

Joint Solicitation for the Development of the Empire Station Complex

Addendum #9

Release Date: April 8, 2016

- 1) For prospective respondents to the Farley RFP, the following materials have been uploaded to the Dropbox for this solicitation (www.bit.ly/empirestation):
 - a. **DASNY Permitting Scope and Cost Proposals:** Fee estimates from the Dormitory Authority of the State of New York for design review and construction permitting of the Train Hall Work and Commercial Development and for construction inspections.
 - b. **Draft Division 1 Requirements:** Draft requirements for Division 1 of the Specifications. The Selected Developer will be required to finalize Division 1, including these requirements. The functions of the Resident Engineer as described in these requirements shall be carried out by a qualified person retained by the Selected Developer.
 - c. **Second Site Tour Attendee List:** List of attendees to the Second Site Tour on March 23, 2016. For more information about the Second Site Tour please read Addendum #3.
 - d. **Q&A Responses (Partial):** Responses to questions on the Farley RFP received by March 18, 2016. For more information on the extension of the question period see Addendum #3.

Each of the foregoing is added to and made part of the Farley RFP.

- 2) The Project Sponsors are amending the Joint Solicitation as follows:
 - a. The following is added to Part XIV Procurement Forms and Requirements:

“Redaction of Trade Secrets and Information that could Cause Substantial Injury to the Competitive Position of a Respondent

Generally, pursuant to Public Officers Law, Article 6 (also known as the Freedom of Information Law or FOIL), Section 87, subdivision 2, a New York State agency is required to disclose and make available for public inspection and copying all records, except that such agency may deny access to records or portions of such records that fall within certain limited exceptions set forth in the subdivision. Pursuant to that subdivision’s subpart (d), an agency may deny access to records or portions thereof that are trade secrets or that are submitted to the agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the such enterprise. In order for a Respondent to seek to have the involved agencies consider invoking this disclosure exception, the Respondent should submit, in addition to all other requirements, an electronic copy (in an editable format) of

the Respondent's submission in which the Respondent has redacted each item of information that the Respondent believes to be a trade secret or information that if disclosed would cause substantial injury to the competitive position of the Respondent. The Respondent must provide a brief justification for each redaction. Notwithstanding the foregoing and the Respondent's submission of the redacted copy of the Respondent's submission, any agency receiving the Respondent's submission, or any portion thereof, may determine, in such agency's sole discretion, whether to disclose or to deny access to any information received from Respondent, including such redacted information.

- b. In Addendum #8, on the fifth page, in the section entitled "Farley RFP – Specific Requirements", the second bullet point is deleted and replaced with the following "A letter of credit in the amount of \$15,000,000."

Any questions regarding this addendum may be submitted to the designated contact account for this solicitation at empirestation@esd.ny.gov. To receive updates when new addenda are posted to the ESD website, please email empirestation@esd.ny.gov. If you have already emailed this account, you will be notified of future updates.