above.

ESDC will notify each respondent to the status of its proposal once a Consultant has been selected.

Following final selection of a Consultant, ESDC will prepare a contract defining all project terms and conditions and the selected Consultant's responsibilities in conformance with the attached "Schedule A."

ATTACHMENTS:

Schedule A

ESDC's Policy Regarding Permissible Contacts under State Finance Law Section 139-j and 139-k