

**REQUEST FOR PROPOSALS
ENVIRONMENTAL REVIEW CONSULTANT SERVICES**

LOWER MANHATTAN DEVELOPMENT CORPORATION

*The Lower Manhattan Development Corporation, a subsidiary of
the New York State Urban Development Corporation
d/b/a Empire State Development Corporation,
seeks proposals and statements of qualifications for environmental
review consultant services relating to areas of Manhattan South of
Houston Street, directly or indirectly affected by the events of
September 11, 2001.*

Lower Manhattan Development Corporation

John Whitehead, Chairman

Louis R. Tomson, President

June 10, 2002

Deadline for responses: July 1, 2002, 5:00 PM EST

Questions must be submitted in writing no later than June 17, 2002.

GENERAL INFORMATION

The Lower Manhattan Development Corporation (“LMDC”) is a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development Corporation (“ESDC”). ESDC is a political subdivision and public benefit corporation of the State of New York, created by Chapter 24 of the Laws of New York, 1968, as amended.

LMDC was established in the fall of 2001 to redevelop and revitalize Lower Manhattan in the aftermath of the events of September 11, 2001. As it relates to the work of LMDC, Lower Manhattan refers to all areas South of Houston Street. In fulfilling its responsibility of drafting plans for the redevelopment and revitalization of Lower Manhattan, LMDC will need the services of an environmental consulting firm (or firms) to evaluate and provide written analysis for a broad range of planning studies, proposals and projects. These evaluations will follow applicable laws and regulations, which may include the State Environmental Quality Review Act (SEQRA), National Environmental Protection Act (NEPA) environmental review procedures relating to “HUD-CDBG” activities, and/or other local, state or federal environmental laws.

Firms interested in submitting proposals are requested to follow the recommended guidelines and instructions contained in this Request for Proposals (RFP). Firms may propose to provide one or more categories of services. In the event it becomes necessary to revise any part of this RFP, revisions will be provided to all firms who received the initial RFP.

Proposals should be prepared providing a straightforward and concise description of the responding firm’s capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content. Each copy of the proposal should be bound in a single volume and include any documentation you may wish to submit. LMDC reserves the right to reject any or all proposals submitted if such election is deemed to be in the best interest of LMDC.

LMDC assumes no responsibility and no liability for costs incurred by the responding firm(s) prior to the issuance of a contract.

Subject to annual review and yearly approval by the LMDC Board of Directors, the successful respondent will be retained for two years with an option for LMDC to renew for two additional years.

If you choose to respond to this RFP, please prepare eight (8) copies of your proposal and deliver them to:

Andrew Winters
Director of Design and Development
Lower Manhattan Development Corporation
One Liberty Plaza – 20th Floor
New York, NY 10006

Proposals must be received no later than 5:00 PM, July 1, 2002.

Oral Presentation

Firms submitting a proposal in response to this RFP may be required to give an oral presentation of their proposal to LMDC. This will provide an opportunity for the firm(s) to clarify or elaborate on the proposal but will in no way change the original submission. Such a request shall not constitute acceptance of a proposal.

Contract Terms and Other Requirements

The contents of the proposal prepared by the successful firm(s), with any amendments approved by LMDC, will become a part of the contract awarded as a result of these specifications. The terms outlined should be considered all inclusive.

The successful firm(s) will be required to:

- (1) work with LMDC staff and its consultants to provide environmental review services to LMDC on matters that may arise in connection with the planning, development, redevelopment, and revitalization of Lower Manhattan.
- (2) maintain accurate accounting records and other evidence pertaining to costs incurred in providing services and to make such records available to LMDC at all reasonable times during the contract period and for five (5) years after the date of the final payment to the firm(s) under the contract, upon request of LMDC;
- (3) assume sole responsibility for the complete effort as required by this RFP, and be the sole point of contact with regard to contractual matters, and;
- (4) refrain from assigning, transferring, conveying, subletting or otherwise disposing of the contract or its rights, titles or interest therein or its power to execute such agreement to any other person, firm, partnership, company, or corporation without the prior consent and approval in writing of LMDC.

LMDC may hire more than one firm that responds to this RFP, with each to provide environmental review services. Firms may choose to submit qualifications (1) to complete SEQRA services *only*, (2) to complete NEPA and HUD-CDBG services *only*, OR (3) to complete SEQRA, NEPA, and HUD-CDBG services. Responding firms must specify which services they are proposing to provide. LMDC will review all proposals without prejudice regarding which services are proposed, and has no preference that all services be provided by the same firm. LMDC reserves the right to terminate any contract entered into as a result of this RFP at any time, provided that written notice has been given to the firm at least thirty (30) days prior to such proposed termination date.

INTRODUCTION

LMDC was established following the disastrous events of September 11, 2001 to oversee the rebuilding and revitalization of lower Manhattan, and is governed by a 16-member Board of Directors. LMDC is funded by federal appropriation to be administered by the United States Department of Housing and Urban Development (HUD) through its Community Development Block Grant (CDBG) program. To date, \$2 billion has been allocated to LMDC under such appropriation. (See Defense Appropriations Act of 2002, Public Law 107-117.) Federal regulations that govern LMDC's use of HUD-CDBG funds, including environmental requirements, must be considered accordingly.

CONTENT OF PROPOSAL

Please letter and number your responses exactly as the questions are presented herein, and limit to 10 one-sided pages, except items A.4 and A.6, which may be included in a separately bound appendix.

Interested firms are invited to submit proposals that contain the following information:

A. Background, Experience, and Personnel.

1. A history of the firm's experience, in the past 5 years, providing environmental review services under SEQRA and/or NEPA for economic development organizations, municipalities or other governmental entities, and private developers.
2. A description of services to be provided; your approach and methodology.
3. A description of your organizational structure, including resumes of the principals and professional staff who would provide environmental review services for LMDC projects.
4. A list of up to 5 major projects for which the firm has provided environmental review services, along with up to 2 samples of the work produced. Include the client, the name of a contact person who is able to provide a reference, a description of the nature of the work, the size and complexity of the project, and the amount and the agreed on fee arrangements. Such matters must be for properties located in New York State, and preferably in New York City.
5. The number of full time employees in New York State.
6. All firm(s) with 50 or more employees shall submit a copy of their nondiscrimination or affirmative action plan. Firm(s) with less than 50 employees shall submit a statement of commitment to equal opportunity and affirmative action executed by the chief executive officer.
7. Name and resume of firm's project manager to be assigned.
8. Any other information that you believe would make your work on behalf of LMDC superior to that of other firms.

B. Scope of Services

9. LMDC anticipates that projects initiated or supported by LMDC may be subject to SEQRA, NEPA, and/or HUD-CDBG environmental requirements. Following the appropriate regulations, the consultant(s) will review all plans, studies, reports, and other information provided, and complete the required environmental assessments. In addition, where necessary the consultant(s) may be asked to draft a determination of significance.
10. The consultant(s) will participate in meetings with LMDC, its consultants, other government agencies, and other interested parties.
11. The consultant(s) will attend public meetings and hearings, make presentations and/or respond to comments where appropriate.
12. Consultant(s) must produce complete environmental reports as may be appropriate under applicable law (e.g.: EAF, EA, EIS). (LMDC may consider firms that specialize only in one or more, but not all, categories of environmental impact assessment, if such specialty is considered vital. Firms should specify in their proposal in which such category or category they specialize.)

C. Fees and Costs.

NOTE: The fee proposal must be submitted in a separate clearly marked sealed envelope. The fees will not be opened until all proposals have been initially evaluated.

Although proposed fees will be taken into account, LMDC reserves the right to negotiate a lower or different fee structure with any firm that is selected.

13. Please detail the following:
 - a. The normal hourly rate of each principal and professional staff member whose resume is provided or whose job category may be required, and the hourly rate you propose to charge.
 - b. Costs of any anticipated clerical support.
 - c. A schedule of all disbursements that you anticipate will result in a charge and the rate of each.
 - d. Any reduced fees charged other municipalities, economic development or nonprofit organizations, and governmental entities.
 - e. Whether you would be willing to agree to a cap on fees.
 - f. Any other fees or charges.

D. Conflicts of Interest.

14. Please submit a statement describing whether providing environmental consulting services to the LMDC would create any potential conflict of interest, or appearance of impropriety, relating to other clients of the firm or officers, directors, and employees of LMDC. Please indicate what procedures will be followed to detect and notify LMDC of, and resolve any conflicts of interest.

15. Indicate any pending litigation and/or regulatory action by any oversight body or entity that could have an adverse material impact on the firm's ability to serve as environmental consultants to LMDC.

CRITERIA FOR SELECTION

In evaluating proposals submitted pursuant to this request, LMDC places high value on the following factors, not necessarily in order of importance:

- (a) Experience in general, and, in particular, providing environmental consulting services under SEQRA, NEPA and/or HUD-CDBG requirements to municipalities, economic development organizations, or other governmental entities. Successful completion of environmental studies under SEQRA, NEPA and/or HUD-CDBG regulations, and successful completion of EA/EAF and EIS documents. Experience of employees to be assigned to the project.
- (b) Quality of work product as demonstrated in submitted work samples.
- (c) Demonstrated knowledge of the regulations governing environmental review processes required by SEQRA, NEPA and/or HUD-CDBG.
- (d) Experience of the firm with large-scale urban projects.
- (e) Innovative or outstanding work by your firm, or approaches or methodology which demonstrates your unique qualifications to provide environmental review services.
- (f) Number, complexity, and nature of environmental review services handled by the firm as well as experience with governmental entities.
- (g) Responding firm(s) staff stability and availability, and facility for working with LMDC officers and staff.
- (h) Anticipated cost of services.
- (i) An oral presentation may be required from the finalists and such (if required) presentation will be a rating factor. Engagement staff should be present at the oral presentation. (See Exhibit A, Timetable for Request for Proposals, Environmental Review Consultant Services.)

MISCELLANEOUS CONDITIONS

- (a) The issuance of this RFP and the submission of a response by any proposing firm(s) or the acceptance of such response by LMDC do not obligate LMDC in any manner. Legal obligations will only arise on the execution of a formal contract by LMDC and the firm(s) selected by LMDC.

- (b) LMDC reserves the right (i) to amend, modify, or withdraw this RFP, (ii) to revise any requirements of this RFP, (iii) to require supplemental statements or information from any firm, (iv) to accept or reject any or all responses hereto, (v) to extend the deadline for submission of responses thereto, (vi) to negotiate or hold discussions with any respondent and to waive defects and allow corrections of deficient responses which do not completely conform to the instructions contained herein, and (vii) to cancel this RFP, in whole or in part, if LMDC deems it in its best interest to do so. LMDC may exercise the foregoing rights at any time without notice and without liability to any proposing firm or any other party for their expenses incurred in the preparation of the responses hereto or otherwise. Responses to this RFP will be prepared at the sole cost and expense of the proposing firm(s).

- (c) ESDC's nondiscrimination and affirmative action policy will apply.

- (d) Responses to questions will only be by written addendum sent to all potential respondents.