



LOWER MANHATTAN DEVELOPMENT CORPORATION

REQUEST FOR PROPOSALS **Architectural Services for** **World Trade Center Cultural Program:** **Performing Arts Complex - North Building** **And** **Museum Complex - South Building**

The Lower Manhattan Development Corporation, a subsidiary of the New York State Urban Development Corporation d/b/a Empire State Development Corporation, in collaboration with the Drawing Center, the International Freedom Center, the Joyce Theater International Dance Center, and the Signature Theatre Center, seeks proposals to provide Architectural services for the cultural and related facilities relating to the World Trade Center Cultural Program.

Lower Manhattan Development Corporation
John C. Whitehead, Chairman
Kevin M. Rampe, President

August 2, 2004

Pre-proposal conference: Wednesday, August 11, 2004 9:00 AM EST
Deadline for responses: September 1, 2004, 5:00 PM EST

A pre-proposal conference will be held on August 11, 2004, at 9 AM at LMDC's offices located at 1 Liberty Plaza, 20th Floor, New York, NY 10006. Questions must be submitted in writing no later than August 13, 2004 to Peter Madden by mail to LMDC or by facsimile to: (212) 962-2431. Addenda to this RFP, including responses to any questions submitted in writing or asked at the pre-proposal conference, will be posted on the LMDC web site www.RenewNYC.com by August 20, 2004. LMDC will not accept, and cannot respond to, questions via any other methods.

I. GENERAL INFORMATION

A. Overview of Services Requested and the Submission Process

LMDC needs the services of one or more Architectural Firms, consisting of a lead firm and subconsultants, to provide architectural services in connection with the design of the cultural facilities at the World Trade Center site. Two cultural facilities will be built at the World Trade Center site:

- The Performing Arts Complex - North Building at the northwest corner of Greenwich Street and Fulton Street will house the Joyce Theater International Dance Center and the Signature Theatre Center.
- The Museum Complex - South Building at the southwest corner of Greenwich Street and Fulton Street will house the International Freedom Center and the Drawing Center. This building will also house visitor services for the Memorial and Memorial Center.

The selection process for this RFP will involve the LMDC and the Drawing Center, the International Freedom Center, the Joyce Theater International Dance Center, and the Signature Theatre Center (collectively, the Cultural Institutions).

LMDC and the Cultural Institutions will either select different Architectural Firms for the two cultural facilities, or one Architectural Firm for both. Architectural Firms should submit separate proposals for each facility -- either the Performing Arts Complex or the Museum Complex and they must clearly indicate in their proposal which facility they are proposing to design. Proposers interested in both Complexes must submit separate proposals for each.

The initial contract will be for the schematic design of the each facility. LMDC may contract with the chosen Architectural Firms to continue the design process after the schematic design phase, but shall have no obligation to do so. [A more detailed scope of work can be found in section II.]

LMDC may select one or more Architectural Firms to provide some of the requested services for each cultural facility, or LMDC may select a single firm/team to provide all services requested for each facility. Firms interested in providing partial services for one cultural facility should clearly indicate in their proposal which services they are interested in providing (i.e. one firm may propose to design only the core and shell for one cultural facility or one firm may propose to design only the interior fit-out for one cultural institution). LMDC reserves the right to contract only for some of the requested services for each cultural facility at this time. At any point in time, the individual Cultural Institutions and the LMDC may contract with additional subconsultants to perform work related to the design of the cultural facilities.

Firms interested in submitting proposals to provide such services are required to follow the recommended guidelines and instructions contained in this Request for Proposals ("RFP"). In the event it becomes necessary to revise any part of this RFP, revisions will be provided by addenda posted on the LMDC web site: <http://www.renewnyc.com>.

Proposals should provide a straightforward, complete and concise description of the firm's capabilities to satisfy the requirements of the RFP. Please prepare fifteen (15) copies of your proposal and work samples. Each copy of the proposal should be bound in a single volume and include any documentation you may wish to submit. By submitting a written proposal, each firm will be deemed to agree that LMDC shall thereby be assigned ownership of the drawings and other documents and materials prepared for the RFP and submitted with the proposal and any design concepts expressed therein (and all copyright or other rights pertaining thereto), excluding of course the firm's brochures, and any designs or materials relating to other projects included as examples or for reference to the firm's work for other clients.

Firms submitting a proposal in response to this RFP may be required to give an oral presentation of their proposal to LMDC and the Cultural Institutions. This oral presentation may provide an opportunity for the firms to clarify or elaborate on the proposal but will in no way change the original submission. Engagement staff should be present at the oral presentation. LMDC's request for an oral presentation shall not constitute acceptance of a proposal.

Proposals must be received no later than 5:00 PM EST, September 1, 2004. Deliver all proposals to:

RFP/RFQ PROCESSOR

Attn: Cultural Facilities Architectural Services RFP
Lower Manhattan Development Corporation
One Liberty Plaza, 20th Floor
New York, NY 10006

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 obligation, no responsibility, and no liability for costs incurred by the responding firms prior to the issuance of a contract. LMDC reserves the right to negotiate with one or more firms submitting proposals and to accept any bid or negotiated proposal which LMDC deems best or most appropriate for purposes of the project and the public interest, whether or not lower in the aggregate or in any detail than any other proposal.

The current schedule for this effort is as follows:

- August 2, 2004 – RFP Issued
- August 11, 2004 – Pre Proposal Conference
- August 13, 2004 – Deadline for submitting questions
- August 20, 2004- Addendum and answers to questions posted on www.RenewNYC.com
- September 1, 2004 – Responses Due
- September 15 - 21, 2004 – Oral Presentations Conducted
- September 27, 2004 – Firms Selected

Subject to annual review and approval by the LMDC Board of Directors, the selected firms will be retained for five (5) years with an option for LMDC to renew.

B. Mission and Structure of the Lower Manhattan Development Corporation

The Lower Manhattan Development Corporation (“LMDC”) was established in late 2001 to develop and revitalize Lower Manhattan in the aftermath of the September 11, 2001 terrorist attacks. As it relates to the work of LMDC, Lower Manhattan refers to all areas in Manhattan south of Houston Street.

LMDC is a subsidiary of the New York State Urban Development Corporation, doing business as Empire State Development Corporation (“ESDC”), 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 is governed by a sixteen member Board of Directors, eight of whom were nominated by the Governor of the State of New York and eight of whom were nominated by the Mayor of the City of New York.

LMDC is funded by federal appropriations administered by the United States Department of Housing and Urban Development (“HUD”) through its Community Development Block Grant (“CDBG”) program. To date, approximately \$2.8 billion has been allocated to LMDC under such appropriations. (See Defense Appropriations Act of 2002, Public Law 107-117 and Supplemental Appropriations Act of 2002 for Further Recovery from and Response to Terrorist Attacks on the United States, Public Law 107-206). Partial Action Plans relating to the expenditure of some of these funds are available on LMDC’s web site: <http://www.renewnyc.com>.

C. Summary of the Memorial and Cultural Program

The centerpieces of LMDC’s efforts are the creation of a permanent memorial remembering and honoring the thousands of innocent men, women, and children lost in the terrorist attacks (the “Memorial”) and cooperation with other public and private entities in the revitalization and redevelopment of the World Trade Center Site (the “WTC Site”) and adjacent areas (the “Southern Site”). The Southern Site includes those properties commonly known as 130 Liberty Street, 140 Liberty Street and 155 Cedar Street. The WTC Site and the Southern Site will be referred to collectively as the “Site”. In cooperation with the Port Authority of New York and New Jersey (“Port Authority”), LMDC developed the World Trade Center Memorial and Redevelopment Plan (“WTC Memorial and Redevelopment Plan”) and conducted a coordinated environmental review of the Plan which culminated in a Record of Decision dated June 2, 2004.

Consistent with that Plan, LMDC will implement a World Trade Center Memorial and Cultural Program (the “Memorial Program”) and Port Authority will implement the commercial Redevelopment Program. The Memorial Program, for which construction is expected to begin in 2006, includes the planning, coordination and construction of a Memorial and Memorial

Center, memorial-related improvements, and cultural uses at the Site. Also part of the Memorial Program is the development of two sites for Cultural Facilities at the WTC Site.

One of the other parcels proposed for redevelopment is 130 Liberty Street, on which the Deutsche Bank building is situated ("130 Liberty Site"). The Deutsche Bank building was severely damaged on September 11, 2001 and remains unoccupied. Pursuant to a mediated settlement agreement among Deutsche Bank, its insurers, and LMDC, LMDC will acquire the 130 Liberty Site and be responsible for costs associated with the remediation and deconstruction of the Deutsche Bank building. The acquisition of the 130 Liberty Site is necessary for the implementation of the WTC Memorial and Redevelopment Plan insofar as it will permit the construction of bus parking, reduce density on the WTC Site by moving the proposed fifth office tower to the 130 Liberty Site, and reservation of sufficient space for the proposed memorial and cultural facilities on the WTC Site itself.

LMDC will provide the initial funding for the design, development, and construction of the Memorial and Memorial Center, the acquisition, remediation, and deconstruction of the 130 Liberty Site, and challenge grants to assist in the costs of creating the Performing Arts Complex - North Building and Museum Complex - South Building. The LMDC will oversee the overall implementation of the Memorial, Memorial Center, and cultural programming and possibly, elements of the Redevelopment Program, including all required coordination with the Port Authority, HUD, the State of New York, the City of New York, and other public and private entities. LMDC will also continue to coordinate the Memorial Program with the plans and implementation schedule for the Redevelopment Program.

D. Overview of Planning and Design Process for the World Trade Center Site

Preliminary Blueprint and Principles

The Preliminary Blueprint and Principles laid the groundwork for the LMDC rebuilding and revitalization efforts. It set forth principles to guide LMDC in developing, coordinating, and evaluating plans for a memorial. The Preliminary Blueprint proposed goals and objectives of the revitalization as well as actions required to realize these goals.

The creation of a fitting memorial is the first goal in the Preliminary Blueprint, symbolizing its importance to the mission and objectives of LMDC. The first Preliminary Blueprint goal proposes to "[r]espect the site of the World Trade Center as a place of remembrance, and reserve an area of the site for one or more permanent memorials."

The Preliminary Blueprint and Principles may be viewed on the website of LMDC at <http://www.renewnyc.com/content/pdfs/PrinciplesBlueprint071102.pdf>.

Preliminary Design Concepts

In July 2002, LMDC and the Port Authority of New York and New Jersey released six design concepts for the World Trade Center site. These designs sparked a public debate, which culminated in "Listening to the City," a town hall forum attended by over 5,000 interested individuals. Through this public forum, LMDC was able to enrich and refine its redevelopment planning goals.

Innovative Design Study

In the fall of 2002, LMDC launched an international design competition for an innovative land use plan for the World Trade Center site. Seven teams were selected out of 406 submissions. The teams were guided by the Innovative Design Study Program, which called for a fitting setting for the memorial, a distinctive skyline, mixed uses on the site, and enhanced transportation. After the release of the nine plans on December 18, 2002, LMDC embarked on Plans in Progress, an extensive public outreach campaign. The outreach initiative involved an exhibition of the nine site plans at the World Financial Center Winter Garden that drew over 100,000 visitors, the distribution and collection of comment cards at the exhibition, and a documentary of the seven teams each describing its design. Presentations of the nine designs could be viewed and comments submitted on the LMDC website. In addition, LMDC held two public hearings simulcast to all five boroughs and Long Island, and a separate hearing in New Jersey. In total, the outreach campaign yielded over 12,000 comments.

On February 27, 2003, Governor George E. Pataki and Mayor Michael R. Bloomberg announced the selection of Memory Foundations by Studio Daniel Libeskind as the design for the World Trade Center Site. As the master planner for the World Trade Center Site, Studio Daniel Libeskind, L.L.C. is responsible for the Master Plan and Design Guidelines for the World Trade Center site. A significant part of Studio Libeskind's work on the Master Plan was the planning of an integrated memorial and cultural district that could accommodate the selected memorial design. Principal design concepts of Memory Foundations included the exposure of the slurry wall, the development of a memorial and cultural district adjacent to the slurry wall, and the creation of a 1,776 ft. tall building, the Freedom Tower, which would restore the majestic skyline of Manhattan.

Master Planning Phase

In September 2003, LMDC, the Port Authority of New York and New Jersey, and Daniel Libeskind presented a revised master site plan. The revised site plan enhances the key design principles by relocating portions of commercial space off the site, providing for park space in the area south of Liberty Street, and placing truck and bus-servicing infrastructure away from the memorial area. The revised master plan may be viewed on the LMDC website at http://www.renewnyc.com/plan_dev/wtc_site/new_design_plans/Sept_2003_refined_design.asp.

In December 2003, Governor George E. Pataki and Mayor Michael R. Bloomberg unveiled the design for the Freedom Tower, the tallest building in the world. The design, which was conceived by Daniel Libeskind, was realized by architect David Childs of Skidmore, Owings and Merrill. The Freedom Tower reflects the main design principles set forth in Memory Foundations. The torqued geometric shape of the building resembles the Statue of Liberty. The Freedom Tower will contain 2.6 million square feet of office space, retail, rooftop restaurants, and an observation deck. A network of cables will rise above the occupied space to 1,550 feet and within the cables will be wind turbines capable of generating 20% of the building's energy. On top of the cables, a 276 foot spire will be placed. The building will include state of the art security technology including extra fireproofing, structural redundancy, and chemical and biological filters for the air supply.

Environmental Review of the Redevelopment of the World Trade Center site

An important component of the planning process for the World Trade Center site is the development of a comprehensive strategic plan and the environmental review of this plan. LMDC is proposing to undertake, in cooperation with HUD and the Port Authority, the WTC Memorial and Redevelopment Plan. This Proposed Action includes the construction of a World Trade Center Memorial and memorial-related improvements, as well as commercial, retail, museum and cultural facilities, new open space areas, new street configurations, and certain infrastructure improvements at the WTC Site.

LMDC conducted a coordinated environmental review of the Plan, pursuant to federal statute, as the recipient of HUD Community Development Block Grant program funds (42 USC § 5304(g)) and as lead agency under both the National Environmental Policy Act ("NEPA") and the New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations (6 NYCRR Part 617). LMDC prepared a Generic Environmental Impact Statement ("GEIS") as part of that review.

The final GEIS was approved by the LMDC board on April 13, 2004. On June 2, 2004, LMDC affirmed the current General Project Plan and adopted the Record of Decision and Findings Statement, which concluded the environmental review process. The Final GEIS is available at LMDC's website at http://renewnyc.com/plan_des_dev/environmental_impact_april2004.asp The General Project Plan is available at LMDC's website at http://renewnyc.com/plan_des_dev/general_project_plan.asp

Memorial Mission Statement and Program

LMDC made an early commitment to the establishment of a fitting memorial to honor those that were killed in the terrorist attacks on September 11, 2001 and on February 26, 1993, as well as to recognize the outpouring of emotional, material, and financial support provided by businesses, government agencies, nonprofit organizations, and individuals in response to the attacks. To guide the development of a memorial LMDC has developed a clearly defined process that is closely coordinated with the planning and redevelopment of the World Trade Center site. Two major components of the Memorial development process are the creation of a

memorial mission statement and a memorial program. The LMDC Families Advisory Council developed the preliminary mission statement and program in the spring of 2002. The mission statement described the purpose of the memorial, while the program described the principles that the memorial must embody and the elements it must feature to be considered in the memorial competition.

The mission statement and program were released for public comment from January 8, 2003 through February 2, 2003. Public hearings about the statement and program were held in each of the five boroughs on January 14, 2003. By the end of the comment period, LMDC received over 2,000 comments. Two separate committees, convened by LMDC and comprised of family members, residents, survivors, first responders, arts and architecture professionals, and community leaders drafted a revised version of the mission statement and program which incorporated the public comments. The finalized Memorial mission statement and program are viewable on the LMDC's website at <http://www.renewnyc.com/Memorial/memmission.shtml.htm>.

Memorial Competition

In April 2003, the Lower Manhattan Development Corporation launched a worldwide competition to design a memorial at the World Trade Center site to honor the victims of the terrorist attacks of September 11, 2001 and February 26, 1993. LMDC received 5,201 memorial design submissions from 63 nations and 49 states making it the largest design competition in history. On January 6, 2004, the thirteen-member World Trade Center Site Memorial jury announced the winner of the memorial design competition: *Reflecting Absence* by architect Michael Arad and landscape architect Peter Walker. On January 14, 2004, World Trade Center Site Memorial winners Michael Arad and Peter Walker presented a refined memorial design. The design proposes a space that conveys the feelings of loss caused by the destruction of the World Trade Center and the loss of thousands of lives on September 11, 2001 and February 26, 1993. The design features reflecting pools within sunken voids that encompass the footprints of the Twin Towers within a grove of trees and provides a final resting place for all of the unidentified remains of those killed in the terrorist attacks of September 11, 2001 and February 26, 1993. Information on the Memorial Competition and the selected design are viewable on the Memorial Competition website: <http://www.wtcsitememorial.org/>.

Cultural Institutions

LMDC issued an Invitation to Cultural Institutions on June 30, 2003 to solicit information from cultural institutions and organizations interested in developing an interpretive museum for the events of February 26, 1993 and of September 11, 2001. The Invitation also sought information from organizations interested in locating on or participating in cultural programming at the World Trade Center Site. The interpretive museum is integral to honoring and memorializing those that died on February 26, 1993 and on September 11, 2001. The museum will educate and inform visitors through stories about the victims' lives and about the heroic rescue, recovery, and relief efforts, as well as allow for changing programming. In addition to the museum,

cultural institutions will contribute energy and diversity to Lower Manhattan while helping to establish Lower Manhattan as a cultural hub. The cultural institutions will celebrate life and provide a fitting environment for remembrance. LMDC received 113 submissions, demonstrating the large interest in this historic effort.

In February 2004, LMDC issued a *Report on the Memorial Center and Cultural Complex at the World Trade Center Site* which can be found on LMDC's web site:

http://www.renewnyc.com/content/pdfs/ICI_report_2-10.pdf.

On June 10, 2004, LMDC, joined by New York Governor George E. Pataki and Mayor Michael R. Bloomberg, announced the selection of a vibrant mix of institutions to be located on the World Trade Center Site: the Joyce Theater International Dance Center, the International Freedom Center, the Signature Theatre Center, and the Drawing Center (collectively, the "Cultural Institutions").

In addition to their own programming, the institutions may host other events by other organizations such as the TriBeCa Film Festival and the Orpheus Chamber Ensemble. Performance spaces, screening rooms, galleries, education programs, and rehearsal spaces will also be made available for community and cultural uses.

Over the next approximately six months, the four institutions will work closely with the LMDC to create a detailed analysis of their proposed programming, funding capacity, and space allocation.

E. Vision for the Cultural Program

The Vision: A Premier Cultural District for the World Trade Center Site

The mandate is clear: to honor those who died and the sacrifices of so many and to renew our commitment to celebrate life. The creation of a Memorial Center and Cultural Facilities on the World Trade Center site will be a powerful symbol of resiliency, tolerance and hope in the wake of the 9/11 attacks.

Cultural programming on the site of the World Trade Center will remind us of our common humanity and reaffirm our democratic values. Cultural institutions that present international programming will reflect and draw from the existing diversity of New York City. The presentation of local, national and international exhibitions, performances, symposia, festivals and cinema, experienced in a context of visionary architecture will make Lower Manhattan an even more vibrant hub of culture and commerce: a live, work and visit community for the world.

A Memorial Center focusing on the events of February 26, 1993 and September 11, 2001 will be located on the World Trade Center site. This Memorial Center is an essential element to

memorialize and honor those who died. The Memorial Center will pay tribute to the many individuals who lost their lives in these horrific attacks and it will recognize the countless acts of heroism that emerged from tragedy. These events could be related within a broader social, political or historical context which would evolve over time.

Cultural institutions near the memorial will celebrate life, animate a neighborhood and define a community. The LMDC has searched for cultural institutions that would establish and maintain Lower Manhattan as a world class cultural destination — full of vitality, energy and diversity. Successful cultural institutions with dynamic programming at the World Trade Center site will contribute to the creative and economic development of communities throughout Lower Manhattan. Cultural facilities and activities that complement existing institutions will create a critical mass of opportunities that will improve the quality of life for workers, visitors and residents of the diverse communities of Lower Manhattan.

II. ANTICIPATED SCOPE OF SERVICES

LMDC is seeking one or more Architectural Firms to assist LMDC in its planning, development, and revitalization work in Lower Manhattan. LMDC requests proposals for one or more Architectural Firms to provide services including but not limited to the scope of work described generally below.

A. Purpose and Project Area

The Architectural Firms, selected through this RFP process, will begin work with LMDC upon award of contract. LMDC anticipates utilizing the services of an Architectural Firm to design the Performing Arts Complex - North Building at the World Trade Center site and an Architectural Firm to design the Museum Complex - South Building at the World Trade Center site.

The Cultural Complex

The conceptual framework of a Cultural Complex at the World Trade Center site has been developed based on the elements of the World Trade Center Memorial and Redevelopment Plan, input from the cultural community at the ICI Public Forum, the LMDC Neighborhood Workshops conducted throughout Lower Manhattan, the evaluation of ICI responses, and the programs of the Cultural Institutions. The components of this framework are the Performing Arts Complex - North Building, and the Museum Complex - South Building.

1) Performing Arts Complex - North Building

The Joyce Theater International Dance Center: The Joyce Theater Foundation, Inc. will have a 900-1,000 seat proscenium theatre where it will present one- or two-week engagements by approximately 30 different dance companies from around the world each year. In addition to performances, the Joyce project will provide education programs for school groups, community

workshops, open rehearsals, lecture/demonstrations, and other public programs. The Joyce will maintain its 472-seat theatre in Chelsea and the 74 seat theatre in SoHo. The Joyce Theater Foundation is an established presenter of international dance companies, having brought over 60 companies from 21 countries to the New York stage. Companies range from classical ballet to hip-hop, and have included Irish step dance, jazz, tap, ethnic folk and experimental contemporary dance. The Joyce also serves as an arts incubator, offering hundreds of artists each year access to its space for subsidized rehearsals and performance and providing technical, administrative and financial support for dance companies. For additional information about this organization's current programs please see: <http://www.joyce.org/>

Signature Theatre Center: Signature Theatre Company is the only theatre in the world dedicated to producing season-long explorations of the work of a single Playwright-in-Residence. Signature's new home at the World Trade Center Site will be a three-theatre complex that will include a 499-seat theatre, a 299-seat theatre, and a flexible 99 to 199-seat theatre. These theatres will house three distinctive yet complimentary programs that will offer year-round programming showcasing the world's finest dramatists. The Master Playwrights Program will continue Signature's traditional residency program, where an established playwright is invited to join the company and collaboratively produce a full season of their work. An Emerging Playwrights Program will bring early to mid-career writers to Signature for a three-year rotating residency and will produce one premiere play from each of the three participants annually. Additionally, a World Premiere Program will allow Signature and its audience to maintain constant contact with alumni of both residency programs by producing three to four premiere plays from former Playwrights-in-Residence each season. The facility's public space will also offer a forum for lunchtime and evening activities such as staged readings, lectures, and other activities that provide insight into the theatre's work and which incorporate the Lower Manhattan community into the daily life of the center. In addition to all the above, the Signature Center will host film, music, dance and visual arts throughout its facility. For additional information about this organization's current programs please see: <http://www.signaturetheatre.org/home.html>

Additional Program: In addition to their own programming, the institutions will host other events and organizations such as the TriBeCa Film Festival and the Orpheus Chamber Ensemble. Performance spaces, screening rooms, galleries, education programs, and rehearsal spaces will also be made available for community and cultural uses. This building site will also include program area serving adjacent non-performing arts projects.

Proposed location: There will be one building at the northwest intersection of the restored Greenwich Street and Fulton Street. The building will be east of the Freedom Tower and diagonally across the street from the new PATH Transit Hall.

Proposed size/volume: Approximately 250,000 to 300,000 square feet with a maximum footprint of approximately 40,000 square feet.

2) Museum Complex - South Building

The Museum Complex will be adjacent to the World Trade Center Memorial. The design of the building should permit visual transparency between the surrounding sidewalks and the Memorial. There should also be physical permeability through the ground level of the building to allow for the flow of visitors to the memorial.

The International Freedom Center: In the tradition of institutions like the United States Holocaust Museum and the National Constitution Center, the International Freedom Center will be an educational resource for the city, the country and the world. The International Freedom Center is a new organization created expressly for the World Trade Center Site that will include exhibitions centered on humankind's enduring quest for freedom. Over the past two years, the International Freedom Center has reached out to an extraordinary roster of scholars, educators, museum directors, and cultural leaders who provided their input and expertise. Exhibitions, lectures, films and other programs will be developed in partnership with leading arts, cultural, media and academic institutions such as the Aspen Institute, NYU, WNYC Radio, and New Visions for Public Schools. The facility will include exhibit space, a multi-purpose presentation space, and classrooms.

The Drawing Center: The Drawing Center, currently situated in Lower Manhattan's SoHo, is the only fine arts institution in the country to focus solely on the exhibition of drawings. It was established 27 years ago to demonstrate the significance and diversity of drawings throughout history, to provide opportunities for emerging and under-recognized artists, and to stimulate public dialogue on issues of art and culture. The Drawing Center offers exhibition programs, scholarly publications, public forums, and artists' services. It has longstanding relationships with such established museums as MoMA, The Met, The Whitney, Tate, and The Pompidou Center, and will continue to partner with these and other internationally renowned institutions. A new initiative that has been developed for the World Trade Center Site is to present major works by historical figures alongside drawings, illuminating the dynamics of the creative process. Past exhibitions have presented drawings by acknowledged masters like Michelangelo, Pablo Picasso, and James Ensor, major contemporary artists such as Louise Bourgeois and Ellsworth Kelly, and local and international emerging artists. The Drawing Center offers daytime and nighttime public events, including artist talks, panel discussions, and schools and internship programs. The Drawing Center's gross space requirement is from 30,000-40,000 square feet. For additional information regarding this organization's current programs please see <http://www.drawingcenter.org/>.

Additional Program: At-grade space within the Museum Complex may be used for services for Memorial visitors. This building site will also include program area serving adjacent non-museum projects.

Proposed location: One building will be located at the southwest corner of the restored extensions of Fulton Street and Greenwich Street directly across from the new PATH Transit

Hall. The Museum Complex - South Building will be within the memorial quadrant and adjacent to the north and south tower footprints.

Proposed size/volume: Approximately 250,000 to 275,000 square feet with a maximum footprint of approximately 40,000 square feet.

B. Scope of Project

LMDC seeks the services of two Architectural Firms to provide, to the satisfaction of LMDC, all services necessary and required for the design of the cultural facilities at the World Trade Center site.

The Architectural Firms will work with LMDC and the Cultural Institutions from the beginning of schematic design and will contract directly with LMDC for the schematic design; but LMDC may assign the agreement to another entity or the respective Cultural Institution for later stages of the Firm's services. The Architectural Firms must demonstrate the ability to work with LMDC and the Cultural Institutions in the design of the cultural facilities. The Cultural Institution will develop and refine programming requirements for schematic design. These requirements will be further refined during schematic design. The Architectural Firms will have regular design meetings with LMDC and the Cultural Institutions and there will be a series of formal design reviews during the schematic design period. Subsequent to these formal design reviews, the Architectural Firms will receive comments from the LMDC and Cultural Institutions.

The Architectural Firms proposing to design the Museum Complex - South Building with the Memorial visitor services must demonstrate the ability to work with Davis Brody Bond, the Associate Architect for the Memorial Center and the Memorial Design Team Michael Arad and Peter Walker.

The Architectural Firms will be required to demonstrate an understanding and commitment to our goal of design excellence. The design should incorporate a cost effective design approach fully considering life cycle analysis in selection of materials and systems, sensitivity to each institutions's program, a balance of innovative design and traditional operating and maintenance practices including durability and ease of maintenance, layout and systems that provide safety, high performance systems that provide value while protecting citizen's health and environment, and accessibility for all citizens.

The Architectural Firms will be required to design to the budget approved by LMDC initially for the schematic design and then at the prior stage of design for work of the next.

The form of agreement to be used will be LMDC's form of agreement for architectural services. The specific scope of work of the Architectural Firm may include, but is not limited to, the following:

Programming

1. The Architectural Firm will be responsible for working with LMDC and the Cultural Institutions to further expand and define the programming requirements for the respective cultural facility. The initial programming requirements for the respective cultural facility are included in Exhibit A.

Schematic Design

2. The Architectural Firm will be responsible for working with LMDC and the cultural institutions over the next five months to develop a schematic design for the core and shell of the respective cultural facility.
3. The Architectural Firm will be responsible for working with LMDC and the cultural institutions to develop a schematic design for the interior spaces fit-out for each cultural institution and other programming needs for the respective cultural facility.
4. The Architectural Firm will be responsible for producing all schematic design documents for the respective cultural facility.
5. The Architectural Firm will be responsible for issuing schematic design documents that are in compliance with the program, the budget, and the schedule as set forth by LMDC.
6. Upon the completion of the schematic design phase, the Architectural Firm will work with the LMDC and the Cultural Institutions to prepare presentation materials of the design. The Architectural Firm will actively participate with the LMDC and the Cultural Institutions in the public presentation of the designs.

Design Development

7. The Architectural Firm will be responsible for working with LMDC and the cultural institutions to complete design development for the core and shell of the respective cultural facility.
8. The Architectural Firm will be responsible for working with LMDC and the cultural institutions to complete design development for the interior spaces fit-out for each cultural institution and other programming needs for the respective cultural facility.
9. The Architectural Firm will be responsible for producing all design development documents for the respective cultural facility.

10. The Architectural Firm will be responsible for issuing design development documents that are in compliance with the program, the budget, and the schedule as set forth by LMDC.

Construction Documents

11. The Architectural Firm will be responsible for working with LMDC and the cultural institutions to complete all construction documents for the core and shell of the respective cultural facility.
12. The Architectural Firm will be responsible for working with LMDC and the cultural institutions to complete all construction documents for the interior spaces fit-out for each cultural institution and other programming needs for the respective cultural facility.
13. The Architectural Firm will be responsible for producing all construction documents for the respective cultural facility.
14. The Architectural Firm will be responsible for ensuring that all construction documents for the respective cultural facility are signed by a New York licensed professional.
15. The Architectural Firm will be responsible for issuing construction documents for the respective cultural facility that are in compliance with the program, the budget, and the schedule as set forth by LMDC.
16. The Architectural Firm will be responsible for all liability with respect to the full project and will be the Architect of Record for the respective cultural facility.

Subconsultants

17. If the proposed design architect is not licensed in New York State or is located outside of New York State and in either event will associate with another firm who will act as the architect of record, or if two or more firms propose to create a joint venture for this project, in each such case please indicate clearly and in reasonable detail how the scope of services will be allocated between or among the respective firms.
18. Each Architectural Firm will be responsible for selecting subconsultants for their design team for the respective cultural facility through an open and competitive process. These selections will be made in collaboration with the LMDC and the Cultural Institutions. At any point in time, the individual Cultural Institutions and the LMDC may contract with additional subconsultants to perform work related to the design of the cultural facilities.

19. Architectural Firms should submit potential subconsultants in their proposal and be prepared to start work with subconsultants in early October 2004. The evaluation of proposals will be based solely on the Architectural Firm's qualifications and not on the qualifications of the subconsultants. However, the Architectural Firm's ability to identify potential subconsultants with the necessary qualifications for a project of this significance and magnitude, the experience of the Architectural Firm in working with subconsultants with the necessary qualifications, and the potential ability of the Architectural Firm to develop a team which meets LMDC's requirements for diversity will be considered in the evaluation process.

20. Each Architectural Firm should identify the following potential subconsultants. Potential subconsultants may include one or more firms that the Architectural Firm has contacted regarding this RFP and that have expressed an interest in working with the Architectural Firm on this project. The Architectural Firm will be responsible for coordination and management of services, design, and all other work product of the subconsultants for the respective cultural facility. The services and descriptions listed below are based upon preliminary understandings of potential scope, and should not be interpreted by proposers as defined requirements.

The Prime Subconsultants that may be required for these projects include but are not limited to:

- i. Mechanical Engineering (Mechanical, Electrical, Plumbing)

- ii. Structural Engineering - Including but not limited to foundation, superstructure, blast and specialized structural design.

- iii. Geotechnical Engineering – Including but not limited to soils analysis and recommendations.

- iv. Civil Engineering

- v. Lighting Designer – Including but not limited to site lighting, theater lighting, interior lighting and exhibit lighting.

- vi. Theater consultant

- vii. Museum design consultant

- viii. IT/Telecom consultant

- ix. Commissioning agent for projects of this size

- x. Security – Including but not limited to security planning, technical and physical security.
- xi. Code Compliance / Life Safety - Including but not limited to code analysis, recommendations, and scenario modeling.
- xii. Cost Estimating – Including but not limited to cost estimating and value engineering.

In addition to the subconsultants listed above, the Specialty Subconsultants that may be required for this project include but are not limited to the following:

- i. Graphic Design – Including but not limited to site and building signage, exhibition graphics, way finding, and presentation graphics.
- ii. Sustainable Design – Including but not limited to sustainable design practices and documentation for LEEDS Certification .
- iii. Acoustical / Vibrations – Including but not limited to site, building and room acoustics and vibration criteria and design.
- iv. Vertical Circulation - Including but not limited to elevators , escalators and other movement systems.
- v. Exhibit design – Including but not limited to the planning and design of exhibits and displays, research, graphics, audio-visual and interactive media.
- vi. Audio visual - Including but not limited to audio visual systems and interactive technology.
- vii. Operations Management – Including but not limited to attendance / capacity utilization, operating procedures, staffing plans and operating expenses.

The Architectural Firm shall hold all subconsultant contracts for the respective cultural facility. The Architectural Firm will be responsible for coordination and management of all work of the subconsultants for the respective cultural facility.

LMDC is committed to providing opportunities in the rebuilding of Lower Manhattan for minorities and women. LMDC, with its partners, has created the Opportunity Downtown program. The Architectural Firm will participate in Opportunity Downtown outreach events related to the design services. The

Architectural Firm and all subconsultants will be required to participate in events to explore opportunities for subconsultants to contract with minority- and women-owned sub-subconsultants.

LMDC will have the right to add subconsultants in addition to those listed above. If LMDC so elects, the architect will contract directly with any such subconsultant; and the fees and charges of such subconsultant will be passed through to LMDC. Alternatively, if LMDC desires to contract directly with such subconsultant, the Firm will be required to coordinate and manage the services and work product of the particular subconsultant and (as necessary) integrate that work product into the Firm's own work product.

Memorial Center Design Responsibilities

21. The LMDC reserves the right to contract with the selected Architectural Firm(s) for design services related to the Memorial Center and/or associated Memorial or Memorial Center visitor services.

Construction Administration

22. The Architectural Firm for the respective cultural facility will be responsible for final approval of and ensuring compliance with the construction documents of all construction submittals including shop drawings, product specifications, and samples.
23. The Architectural Firm will be responsible for all contract administration services during construction of the respective cultural facility including, but not limited to, responding to requests for additional information, change order request review and approval, issuing supplemental drawings and specifications, evaluation of the work, and submittal review.
24. The Architectural Firm will be responsible for developing facility maintenance and operations plans for the respective cultural facility including, but not limited to, record drawings, warranty review, and commissioning.

Project Management and Administration

25. The Architectural Firm will assign a project manager responsible for coordination of all of the design work for the respective cultural facility including development and maintenance of a production schedule for all documents through all stages of design.

26. The Architectural Firm will be responsible for all project administration services related to the project including, but not limited to, cost estimating, scheduling, document management, progress meetings, and regulatory approvals.
27. The Architectural Firm will participate in work sessions, project team meetings, public meetings, and Client meetings throughout each phase to assure full understanding of all aspects of the project
28. The Architectural Firm may be required to provide consulting services for other projects as requested by the Client.

C. Anticipated Project Schedule

Contract RFP Issued: August 2, 2004

Consultant Selection Complete: September 27, 2004

Contract Execution Complete: October 15, 2004

Approved Schematic Design Complete: January 31, 2005

Approved Design Development Complete: July 15, 2005

Approved Construction Documents Complete: January 15, 2006

Construction Complete: 2009

Project Close-out Complete: 2009

III. SUBMISSION REQUIREMENTS

Please letter your responses exactly as the questions are presented herein. Please limit your submission to fifteen (15) one-sided pages, not including work samples, which must be included in a separate, bound, appendix. Proposals will be evaluated based on qualifications, experience, proposed team members, methodological approach, and proposed fee. **Proposers should not propose a design solution or submit images representing a possible design for the respective cultural facility.**

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

If an Architectural Firm would like to submit on both the Performing Arts Complex - North Building and the Museum Complex - South Building, a separate independent proposal must be submitted for each cultural facility. **Do not submit one proposal which includes more than one cultural facility.**

ALL COPIES OF ALL PROPOSALS AND FEE PROPOSALS MUST CLEARLY INDICATE ON THE OUTSIDE ENVELOPE THE RESPECTIVE CULTURAL FACILITY. ALL PROPOSALS SUBMITTED MUST HAVE ONE OF THE FOLLOWING ON THE OUTSIDE ENVELOPE:

1. PROPOSAL FOR ARCHITECTURAL SERVICES FOR THE PERFORMING ARTS COMPLEX - NORTH BUILDING; or
2. PROPOSAL FOR ARCHITECTURAL SERVICES FOR THE MUSEUM COMPLEX - SOUTH BUILDING.

Please letter your responses exactly as the questions are presented herein. Sections A-E should be bound in a single volume. Please limit your answers to Sections A and B to fifteen (15) one-sided pages. Examples of relevant projects and resumes should be included in Section C: Additional Information. Interested Architectural Firms are invited to submit proposals that contain the following information:

A. Experience, Structure, and Personnel

1. Each proposer is asked to submit materials that highlight its unique strengths, design talents, architectural philosophy, sensitivity to the public realm, approach to creating space, breadth of knowledge and experience, and experience with the specific uses similar to those of each of the four Cultural Institutions.
2. A history of the firm's experience providing Architectural services to economic development organizations, municipalities, other governmental entities, private developers, not-for-profits and civic organizations.
3. A description of the firm's organizational structure noting the principals, project manager(s), and professional staff who would work directly with LMDC on this project. Include resumes of key people in Section C: Additional Information.
4. Overall description of the firm's relevant work. In Section C: Additional Information, include examples of up to five (5) major projects that the firm has completed involving major public projects in complex urban environments.
5. Innovative and outstanding work experience and unique qualifications. Firms or individuals with superlative buildings or competition entries shall present examples of work that address one or more of the following list:
 - Experience in Designing Cultural Projects for vibrant, economically vital mixed-use urban districts; projects that create spaces and communities that balance the pedestrian realm with adjacent buildings.
 - Experience with Sustainability Projects that exhibit extraordinary design excellence with an emphasis on environmental consciousness and sustainability to create long-lasting economic and social value.
6. Architectural Firms should provide an overview or synopsis of projects where the firm worked as Architect. Include the client, the name of contact persons who are able to provide references from the client, a description of the nature of the work, the size and complexity of the

project, total budget, construction cost, total design cost, the dollar amount of fees for the firm, and the agreed fee arrangements.

7. Provide references of clients, subconsultants, and contractors. Include the projects worked on and the names of contact persons who are able to provide references. Limit of three references per category.
8. A representation that the firm can devote significant and appropriate design staff and support staff to the project for all phases of design and construction.
9. Any other information that you believe would make the firm's work on behalf of LMDC superior to that of other firms or information about your firm's specialty or particular skill to perform a specific requested service. (This must be included in the 15-page limitation.)

B. Methodological Approach

1. A description of how the firm would work with LMDC and the cultural institutions in the design of the cultural facility.
2. A statement explaining the firm's design philosophy.
3. A description of how the firm intends to address the anticipated scope of services set forth in Section II of this RFP.
4. While preserving the unity of an overall building design, please address how you would approach the challenge of providing two separate institutions, within the same building, a strong sense of their own "home" and a physical presence that reinforces their individual, unique identities.
5. A statement explaining the firm's approach to Architectural services, including methods, analytical techniques, or models, etc. that would be employed.
6. A list of potential subconsultants in the disciplines listed in Section II of this RFP.
7. Please describe how your firm will promote the participation of Minorities and Women on this project. If appropriate, please identify M/WBE subconsultant business participation outlining responsibilities, key staff and qualifications.

C. Additional Information (NOTE: does not count toward 15-page limit)

1. Resumes of key staff (principals, project manager(s) and senior professional staff).
2. Examples of up to five (5) major projects that the firm has completed in its specific discipline(s) involving major public projects in complex urban environments. 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, construction cost, design costs, the dollar amount of the design fee for this firm, and the agreed fee arrangements.

D. Fee (NOTE: does not count toward 15-page limit)

1. A proposed fee curve for all Architectural Services.
2. The normal hourly rate of each principal and staff member whose resume is provided or whose job category may be required, and the rate used in the proposal.
3. A list of anticipated reimbursable expenses and the rate charged for each without markup. Please indicate in reimburseables a detailed list of working models, presentation models, renderings, or other work product to be furnished during each state of services which is not included in basic services covered by the proposed fee schedule and the cost for each. Alternatively, if some or all of these are included as basic services, please so indicate.
4. Any reduced fees offered to other municipalities, governmental entities, economic development or nonprofit organizations, and civic organizations.
5. Any other fees or charges.

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.

E. Contact Information (NOTE: does not count toward 15-page limit)

On a single cover sheet in your proposal, please provide:

1. The lead firm or individual name;
2. The lead firm's contact person;
3. License or certification information of lead firm principal or individuals working on the LMDC project;
4. Telephone, fax, and wireless numbers for firm principals or individuals working on the LMDC project;
5. E-mail address for firm principals or individuals working on the LMDC project;
6. The Street address of lead firm or individual;
7. The year the firm or individual practice established;
8. The MBE/WBE status of the firms (Minority-owned Business Enterprise or Women-owned Business Enterprise, as certified by New York State);
9. The type of work or specialty and size of firm; and
10. The signature of the lead individual, and the date of the signature.

F. Conflicts of Interest (NOTE: does not count toward 15-page limit)

1. Submit a statement describing any potential conflict of interest or appearance of impropriety, relating to other clients of the firm, or officers, directors, and employees of LMDC, or other groups involved in the

rebuilding of Lower Manhattan, that could be created by providing services to LMDC.

2. Indicate what procedures will be followed to detect and notify LMDC and to resolve any conflicts of interest.
3. 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 LMDC.
4. Indicate if the firm has ever had a prior contract with any governmental entity terminated for any reason, and provide an explanation.
5. Submit a completed Standard Business Background Questionnaire (Attachment 3).
6. Submit a completed Contractor Disclosure Contracts Form and the Contractor Disclosure of prior Non-Responsibility Determinations form (Attachment 5) in compliance with New York State Executive Order 127.

G. Non-discrimination Policy (NOTE: Does not count toward 15-page limit)

1. Firms with 50 or more employees shall submit a copy of their nondiscrimination or affirmative action plan.
2. Firms with less than 50 employees shall submit a statement of their commitment to equal opportunity and affirmative action from their chief executive officer.
3. Each responding firm must also complete and submit both
 - (a) Attachment 1 relating to the anticipated workforce to be utilized on the contract; and
 - (b) Attachment 2 relating to the anticipated participation of minority and women-owned business enterprises as subcontractors, if any.

All information and documents described in subsections A through G above must be included or addressed in the submission.

IV. CRITERIA FOR SELECTION

In evaluating proposals submitted pursuant to this request, LMDC requires the following minimum qualifications of Architectural Firms submitting proposals to be considered for evaluation:

- Ten years experience providing architectural services for projects of similar scope, complexity, and visibility.
- Experience on five projects of a high profile including at least one with a total construction cost over \$50 million.
- Experience on three projects of a similar nature (i.e. Theaters or other Performing Arts if proposing on the Performing Arts Complex - North Building; or museums or other visual arts if proposing on the Museum Complex - South Building) and scale.
- Experience managing large subconsultant teams.

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

For Museum Complex Proposals

- Work samples that demonstrate:
 - innovative use of **controlled** natural light, suitable for the display of artworks;
 - design of spaces to permit the display of artworks of various scales; and
 - design of spaces that can be easily altered to accommodate the needs of changing exhibits and various uses including demonstrations and workshops.

For Performing Arts Complex Proposals

- Work samples that demonstrate:
 - experience designing theaters that function successfully for dance;
 - experience designing theaters that function successfully for dramatic productions; and
 - experience designing multi-purpose theaters for uses such as dance, dramatic productions, film, chamber music, and orchestral music.

For All Proposals

- Quality of work product as demonstrated in submitted work samples of past architecture projects.
- Quality of work product including client satisfaction and problems that may have arisen during construction reflecting on the constructability of the design drawings.
- Firms or individuals whose efforts represent outstanding principles of design quality, should present examples of work indicating:
 - Risk-taking - Not accepting received wisdom but starting with fundamentals to go beyond easy and safe design solutions.
 - Inspiration - Creating buildings, urban districts, plazas and parks that are extraordinary in their ability to elevate people's everyday experience.
 - Understanding - Synthesizing disparate or contradictory information in an energetic way so that the whole is greater than the sum or the product of the parts.
- Experience working with multiple clients/ institutions.
- Experience working with cultural organizations of the quality and stature of these four Cultural Institutions.
- Ability of the Architectural Firm to identify potential subconsultants with the necessary qualifications for a project of this significance and magnitude and the experience of the Architectural Firm in working with subconsultants with the necessary qualifications.
- The ability of the Architectural Firm to complete projects with fast-track design schedules and to maintain project budgets.

- Experience of firm and employees to be assigned to the project in general, and in particular, providing consulting services to municipalities, economic development organizations, or other governmental entities. Experience of firm on projects in New York City. Selected firm's staff availability.
- Commitment of principals to lead the team and devote time to the project.
- Quality of experience as demonstrated in submitted relevant project examples.
- Innovative or outstanding work by firm that demonstrates the firm's unique qualifications to provide consulting services.
- Conformity with or exceeding of applicable LMDC policies as noted herein, including specific policies relating to nondiscrimination and affirmative action subcontracting goals.
- Projected cost of services.
- Approaches in methodology with respect to the anticipated scope of services that demonstrate maximum comprehension of and ability to provide such services to LMDC.
- Selected firm's staff ability, availability and facility for working with LMDC directors, officers, staff and consultants.

V. CONTRACT TERMS AND REQUIREMENTS

The contents of the proposal prepared by the successful firms, with any amendments approved by LMDC, may, at LMDC's election, become a part of the contract that is signed as a result of this RFP Process.

The selected Architectural Firms will be required to:

- Work with LMDC staff and its consultants to provide Architectural services to LMDC on matters that may arise in connection with the planning, development, and revitalization of Lower Manhattan.
- Maintain accurate accounting records and other evidence pertaining to costs incurred in providing services, and on LMDC request, to make such records available to LMDC at all reasonable times during the contract period and for six (6) years after the date of the final payment to the firms under the contract.
- Assume sole responsibility for the complete effort as required by this RFP, and be the sole point of contact with regard to contractual matters.
- 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.
- Comply with applicable law governing projects initiated or supported by LMDC, including all applicable HUD requirements and regulations.

LMDC may hire more than one Architectural Firm for each cultural facility that responds to this RFP. LMDC has no preference that all services be provided by the same firm and firms may

choose to submit qualifications to provide less than all of the anticipated scope of services. Responding firms must specify which services they are proposing to provide. LMDC will review all proposals without prejudice regarding which services are proposed.

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.

VI. MISCELLANEOUS CONDITIONS

A. Obligation Only on Formal Contract

The issuance of this RFP, the submission of a response by any firm, and 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. LMDC's formal contract will consist of more than one schedule, including one substantially in the form of the accompanying "Schedule A" (Attachment 4). LMDC provides this form for informational purposes only and may amend its schedules from time to time.

Responses to this RFP will be prepared at the sole cost and expense of the proposing firms. No materials submitted in response to this RFP will be returned.

B. LMDC Reservation of Rights

LMDC may (i) amend, modify, or withdraw this RFP, (ii) revise requirements of this RFP, (iii) require supplemental statements or information from any firm, (iv) accept or reject any or all responses hereto, (v) extend the deadline for submission of responses thereto, (vi) 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) 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.

C. Nondiscrimination and Affirmative Action Policies

It is the policy of the State of New York and LMDC to comply with all federal, state and local laws, policies, orders, rules and regulations which prohibit unlawful discrimination because of race, creed, color, national origin, sex, sexual orientation, age, disability or marital status, and to take affirmative action in working with contracting parties to ensure that Minority and Women-owned Business Enterprises ("M/WBEs"), Minority Group Members and women share in the economic opportunities generated by LMDC's participation in projects or initiatives, and/or the use of LMDC funds. As a subsidiary of ESDC, LMDC follows ESDC's non-discrimination and affirmative action policy will apply to any contract entered into as a result of this RFP. LMDC

has established a 20% M/WBE participation goal for its entire redevelopment project. The selected firm(s) shall be required to use best efforts to provide for the meaningful participation of United States M/WBE's, Minority Group Members and women in the execution of this contract. A copy of each responding firm's equal employment opportunity policy statement, Attachment 1 relating to the anticipated workforce to be utilized on the contract and Attachment 2 relating to the anticipated participation by M/WBEs as subcontractors, shall be included as part of the response to the RFP. The ESDC Affirmative Action Unit ("AAU") is available to assist you in identifying M/WBEs certified by the State of New York that can provide goods and services in connection with the contract anticipated by this RFP. If you require M/WBE listings, please call the AAU at (212) 803-3224.